1995

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH

NEW JERSEY 08736

ZONING BOARD OF ADJUSTMENT - 1995 ANNUAL REPORT

CASE #	APPLICANT	ADDRESS	TYPE OF VAR.	STATUS	FEE PD.	RETURNED
1-95	J. Ruppbrecht	113 Beachfront	Use Var.	Withdrawn	$ 450.00	$400.00
2-95	Wm.& Ann Junda	165 South St.	Hardship	Memorialized	200.00	
3-95	T. & D. Henderson	367 First Ave.	Hardship	Memorialized	200.00	
4-95	Jeff & V.Kohl	35 Wigwan Path	Hardship	Memorialized	200.00	
5-95	Mickel/Tomaseck	566 Pompano Ave.	Hardship	Memorialized	200.00	
6-95	Rose Olsen	11 Lockwood Ave.	Hardship	Memorialized	200.00	
7-95	Dennis Saake	61 Colby Avenue	Hardship	Memorialized	200.00	
8-95	Edward Byrne	45 First Avenue	Hardship	Memorialized	350.00 (1/2 Spec.)	
9-95	Robert Dombal	66-68 Ocean Ave.	Minor Sub. Use Var.	Memorialized	450.00	
10-95	Lorne Phelps	60 Manito Rd.	Hardship	Memorialized	200.00	
11-95	Patrick Callahan	7 Gardners Lane	Hardship	Memorialized	200.00	
12-95	Cynthia Martin	5 Newark Avenue	Hardship	Memorialized	200.00	
13-95	Donald Horne	548 Riverside Dr.	Hardship	Memorialized	200.00	
14-95	Victor Kubu	121 Fletcher Ave.	Hardship	Memorialized	200.00	
15-95	Jeff Smith	261 Pine Avenue	Hardship	Memorialized	350.00 (1/2 Spec.)	
16-95	James Hope	279 First Avenue	Hardship	Memorialized	200.00	
17-95	George Dempsey	551 Pike Avenue	Hardship	Memorialized	200.00	
18-95	R.DePasquale	300 Euclid Ave.	Hardship	Withdrawn	200.00	200.00
19-95	T. & J. Fahey	74 Rogers Ave.	Use Var.	Memorialized	300.00	
20-95	David Place	39 Main Street	Hardship	Memorialized	200.00	
21-95	Michael Collins	82 Ocean Avenue	Hardship	Memorialized	200.00	
22-95	Eugene Bunce	160 McLean Ave.	Hardship	Memorialized	200.00	
23-95	Shiloh Baptist	44 Union Avenue	Hardship	Memorialized	Waived	
24-95	Richard Pincus	56 Clark Street	Hardship	Memorialized	200.00	
25-95	T. & J. Mountford	393 Beachfront	Use Var.	Denied	300.00	

26-95	Dr. E. Masterson	300 Perrine Blvd.	Hardship	Memorialized	300.00 (Special)
27-95	Dr. Ira Schulman	47 Beachfront	Use Var.	Withdrawn	150.00
28-95	Mermini/Rafferty	59 Wyckoff Avenue	Hardship	Memorialized	200.00
29-95	Campbell/Crowell	138 Main Street	Use Var.	Pending	1100.00
30-95	Gordon Bird	367 Beachfront	Use Var.	Memorialized	450.00
31-95	B. Calabrese	75 Parker Avenue	Determination		150.00

RESOLUTIONS GRANTED: 25

Hardship variances	-	23
Use Variances	-	7
Sub Division	-	1
Determination	-	1
Withdrawals	-	3

TOTAL FEES PAID: $7,950.00

1995

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BY-LAWS FOR THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MANASQUAN

ARTICLE I General Provisions

Section 1: These rules are supplementary to the provisions of the zoning ordinance of the Borough of Manasquan as they relate to the procedures of the Zoning Board of Adjustment.

Section 2: The Board shall consist of seven members.

Section 3: Any member of the Board who has any interest, direct or indirect, personal or financial, in a matter before the Board shall not vote thereon and shall remove himself from any meeting or hearing at which said matter is under consideration. A disqualifying conflict of interest shall be deemed to exist: (1.) When the Board member is the spouse of the applicant or is related to the applicant within the third degree of consanguinity or is the husband or wife of someone who is related (2.) When the applicant is the employer, employee or partner of the member, or is a corporation in which the member is a shareholder or has a financial interest; (3) When the member owns property within 200 feet of the property which is subject of the application.

Section 4: Nothing herein shall be construed to give or grant to the Board the power or authority to alter or change the zoning ordinance including the zoning and official map, which authority is reserved to the governing body, except as permitted by statute.

Section 5: The Office of the Board shall be located at 15 Taylor Avenue. All records of the Board shall be available for public inspection between the hours of 8:30 a.m. and 4 p.m. Monday through Friday, except for legal holidays, in the office of the Secretary of the Board.

ARTICLE II Officers and Duties

Section 1: The Officers of the Board shall be Chairman and a Vice-Chairman.

Section 2: The Board shall elect a Chairman and a Vice-Chairman from amongst its members. The Vice-Chairman shall preside when the Chairman is absent. The Board shall designate a Secretary who need not be a member of the Board, and also designate an attorney. The Secretary and Attorney shall be designated at the regular meeting of the Board in the month of January, and shall hold office for one year commencing on the first day of the February or until a successor is designated. In the event of death, removal for cause, or resignation of the Chairman, his successor shall be elected by the Board.

Section 3: The Chairman shall supervise the affairs of the Board of Adjustment. He shall preside at all meetings of the Board, shall appoint such committees and subcommittees as may be necessary to carry out the purposes of of the Board, shall provide for the oath to be administered to all witnesses in cases before the Board, and shall provide for the issuance of subpoenas to compel the attendance of witnesses and the production of relevent evidence. The Chairman shall be ex-officio member of all committees and subcommittees so appointed. Where required by statute, ordinance or rule to do so, he, along with the Secretary, shall sign all documents.

Section 4: The Vice-Chairman, in the absence or disability of the Chairman, shall perform all duties and exercise all the powers of the chairman.

Section 5: The Secretary shall record and maintain permanent minutes of the Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact; shall keep records of its examinations and other official actions; shall summarize accurately the testimony of those appearing before the Board and keep a verbatim transcript of all hearing; shall record the names of all persons appearing before the Board in person or by attorney; shall, subject to the Board and Chairman, conduct the correspondence of the Board and have published in a local newspaper public notices of meetings or hearings as required by law and

these rules of procedures; shall file said minutes and records in the office of the municipal clerk and records shall be a public record; and shall be the custodian of the files of the Board and keep all records.

ARTICLE III Meetings.

Section 1: Regular meetings shall be held on the third Wednesday of each month at 7:30 p.m. in the Borough Hall, unless such a day shall be a recognized holiday,or on any other such date, as determined and properly noticed by the Board. In that event, the regular meeting shall be held on the day designated in the scheduled publication in accordance with the Open Public Meetings Act. At its organizational meeting in January, the Board shall prepare and publish a calendar of its meetings pursuant to the "Open Public Meetings Act". P.L. 1975, c. 231.

Section 2: Regular meetings may be cancelled by the Chairman when there are no cases pending. Notification must be given to members and to the Coast Star and Asbury Park Press, however, not less than 48 hours prior to the time set for such meetings.

Section 3: Special meetings may be called by the Chairman at his discretion, or upon request of two (2) or more members, provided that 48 hours notice is given each member and the public, pursuant to the "Open Public Meetings Act".

Section 4: All meetings shall be open to the public.

Section 5: A quorum shall consist of four members for any regular or special meeting and is required for any decision, determination or official action by the Board. An affirmative vote of a majority of the members present is required for any decision, determination, or official action of the Board; except that applications for variances N.J.S.A. 40:55D-70d must be approved by an affirmative vote of the two-thirds of the full membership of the Board, and applications for a permit under N.J.S.A. 40-55D-34 must be approved by a majority of the full membership of the Board.

Section 6: A quorum of the Board shall be present at all public hearings and for the transaction of any business.

ARTICLE IV

Section 1: 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

Extensions

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.

Continuances

Continuances may be granted at the discretion of the Board in any case for good cause shown and to any interested party who has entered his appearance as follows:

(1) New Cases - first time on agenda;

(2) Continued Cases

All cases which have previously appeared on the agenda of the Board constitute continued cases. A request for a further continuance will be considered upon application therefore by the party or his representative at the time the case is called for good cause; and upon a showing that he will be unable to proceed with his evidence at that hearing.

Failure of Applicant to Appear

(1) The Chairman may entertain a motion from the Board to dismiss the case for want of prosecution. In the absence of a motion by the Board, the Chair shall rule.

(2) In cases which are dismissed for want of prosecutiion the applicant will be furnished with written notice by the Secretary of the Board.

(3) The applicant shall have seven (7) days from the date of notice of dismissal to apply for reinstatement of the case. In such cases, applicant must file a written request with the Secretary for reinstatement of the case. Reinstatement shall be at the discretion of the Chairman for good cause shown, and upon payment of the requisite fee.

(4) In all cases reinstated in the above manner, the case will be docketed and notice served upon adjacent property owners in the usual manner prescribed for new cases.

ARTICLE V Procedures on Appeals and Application for Variances

Section 1: An appeal for an interpretation of the Construction Code Official 's decision may be taken by any person aggrieved by the Construction Code Officer's decision.

Section 2: An appeal shall be considered only if action is

taken by the Construction Code Official was taken within 65 days prior to the filing of the appeal application form with the Construction Code Official and the Board of Adjustment.

Section 3: The Construction Code Official shall transmit to the Secretary of the Board all papers constituting the records upon which the action appealed was taken.

Section 4: The applicant shall provide all the information required on the appeal or variance application form as well as any additional information that may be required by the Board to aid in reaching a decision. Applicant shall submit with his application proof, in the form of a copy of the plan marked filed by the clerk of the reviewing authority, that he has submitted a plan for soil erosion and sediment control to the proper authority, pursuant to P.L. 1975, c. 251, if applicable. An application shall not be deemed complete until the applicant provides all required information and documents, together with the requisite fee, and such drawings, maps, plats, etc. referred to in the Instruction For Application on file with the Secretary of the Board.

Section 5: If applicant is seeking subdivision, site plan or conditional use approval in conjunction with an application for a variance under the terms of N.J.S.A. 40:55D-79d., at the time of submission of said variance application, he shall submit proof that he has filed the requisite documents with the county planning board. Such proof shall consist of presentation to the Secretary of the Board of a copy of applicant's proposed plot or subdivision plot marked "filed" by the clerk of the county planning board. No application for subdivision, site plan or conditional use approval shall be deemed complete in the absence of such proof.

Section 6: Upon receipt of the properly filed, complete appeal application or variance application form, together with the required fee, the Secretary of the Board shall assign it a case number and place it on the calendar of the Board for hearing within 40 days. Applications shall be assigned for hearing in the order in which they were received except that any

application or appeal may be advanced for hearing by order of the Board upon reasons affecting public safety or public welfare being shown. Applications for appeals may be filed with accompanying applications for variances, subdivision, site plan and conditional use approvals.

Section 7: The applicant shall pay such fees as may be established by ordinance of the governing body (See Art. III - SEC. 4 of Land Use Procedure ordinance.) which amount shall be deposited with the Secretary of the Board, for each application filed.

Section 8: Filing of an appeal application form with the Construction Code Official and the Board shall stay all proceedings in furtherance of the action appealed from, unless the Construction Code Official certifies to the Board that by reason of the facts stated in the appeal application, a stay would in his opinion cause imminent peril to life or property. In this event, proceedings cannot be stayed other than by a restraining order granted by the Superior Court on application and on notice to the Construction Code Official and due cause shown.

Article 9: The applicant shall give notice of the hearing to all owners of property, whether situated within or without the municipality, within 200 feet of the property in question, at least 10 days prior to the date set for the hearing. The list of persons to whom notice must be given shall be prepared by the Tax Assessor who shall prepare it upon payment of the applicable fee from the most recent municipal tax rolls. The Tax Assessor shall prepare said list within 7 days of a request therefor. Notice shall be given by sending written notice thereof by registered or certified mail to the last known address of the property owners or by handing a copy thereof to the said property owners. The applicant shall file an affadavit of proof of service of the notice with the Board, at least two days before the hearing, together with copies of the receipts of mailing, when applicable. Service on a partnership need only be made on one partner. Service on a corporation may be made upon an officer or other person

authorized by appointment or by law to accept service for the organization.

Section 10: Whenever the property in question is within 200 feet of a municipal boundary, adjoins county land or fronts on a county road, the applicants shall give written notice to the clerk of the municipalities and/or counties in question by certified or registered mail and file an affadavit of proof of notice, as per the requirements of Section 9, above.

Section 11: Whenever the property in question is adjacent to a state highway, notice of the hearing shall be given by personal notice or certified mail to the Commissioner of Transportation, as per the requirements of Section 9, above.

Section 12: Whenever the property in question involves development of more than 150 acres or 500 dwelling units, notice shall be given as per the requirements of Section 9, above, to the Director of the Division of State and Regional Planning in the Department of Community Affairs. Such notice shall include copies of all documents and maps required to be on file with the Board's Secretary.

ARTICLE VI Procedures Prior to Hearings.

Section 1: RETURNING FEES FOR WITHDRAWING APPLICATION. A minimum of 10% of the application fee on all applications that are withdrawn prior to 30 days before the scheduled meeting. Withdrawal within the 30 days prior to the scheduled meeting could result in additional charges, at the discretion of the Board.

Section 2: At the time of the hearing, the applicant may appear in his own behalf or be represented by counsel, unless it is a corporation, in which case, it must be represented by an attorney.

Section 3: All witnessed shall testify under oath.

Section 4: The applicant or his representative may make an initial statement outlining the nature of his request prior to introducing evidence.

Section 5: Evidence shall be presented in the following order:

a.) Chairman may give restatement of case if applicant's or his representative's initial statement needs clarification.

b.) Applicant presents evidence.

c.) Objectors cross-examine applicant's witnesses.

d.) Board examines applicant's witnesses.

e.) Objectors present evidence.

f.) Applicant cross-examines objector's witnesses.

g.) Board examines objector's witnesses.

h.) Rebuttal by objectors.

i.) Rebuttal by applicant.

j.) Evidence by Board, if any.

Section 6: The Board shall not be bound by the strict rules of evidence, but it may exclude irrelevant, immaterial, incompetent, or unduly argumentative or repititious testimony or evidence.

Section 7: An applicant or objector, or his agent or attorney may submit a list of persons favoring or opposing the application. Such list will be accepted as an exhibit if it contains nothing more than a brief statement of the position of the persons favoring or opposing the appeal or application, together with the signatures and addresses of the persons subscribing to such statement.

Section 8: The Chairman shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Board.

ARTICLE VII: Decisions

Section 1: A decision shall be made within 120 days from the date of the filing of such appeal or complete application for development or within such further time as agreed to by applicant. Failure of the Board to act within that time shall be treated

as a decision favorable to the applicant or appellant.

Section 2: The Board shall conduct its deliberations and vote on all matters in public session at the meeting in which evidence is concluded, unless the Board considers additional time for deliberation necessary.

Section 3: An affirmative concurring vote of a majority of quorum of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, to issue an interpretation of the map, to issue decisions on special questions, to grant a variance under N.J.S.A. 40: 55D-70c. or to grant applicant other relief pursuant to the provisions of N.J.S.A. 40:55D-76a. and b. Except that a variance under N.J.S.A. 40:55D-70d may only be granted by an affirmative vote of two-thirds of the full membership of the Board, and a permit pursuant to N.J.S.A. 40:55D-34 may also be granted by an affirmative vote of a majority of the full membership of the Board.

Section 4: All deliberations of the Board shall be conducted and all its decisions shall be made at a meeting that is open to the public.

Section 5: All decisions of the Board shall be made at a public meeting by Resolution made and seconded, and by the Secretary polling the membership by a roll call vote. The Resolution which decides the issue shall be in the form of findings of fact and shall state the reasons for the findings of the Board. If conditions are imposed in the granting of a variance or in approving an application for subdivision, site plan, or conditional use approval, such conditions shall be included in the Resolution.

Section 6: Any transcript of the case shall be acknowledged as to accuracy by the Chairman and the Secretary and shall be part of the public record of the Board. 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 $300 shall be paid upon ordering the transcript, which amount shall be deducted from the cost of the transcript. These

charges shall be in addition to any application fees.

Section 7: A copy of the decision shall be mailed by the Board's Secretary within 10 days of the decision to the applicant; if represented to the applicant's attorney without separate charge; and to all who request the decision for a reasonable fee. A copy of the decision shall also be on file in the office of the Board Secretary. The Board's Secretary shall make a copy of such filed decision available to any interested party for a reasonable fee and available for public inspection at his office during reasonable hours.

Section 8: The Secretary of the Board shall arrange to have a brief notice of the decision published in the official newspaper of the municipality in the event that the application is denied. In the case of a resolution favorable to the applicant, the applicant shall be responsible for publication of such notice.

ARTICLE VIII Records

Section 1: A file of materials and decisions relating to each case shall be kept by the Secretary as part of the records of the Board.

Section 2: All records of the Board shall be of public record.

ARTICLE IX: Amendment of Rules.

Section 1: These rules may be amended by an affirmative majority vote of the full membership of the Board.

Section 2: The proposed amendment must be presented in writing at a regular or special meeting preceeding the meeting at which the vote is taken.

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

OATH OF OFFICE

State of New Jersey

ss.

County of Monmouth

I, Eugene Bialas, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the Authority of the people; and that I will faithfully, impartially and justly perform all the duties of the office of Manasquan ~~Planning Board~~ BOARD OF ADJUSTMENT of the Borough of Manasquan to the best of my ability (So help me God).*

Sworn and subscribed to before me this 18th day of January A.D. 1995

Eugene G. Bialas

EUGENE G. BIALAS

P.O. Address 68 MANITO RD

MANASQUAN, N.J.

* person taking the oath has the option of including "So help me God," if he so desires.

William Byrne
Attorney at Law
State of NJ

Chap. 217 P.L. 1971
R.S. 41:1-1 - 41:1-3
No. 143N

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

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COUNTY OF MONMOUTH
NEW JERSEY 08736

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

OATH OF OFFICE

State of New Jersey

ss.

County of Monmouth

I, Joanne Van Stolk, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the Authority of the people; and that I will faithfully, impartially and justly perform all the duties of the office of Manasquan Zoning ~~Planning~~ Board of the Borough of Manasquan to the best of my ability (So help me God).*

Joanne So Van Stolk
440 Cedar Ave.

Sworn and subscribed to before me this 18th day of January A.D. 1995

P.O. Address 266

Joanne Van Stolk

Manasquan, NJ 08736

* person taking the oath has the option of including "So help me God," if he so desires.

William Byrne
Attorney at Law
State of NJ

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COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

OATH OF OFFICE

State of New Jersey

ss.

County of Monmouth

I, John Burke, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the Authority of the people; and that I will faithfully, impartially and justly perform all the duties of the office of Manasquan ~~Planning Board of~~ the Borough of Manasquan to the best of my ability (So help me God).*
BOARD OF ADJ.

Sworn and subscribed to before me this 18th day of January A.D. 1995

John J Burke

4 STOCKTON AV.
P.O. Address
MANASQUAN NJ
08736

* person taking the oath has the option of including "So help me God," if he so desires.

William Byrne
Attorney at Law
State of NJ

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COLLEEN SCIMECA
Municipal Clerk

OATH OF OFFICE

State of New Jersey

ss.

County of Monmouth

I, Robert Brittle, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the Authority of the people; and that I will faithfully, impartially and justly perform all the duties of the office of Manasquan ZONING ~~Planning~~ Board of the Borough of Manasquan to the best of my ability (So help me God).*

Sworn and subscribed to before me this 18th day of January A.D. 1995

Robert C. Brittle

386 EUCLID AVE

P.O. Address MANASQUAN N.J.
08736

* person taking the oath has the option of including "So help me God," if he so desires.

William Byrne
Attorney At Law
State of NJ

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COLLEEN SCIMECA
Municipal Clerk

OATH OF OFFICE

State of New Jersey

ss.

County of Monmouth

I, Marie Applegate, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the Authority of the people; and that I will faithfully, impartially and justly perform all the duties of the office of Manasquan Zoning ~~Planning~~ Board of the Borough of Manasquan to the best of my ability (So help me God).*

Sworn and subscribed to before me this 18th day of January A.D. 1995

William Byrne
Attorney at Law

Marie Applegate

P.O. Address Same

Manasquan, N.J.

* person taking the oath has the option of including "So help me God," if he so desires.

Chap. 217 P.L. 1971
R.S. 41:1-1 - 41:1-3
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COLLEEN SCIMECA
Municipal Clerk

OATH OF OFFICE

State of New Jersey

ss.

County of Monmouth

I, Noel Hood, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the Authority of the people; and that I will faithfully, impartially and justly perform all the duties of the office of Manasquan Board of Adjustment of the Borough of Manasquan to the best of my ability (So help me God).*

Sworn and subscribed to before me this 15th day of November A.D. 1995

William Byrne
Attorney at Law, State of NJ

P.O.Address 161 Beachfront

Manasquan, N. J. 08736

* person taking the oath has the option of including "So help me God," if he so desires.

Chap. 217 P.L. 1971
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OATH OF OFFICE

State of New Jersey

ss.

County of Monmouth

I, James Miller, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the Authority of the people; and that I will faithfully, impartially and justly perform all the duties of the office of Manasquan Board of Adjustment of the Borough of Manasquan to the best of my ability (So help me God).*

Sworn and subscribed to before me this 15th day of November A.D. 1995

James C. Miller

P.O. Address 21 Pearce Ave.

Manasquan, N. J. 08736

* person taking the oath has the option of including "So help me God," if he so desires.

Chap. 217 P.L. 1971
R.S. 41:1-1 - 41:1-3
No. 143N

A G R E E M E N T

THIS AGREEMENT made on the 18th date of January, 1995

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 recognized 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 Collar ($1.00) and of the good and valuable considerations, to each in had 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 95 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 hereby 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

By: _____
Secretary

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, or on any other date as determined by the Zoning Board of Adjustment of the Borough of Manasquan, 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:

YES: R.Brittle,J.Langella,E.Lyons,P.Walsh,J.VanSchoick
J.Burke,J.VanStolk and G.Bialas

NO:
None

MEETING DATES:

February 15, 1995

March 15, 1995

April 19, 1995

May 17, 1995

June 21, 1995

July 19, 1995

August 16, 1995

September 20, 1995

October 18, 1995

November 15, 1995

December 13, 1995

January 17, 1996

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 18, 1995.

Marie Applegate

MARIE APPLEGATE, 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:

YES: R.Brittle,J.Langella,E.Lyons,P.Walsh,J.VanSchoick
J.Burke,J.VanStolk and G. Bialas

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 18, 1995.

Marie Applegate
MARIE APPLEGATE, Secretary to
the Zoning Board of Adjustment
of the Borough of Manasquan

EAGLE-A
Trojan Bond
25% COTTON FIBER

BOROUGH OF MANASQUAN
ZONING BOARD OF ADJUSTMENT

RESOLUTION "E"

RE: APPOINTMENT OF BOARD OF ADJUSTMENT ATTORNEY

WHEREAS, John Burke offered the following Resolution and moved its adoption, seconded by J.VanSchoick; and

WHEREAS, Article 11, Section 3 of Ordinance No. 1006 of the Borough of Manasquan entitle "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 an attorney by the Board of Adjustment of the Borough of Manasquan; and

WHEREAS, the Local Public Contract 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 Zoning 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 18, 1995, and the same shall terminate at the close of the first regular meeting of this Board held in the month of January, 1996.

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:

YES: R.Brittle,J.Langella,E.Lyons,P.Walsh,J.VanSchoick
J.Burke,J.VanStolk and G.Bialas

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 18, 1995.

Marie Applegate

MARIE APPLEGATE, 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

WHEREAS, Edward Lyons offered the following Resolution and moved its adoption, seconded by Patricia Walsh; and

WHEREAS, Article 11, Section 2 of Ordinance No. 1006 of the Borough of Manasquan entitled "THE LAND USE PROCEDURES OR 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 Marie Applegate be and is hereby appointed as Secretary of 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 18, 1995, and the same shall terminate at the close of the first regular meeting of this Board held in the month of January, 1996.

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:

YES: R.Brittle,J.Langella,E.Lyons,P.Walsh,J.VanSchoick
J.Burke,J.VanStolk and G. Bialas

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 18, 1995.

Marie Applegate

MARIE APPLEGATE, Secretary to
the Zoning Board of Adjustment
of the Borough of Manasquan

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 18, 1995, and whose term as Chairman shall terminate at the close of the first regular meeting of the Board held in the month of January, 1996.

YES: R.Brittle,J.Langella,E.Lyons,P.Walsh,J.VanSchoick J.VanStalk and G.Bialas

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 18, 1995.

Marie Applegate

MARIE APPLEGATE, 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 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 18, 1995, and who term of Vice-Chairman shall terminate at the close of the first regular meeting of the Board held in the month of January, 1996.

ROLL CALL VOTE:

YES: J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J.Burke J.VanStolk and G. Bialas

NO: None

The foregoing is a true copy of the Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 18, 1995.

Marie Applegate

MARIE APPLEGATE, Secretary to the Zoning Board of Adjustment of the Borough of Manasquan

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

MANASQUAN ZONING BOARD OF ADJUSTMENT
JANUARY 18,1995 MEETING AGENDA

On Wednesday January 18, 1995, 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:

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 - 33-94 - (cont.) - Charles Loftus -568 Whiting Avenue

APPLICATION - 2-95 - William & Ann Junda - 165 South Street

APPLICATION - 3-95 - Thomas & Deborah Henderson - 367 First Avenue
Withdrew application until March

RESOLUTION - 34-94 - Jeffrey G. & Patricia Smith - 265 Pine Avenue

OLD / NEW BUSINESS

(Work session will be conducted immediately after regular meeting).

yours truly,

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

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - JANUARY 18, 1995
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on January 18, 1995, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N.J..

Board Attorney, W. Byrnes, opened the meeting 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.

Mr.Byrnes stated this is a reorganizational meeting and he will be taking over until the Chairman is sworn in.
The two alternate members were sworn in at the last meeting, so Mr. Byrnes will notorize the oaths of office for them.
The other two members to be sworn in are Mr. Burke and Mr. Brittle. Mr. Byrnes swore in the two members.

RESOLUTION - A - Naming of Chairman.
Resolution was read by Mr. Byrnes. Mr. Lyons nominated Mr. Burke for Chairman seconded by J. Langella. Mr. VanSchoick moved nominations be closed seconded by P. Walsh, followed by the following vote: "YES"-R. Brittle, J.Langella, E.Lyons, P. Walsh, J.VanSchoick, J.VanStolk and G.Bialas.
John Burke was nominated as Chairman, followed by the following vote:"YES"-R.Brittle,J.Langella, E.Lyons, P. Walsh, J.VanSchoick, J.VanStolk and G. Bialas.

RESOLUTION -B- Naming of Vice Chairman.
Resolution was read by Mr.Byrnes. Mr. Lyons nominated Mr. Brittle for Vice Chairman seconded by J.Langella. Mr. Burke moved nominations be closed seconded by J. VanSchoick, followed by the following vote: "YES"- J.Langella, E. Lyons, P. Walsh, J.VanSchoick, J.Burke, J.VanStolk and G. Bialas.
R. Brittle was nominated as Vice Chairman, followed by the following vote:"YES"- J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G.Bialas.

RESOLUTION -C- Meeting Dates.
Resolution was read by Mr. Byrnes, followed by the following vote: "YES"- R.Brittle, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G. Bialas.

RESOLUTION -D- Official Newspapers.
Resolution was read by Mr. Byrnes, followed by the following vote: "YES"- R.Brittle, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G.Bialas.

RESOLUTION -E- Appointment of Attorney.
Mr. Burke nominated William Byrnes,Esq.as Board of Adjustment Attorney, seconded by Mr. VanSchoick. Mr.VanSchoick moved the

nominations be closed, seconded by Mr. Langella followed by the following vote: "YES"- R.Brittle, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J. Burke, J.VanStolk and G. Bialas.
There being no other nominations Mr. Byrnes was voted in as the Board Attorney by the following vote: "YES"- R.Brittle, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G. Bialas. The resolution was read by Mr. Byrnes.

RESOLUTION -F- Appointment of Secretary.
Mr. Lyons nominated Marie Applegate seconded by P. Walsh. Mr. VanSchoick moved nominations be closed seconded by MR.Brittle followed by the following vote: "YES"- R. Brittle, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J. Burke, J. VanStolk and G. Bialas. There being no other nominations Marie Applegate was voted in as Borad Secretary by the following vote: "YES"- R. Brittle, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G.Bialas.
Marie Applegate was sworn in as Board Secretary by Mr. Byrnes.

Board Chairman Mr. Burke called the meeting to order at 7:50p.m.
ROLL CALL: R.Brittle, J.Langella, E.Lyons, P. Walsh. J.VanSchoick J.Burke, J.Van Stolk and G. Bialas.

A motion was made by P. Walsh and seconded by J.VanSchoick to approve the minutes of the December 14, 1994 meeting followed by the following vote: "YES"- R. Brittle, P. Walsh. J.VanSchoick, J.Burke, J.Van Stolk and G. Bialas. ABSTAIN: J.Langella and E.Lyons.

RESOLUTION - 34-94 -Jeffrey G. & Patricia Smith -265 Pine Ave.
Mr. Burke asked the Board if there were any questions for Mrs. Smith on the revised plans. Mr. Bialas questioned the address of the house. The surveyors document says 265 and the application has the address as 261. Mrs. Smith said when they moved in, the house number was 265 so they just left it that way, but the correct number is 261. MR. Burke suggested that they change all their records to 261, which is the correct address.
For the record, Mr. Byrnes stated what he previously marked as exhibit A-6 which is a list of property owners to be served and signed by the Tax Assessor and the Deputy Tax Collector of the Borough of Manasquan, is referred as 261 Pine Avenue.
Mr. Byrnes strongly suggested that the applicant change the house numbers perhaps check your deed to see that it has the right block and lot number.

APPLICATION 33-94 -(cont) Charles Loftus-568 Whiting Avenue
Mr. Byrnes stated the last time Mr. Loftus was here there was a question on the common driveway easement. Mr. Loftus provided Mr. Byrnes with a copy of his deed and declaration of the

easement which have been recorded with the tract of land. Mr.Byrnes reviewed the deed and the easement designation and after some research composed a letter to Mr. Loftus on January 4, 1995, and copies to all Board members. Mr.Byrnes summarized the letter which he sent to Mr. Loftus. Mr. Byrnes stated in the deed to 568 Whiting Avenue, the purpose of the easement by American Timber Co. is to grant each owner the ability to maintain, repair and roofing of said residential dwelling." Mr. Byrnes stated it was not the intention for the easement to be used as a driveway or it would have explicitly been stated in the deed along with the grants to use that were included. Therefore, by granting the Loftus' variance to build the addition on their property, there would be no violation to the owner of 566 Whiting Avenue regarding his stated allowances through his easement as set forth in the property deed. Mr. Byrnes stated it is obvious from his review of the Loftus deed that they own both the house and the property at 568 Whiting Avenue, the land having been conveyed to a predecessor in title in 1990. The easement was granted by the former property owner, American Timber Co.. Mr. Byrne suggested to Mr. Loftus that inquiries be made as to whether or not the present owner of 566 Whiting Avenue also owns the building and land. If so, both he and Mr. Loftus could prepare and record new deeds to themselves canceling out the easements which apparently had been established in the days when American Timber Co. owned all the land, but not the houses.

This would eliminate any future problems should either the Loftus and/or their neighbor seek to obtain any future variances or permits.

Mr. Byrnes marked a letter from Mr. Loftus as exhibit A-12 and also marked his letter of January 4, 1995 as exhibit B-1.

Mr.VanSchoick asked Mr. Loftus if he was going to demolish the house. Mr. Loftus testified he tried to give the house away to save demolition costs, but was not successful so he is taking it down.

Mrs. Walsh moved to close the public hearing, seconded by Mr. VanSchoick followed by the following vote: "YES"-R. Brittle, J. Langella, E.Lyons, P. Walsh, J.VanSchoick, J.Burke,J.VanStolk and G. Bialas.

Mr. Burke advised Mr. Loftus that this is a use variance and there must be 5 affirmative votes. There are 6 voters now, so you can choose to wait until next meeting should there be more members here or let them vote tonight. Mr. Loftus said he would take the vote tonight.

Mrs. Walsh moved a favorable resolution seconded by Mr.VanSchoick followed by the following vote: "YES"- R.Brittle, P.Walsh, J.VanSchoick, J.Burke, J. VanStolk and G. Bialas. "ABSTAIN" J.Langella and E.Lyons.

APPLICATION - 2-95 - William & Ann Junda - 165 South Street.
Mr. Byrnes marked the file A-1 through A-7 Pictures were marked A-7A to A-7U
Ann Withington Junda, 165 South St. and William Junda, 165 South St.Manasquan, were sworn in by Mr. Byrnes.
They propose to construct a 23 Ft. x 21 Ft. addition to existing one family dwelling.
The application was denied because of a side yard setback. 5Ft. required 3.18 Feet existing house. Proposed addition will have the required 5 foot sideyard setback.
Mr. Junda testified they would like to put a one story addition on the back, the reason being Mrs. Junda's parents are going to have to move in with them as they are not able to drive any more and they live in Silver Ridge. Rather then put them in a nursing home they are going to take them in.
For the record photographs were marked exhibits A-7A through -A7U. Mr. Junda explained the photos. Board members questioned some of the photos. The new addition will have 2 bedrooms a bath a TV room and a semi kitchenette. There will be no stove.
Mr. Burke said the problem that is going to arise is whether this is going to be a 2 family. Mr. Langella asked Mr. Burke to define food preperation. Mr. Burke said any counter space or area that is set aside or designated for preparing food.
Mr. Langella asked if opening a box of cereal is food preperation.
Mr. Junda testified that Mr. Ratz explained to him that if there is no stove or no door between the addition and existing structure and no egress it is alright.
Mr. Lyons stated food preperation and cooking,there would have to be both there.
Mr. Langella stated in this case it is a small addition with a specific purpose and no outside egress and no inside door.
Mr. Byrnes said he did not know whether the Board would want a site inspection, but if they do, between now and the next meeting he would do the legal research necessary to find out what case law we have in New Jersey defining these terms and discuss it more at the February meeting if that is what the Board wants. At that point it would become the guiding point not only for this case but for other future matters as well.
Mr. Burke said he would like Mr.Byrnes to do his research.
The property was purchased in 1975. Mr. Junda said the original part of the house is 120 or 121 years old. They would like to put a deck off the upstairs bedroom which would be on the flat roof of the addition.
Mr. Burke stated he hoped that under the BOCA laws this would not be deemed as a kitchen area. The Board also has the option to require a deed restriction be put on the house, stating that only relatives of the Jundas'can occupy this section of the house and if the house is ever sold that the whole kitchenette area must be removed.

Mrs. Walsh made a motion seconded by Mr. Bialas to have a site inspection on Saturday January 21, 1995 at 9:00 a.m., followed by the following vote: "YES" R. Brittle, J. Langella, E. Lyons, P. Walsh, J.VanSchoick, J. Burke, J.VanStolk and G. Bialas. Mr. Junda waived the time limit.

RESOLUTION - 34-94 - Jeffrey & Patricia Smith, 265 Pine Avenue. Mr. Byrnes will correct a typographical error on page one. A favorable resolution was read into the record by Mr. Byrnes. A motion to approve the resolution as read was made and seconded, followed by the following vote: "YES" R.Brittle, J.VanSchoick, P. Walsh,J.Burke, J.VanStolk and G. Bialas. "Abstain" J.Langella, E.Lyons.

The Board decided to write to Mr. Gilligan that we are not naming a professional planner at this time.

The Board went into executive session at 9:50 p.m. with the following vote; R.Brittle, J.Langella, E.Lyons, P.Walsh, J.Van Schoick, John Burke J.VanStolk and G.Bialas.

The Board reentered into regular session at 10:47 with a motion to adjourn seconded and followed by the following vote; R.Brittle, J.Langella, E. Lyons, P. Walsh, J.VanSchoick, J.Burke, J.VanStolk and G. Bialas.

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

WILLIAM BYRNES

Attorney and Counsellor at Law

1312 Atlantic Avenue
Manasquan, NJ 08736
Telephone: 908-528-8415

Harry A. Murphy
of Counsel
Facsimile: 908-223-2350

January 4, 1995

Mr. John Burke, Board Chairman
Manasquan Zoning Board of Adjustment
Borough Hall
15 Taylor Avenue
Manasquan, NJ 08736

Re: Loftus, Charles or Wayne
568 Whiting Avenue
Application Number: 33-94

Dear Mr. Burke:

You will kindly recall that the above-captioned application was originally heard before the Board at the last regular meeting on December 14, 1994. The applicants had submitted plans to the Construction Official seeking to construct a raised deck, shed, shower and locker in a section of a new house to be constructed at 568 Whiting Avenue. There was testimony from the applicants that the deck will contain a ramp for handicap access for an elderly relative who will be residing with them. The proposed new house will conform with the side yard setback requirements on both sides. The existing house is set back less than fifteen feet from the southerly or front property line in violation of the setback requirements in an R-3 zone. However, the existing structure and the proposed new structure will be in conformity with existing setbacks on the street and a variance can properly be issued by the Board for this zoning violation. Additionally, the proposed new house will be set back five feet from the northerly or rear yard property line in violation of the twenty foot rear yard set back requirement in an R-3 zone. This was the violation that originally brought this case before this Board.

However, it has been brought to my attention that the properties located at 566 and 568 Whiting Avenue share a common easement. In the deed to 568 Whiting Avenue, the purpose of the easement by American Timber Company is to grant each owner the ability "to maintain, repair and reconstruct the walls of the existing residential dwelling on such lot, as well as any facing or siding, trim, roof overhang, roofing, docking and rain gutters of said residential dwelling." The easement in the survey plan is titled as a common driveway easement.

When the use of an easement is in question, it is looked to the language provided for in the deed in order to clear the ambiguity, "the intent of the conveyor is normally determined by

the language of the conveyance read as an entirety and in the light of the surrounding circumstances." Levinson v. Costello, 74 N.J.Super. 539, 545 (App. Div. 1962). The easement is not being used as a driveway by the owner of 566 Whiting Avenue. The property at 566 Whiting Avenue uses a cement driveway and a stone driveway, clearly on their property and evidenced by the tire tracks. It is also apparent that the owner of 566 Whiting Avenue does not intend to use the area as a driveway because of cement walkways or borders which line the property line. It appears that the owners of 568 Whiting Avenue use the easement area as a driveway. The proposed changes would effect this easement in the following way: the five foot setback requirement would take up the four feet of the easement on the property at 568 plus one foot. This would leave the remaining four foot easement on the side of 566 untouched. The change as to the area of the easement would only effect the rear portion of the property, effecting very little of the actual structure of 566 Whiting Avenue. There would be more than ample room for the residents of both properties to use the easement for its intended purpose of providing care and repair to the residences. By not allowing the Loftus' to provide the needed repairs to their property, which would include a wheelchair ramp for their 91 year old mother to gain access to the home, their property rights would be burdened. "The servient tenement will not be burdened to a greater extent than was contemplated or intended at the time of the creation of the easement." Leasehold Estates, Inc. v. Fulbro Holding Co., 47 N.J.Super 534, 553 (App. Div. 1957). It was not the intention for the easement to be used as a driveway or it would have explicitly been stated in the deed along with the grants to use that were included.

Therefore, by granting the Loftus' variance to build the addition on their property, there would be no violation to the owner of 566 Whiting Avenue regarding his stated allowances through his easement as set forth in the property deed.

Although it is within the powers of this Board to request and in certain circumstances demand, a relocation of an easement so that the property can be used for its' intended purpose, I do not feel that such an action is warranted or even possible in this application. Quite simply, the neighbors at 566 Whiting Avenue have their own driveway and share a curb cut. Therefore, they have no need to use the easement as a driveway. The Loftus will still be able to use a good portion of the easement to park their cars although they will not be able to pull them all the way to the rear property line. However, based upon my own site inspection of the property, it does not appear as if the rear of the lot has been used for driveway purposes.

It is obvious from my review of the Loftus deed that they own both the house and the property at 568 Whiting Avenue, the land having been conveyed to a predecessor in title in 1990. The easement was granted by the former property owner, American Timber

Company. I would suggest that inquiries be made as to whether or not the present owner of 566 Whiting Avenue also owns the building and land. If so, both he and the Loftus, if they are agreeable, could prepare and record new deeds to themselves canceling out the easements which apparently had been established in the days when American Timber Company owned all of the land, but not the houses. Another attorney could provide the assistance to them on this issue. This would eliminate any future problems should either the Loftus and/or their neighbor seek to obtain any future variances or permits.

By way of copy of this correspondence to Mr. Loftus I am advising him of the results of our research and findings. This matter is listed to be heard before the Board on Wednesday, January 18, 1995 at 7:30 p.m. after the reorganization portion of the meeting. I would strongly suggest to Mr. Loftus that he consult with his neighbor and an attorney in the interim so as to be in a position on January 18 to advise the Board as to how he would like to proceed. Alternatively, if he can not be ready to proceed by January 18, I would suggest to Mr. Loftus that he ask for the matter to be carried until the next meeting on February 15, 1995.

As always, please feel free to contact me if you have any questions in regard to this matter. Thank you for your kind attention and continuing cooperation.

Very Truly Yours,

William Byrnes, Esquire

WB:nm

cc: Marie Applegate, Board Secretary
All Board members
Mr. Loftus

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
FEBRUARY 15, 1995 MEETING AGENDA

On Wednesday February 15. 1995, 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 - 2-95 -(cont.) William & Ann Junda - 165 South Street

APPLICATION - 4-95 - Jeffrey & Valera Kohl - 35 Wigwam Path

APPLICATION - 5-95 - Meckel/Tomaseck - 566 Pompano Avenue

RESOLUTION - 33-94 - Charles Loftus -568 Whiting Avenue

OLD / NEW Business

(Work session will be conduted immediately after regular meeting).

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - FEBRUARY 15, 1995
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N.J.

The Manasquan Zoning Board of Adjustment held their regular meeting on February 15, 1995, in Manasquan Borough Hall, 15 Taylor Avenue Manasquan, N. J..

Vice Chairman, R. Brittle opened the meeting 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: R. Brittle, E. Lyons, P. Walsh, J.VanSchoick, J. VanStolk and G. Bialas.

A motion was made by P. Walsh to approve the minutes of January 18, 1995, seconded by J.VanSchoick followed by the following: "YES"- R. Brittle, E. Lyons, P. Walsh, J.VanSchoick, J.VanStolk and G. Bialas.

APPLICATION - 2-95 (cont.) William & Ann Junda - 165 South St. Site inspection was held on Saturday January 21, 1995 at 9:00a.m.. The applicants had waived the time limit so it could be heard tonight. Mr. Byrnes research on the definition of a kitchen was given out to all Board members. Additional set of pictures was marked as exhibit A8A thru A8J. There were no questions from the Board or the public. Mrs. Walsh made a motion to close the public hearing, seconded by Mr. Brittle, followed by the following vote: "YES"- R.Brittle, E.Lyons, P.Walsh, J.VanSchoick, J.VanStolk and G. Bialas.

Mrs. Walsh moved a favorable resolution seconded by Mr.VanSchoick followed by the following vote: "YES" - R.Brittle, E.Lyons, P. Walsh, J.VanSchoick, J.VanStolk and G.Bialas.

APPLICATION - 4-95 - Jeffrey & Valera Kohl - 35 Wigwam Path.
The applicant wishes to add a 6' x 20' roofed porch to front of existing dwelling. Denied for front setback - 25 ft. required, 18.7' proposed. R-2 Zone.
Board attorney Mr. Byrnes swore in Valera Anita Kohl, 35 Wigwam Path and Jeffrey Kohl, 35 Wigwam Path. Mr. Byrnes marked the file as A-1 to A-8A and A-8B.
Mr. Lyons questioned the steps leading from the porch. Mrs. Walsh asked how far the steps are going to come out. Mrs. Kohl said all the houses are lined up about the same. The house was built in 1981. Mrs. VanStolk asked why they want a porch when they have 2 decks in the rear. Mrs. Kohl stated she always wanted a front porch and when her children are out there playing she will be able to watch them. If it is raining the children can play on the porch. They can not sit on the deck in the rear between noon and 3 p.m. as it is too hot out there.

Mr. Lyons made a motion for a site inspection seconded by Mr. J.VanSchoick for Saturday February 18, 1995 at 9:00 a.m. followed by the following vote; "YES" -R.Brittle, E.Lyons, P. Walsh, J.VanSchoick,J.VanStolk and G. Bialas.
The public hearing will be left open until the next meeting,also the Kohl's waived the time limit.
There was some discussion on moving the porch to the other side and having the stairs come off the side and do away with the front walk altogether.

APPLICATION - 5-95 -Meckel/Tomaseck -566 Pompano Avenue
Mr. Byrnes stated that we received a phone call yesterday that due to a forth coming storm and sickness they may not be able to attend and would like to know if it could be posponed until March.
Mr. Byrnes said the Board has a couple of options that they can pursue tonight, one of which they could have the matter carried until the meeting in March and require applicants to renoice. The other option is to mark the file and open the public meeting, schedule a site inspection and have questions and answers in March.
Mr. VanSchoick moved to open the public meeting and mark the file, seconded by Mrs. Walsh followed by the following vote; "YES"- R. Brittle, E.Lyons, P. Walsh, J.VanSchoick, J.VanStolk and G. Bialas.
Board Attorney Mr. Byrnes marked the file into record as A-1 through A-7. The applicant proposes to construct a 14'6" addition to rear of existing one-family dwelling.
The application was denied because of a Side yard setback - 5 Feet required, 1.98 feet existing and proposed and a Rear yard setback - 20 feet required 7.39 feet proposed. Flood zone Elevation 9 feet must comply.
Mrs. Walsh made a motion to have a site inspection for Saturday February 18, 1995 at 9:30 a.m. seconded by Mrs. VanStolk, followed by the following vote: "YES" - R.Brittle, E.Lyons, P.Walsh, J.VanSchoick, J.VanStolk and G. Bialas.

Mr. Byrnes requested that Board Secretary write to Meckel/Tomaseck, notify them of the new meeting date and also request a survey and Certificate of elevation also floor elevations.

RESOLUTION - 33-94 - Charles Loftus - 568 Whiting Avenue.
A favorable resolution was read into the record by Mr. Byrnes. A motion to approve the resolution as read was made by Mr. VanSchoick seconded by Mrs. VanStolk followed by the following vote: "YES" - R.Brittle, P.Walsh, J.VanSchoick, J.VanStolk and G. Bialas.

Mrs. Walsh was concerned about smoke detectors. Board Secretary will find out what the State and Boca requirements are.

A motion was made by P.Walsh seconded by J.VanSchoick to pay all bills followed by the following vote: "YES" - R.Brittle, E. Lyons, P.Walsh, J.VanSchoick, J.VanStolk and G. Bialas.

The Board went into executive session at 8:50 p.m. with the following vote; R. Brittle, E.Lyons, P. Walsh, J.VanSchoick, J.VanStolk and G. Bialas

The Board reentered into regular session at 9:00 p.m. with a motion to adjourn sceconded and followed by the following vote; R.Brittle, E.Lyons, P. Walsh. J.VanSchoick, J. VanStolk and G. Bialas.

Very truly yours,

Marie Applegate

Marie Applegate,Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

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COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
MARCH 15, 1995 MEETING AGENDA

On Wednesday March 15, 1995, 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 Avneue, Manasquan, N.J..

AGENDA

FORMAL ACTION WIL BE TAKEN ON THE FOLLOWING:

APPLICATION 4-95 - (cont.) Jeffrey & Valera Kohl-35 Wigwam Path

APPLICATION 5-95 - Meckel/Tomaseck - 566 Pompano Avenue

APPLICATION 6-95 - Rose Olson - 11 Lockwood Avenue

APPLICATION 3-95 - Thomas & Deborah Henderson- 367 First Avenue

RESOLUTION 2-95 - William & Ann Junda-165 South Street

OLD / NEW BUSINESS

(Work session will be conducted immediately after regular meeting).

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

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MANASQUAN ZONING BOARD OF ADJUSTMENT
ADDENDUM TO AGENDA

MARCH 15,1995

Patricia & Jeffrey Smith - 261 Pine Avenue -Change in plans.

Very truly yours,

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
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MANASQUAN ZONING BOARD OF ADJUSTMENT
MARCH 15, 1995 MEETING AGENDA

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AGENDA

FORMAL ACTION WIL BE TAKEN ON THE FOLLOWING:

APPLICATION 4-95 - (cont.) Jeffrey & Valera Kohl-35 Wigwam Path

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APPLICATION 3-95 - Thomas & Deborah Henderson- 367 First Avenue

RESOLUTION 2-95 - William & Ann Junda-165 South Street

OLD / NEW BUSINESS

(Work session will be conducted immediately after regular meeting).

Yours truly,

Marie Applegate

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Manasquan Board of Adjustment

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COUNTY OF MONMOUTH
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MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - MARCH 15, 1995
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on March 15, 1995, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman, J.Burke opened the meeting 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: R.Brittle, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J. Burke, J.VanStolk and G. Bialas.

A motion was made by Mr. VanSchoick to approve the minutes of February 15, 1995 seconded by Mr.Lyons followed by the following vote: "YES" - R. Birttle, E.Lyons, P.Walsh. J.VanSchoick, J.Van Stolk and G. Bialas. ABSTAIN - J.Langella and J.Burke.

APPLICATION - 4-95 -(cont.) Jeffrey & Valera Kohl-35 Wigwam Path

Mr. Byrnes marked an additional exhibit as A-9. The site inspection for Februray 18, 1995 was completed. Mr. Langella and Mr. Burke will be abstaining as they did not listen to the tapes of the last meeting.
The application was amended so the steps can be included.
Mr. Kenneth Digiacomo, 29 Wigwam Path, was sworn in by Mr. Byrnes. Mr. Digiacomo testified that when they put this porch on it will be a nice addition to their house and the bottom step of the porch will come out just a width of a step past his. There were no questions or comments from the Board or audience.
Mrs. Walsh made a motion to close the public hearing seconded by Mr. VanSickle, followed by the following vote: "YES"- R.Brittle, J.Langella, E.Lyons, P. Walsh, J.VanSchoick, J.Burke, J. VanStolk and G. Bialas.
Mrs. Walsh made a motion for a favorable resolution seconded by Mr. Lyons, followed by the following vote: "YES"- R.Brittle, E.Lyons, P.Walsh, J.VanSchoick, J.VanStolk and G. Bialas.

APPLICATION - 5-95 -Meckel/Tomaseck - 566 Pompano Avenue
Mr. Byrnes explained that the applicant was unable to come in last month due to illness and requested an adjournment to this month. Mr. Byrnes did mark the files last month which were A1 to A-7. The additions to the file marked this month were A-8 A-9, A-10 and A-11. There was no testimony taken last month.
Mr. Byrnes swore in Mrs. Elizabeth Meckel - 117 Homestead Avenue Trenton, N. J. and Mildred Tomaseck - 1614 Denesy Street, Trenton, N.J..
Mrs. Meckel testified that they want to put on a bedroom and a utility room on the back of the house. It will be Mildred Tomaseck's home when it is finished. Mrs. Meckel testified

she and her husband spend 8 months here and there just isn't enough room. There isn't any storage space and not enough closets.
Mr. Byrnes swore in John Lohnes, Building Contractor, Down East Home Remodeling, 2517 Hwy.# 35. Mr. Lohnes is the applicants contractor. Mr. Byrnes marked the new set of plans as A-7A.
Mr. Lohnes testified the house is approximately 18 Ft. high.
He also testified the new addition may extend 2 to 2½ ft. higher to get more attic space.
Mr. Burke told Mr. Lohnes, being the present plans do not show the second floor addition - the Board will need revised plans to show the extended height. The application may have to include a variance for height. Complete building plans including dimentions and height must be submitted. The house was purchased in 1960 and the land was purchased in 1990. MR. Byrnes informed the applicants that if they change the dimentions they will have to notify all the property owners within 200 ft. again. The application waived the time limit.

APPLICATION -6-95- Rose Olson, 11 Lockwood Avenue.
Mr. Byrnes marked the file A-1 to A-8. This property is in an R-3 Zone and A-5 Flood Zone, which is not applicable.
The owner wishes to construct a deck on the side yard and front yard of the house. It was denied due to side yard setbacks - 5 Ft. required 4.20 Ft. existing & proposed on north side and 2.5Ft existing and proposed on south side.
Rear yard setback 5.0 Ft. required, 4.8Ft existing and will not be changed by this application.
Mr. Robert Olson - 76 Pinewood Drive, Ringwood, N. J. the applicants son was sworn in by Mr. Byrnes.
Mr. Olson testified they would like to create a deck on the front the the house approximately 18 Ft. in depth and 26Ft. 6" in width across the front, also on the left side of the house, by the kitchen door. The house was purchased in 1977 and they own the land also.
Joan Weeks -13 & 15 Lockwood Ave. and her permanent address is 8 Hamilton Ave., Cranford, N. J., came forward and questioned Mr. Olson as to how many levels it was going to be. Mr. Olson testified it is one level and there will be an entrance on the driveway side and in the front. It will not disturbe the driveway.
James Monaghan - 9 Lockwood Avenue was sworn in by Mr. Byrnes.
Mr. Monaghan testified he is on the South side of the Olson's and he believes the addition will be too close to his property.
His bedrooms are on that side and it becomes very noisy when tenants are in there in the summer. Mr. Olson testified they will not be renting in the summer any more as his mother retired and will be using it herself. The house is rented in the winter to the same tenant that has been there for 2 years.
Joan Weeks came forward again and was sworn in by Mr. Byrnes.

She testified her concerns were the size of the deck and the height of the deck. She feels it will box in the three homes that are very close. She testified that there were 2 families that did rent last summer. One family was great but the other family took the furniture from her lawn and used it without her consent. Mrs. Weeks entered pictures into the record and were marked OWA toOW-G. Mr. Burke asked Mrs. Weeks how the deck which is on the front of his house is going to affect her. She testified she feels it is going to be too big.
MR. Olson testified that the house was not rented last summer, the tennants were friends or relatives.
Mr. Lyons questioned Mr. Monaghan as to whether he had room to get out of his truck when it is parked in the driveway. Mr. Monaghan testifed there is no problem he has plenty of room. The driveway is shared by the Olson's & Monaghan's.
A motion was made for a site inspection on Saturday March 18, 1995 at 9:00 a.m. seconded by Mr. Lyons followed by the following vote: "YES" -R.Brittle, J.Langella, E.Lyons, J.VanSchoick, J.Burke, J.VanStolk and G. Bialas. ABSTAIN - P. Walsh.
Mr. Olson agreed to the time waiver.

A motion was made and seconded for a 5 minute break at 8:47 p.m. followed by the following vote: "YES"- R.Brittle, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G. Bialas.

The Board returned from break at 9:00 p.m. with the following ROLL CALL: "YES" - R.Brittle, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G. Bialas.

APPLICATION - 93-95 - Thomas & Deborah Henderson-367 First Avenue
For the record Mr. Byrnes marked the Boards file as A1 to A10
The owner wishes to add second floor to existing garage for storage only. It is in R-5 Zone and A-5 Flood Zone will comply.
It was denied for Side and Rear yard setbacks for detached accessory structures. 5 Ft. side and rear required, 3.32 Ft. north side existing 0 Ft.south side existing and 1 Ft. rear existing.
Keith Henderson of Lautman, Henderson & Wight - 52 Abe Voorhees Drive - Manasquan, N. J. placed himself on record as the attorney representing the applicant. For the record there is no relationship despite the name identity.
Mr. Henderson gave some back ground on exhibit A-10. This property was part of the American Timber Companys sub-division.
When the Hendersons aquired this property, the structure on exhibit A-10 spans two properties, the corner of Whiting and Timber Lane and First Avenue on the front. Mr. Henderson said Ed Roeth a neighbor who is here and represented by Counsel John Deppeler for the record insisted he had an easement. My clients title (and he has been through 2 closings) did not disclose

the existence of that easement. Mr. Henderson stated before coming tonight he did his own title search and in fact the easement does exist. The shed has an interior wall which is in fact on the Henderson property by 2 feet which is the dividing line of the ownership of the shed, but it is not coincident with the dividing line of the property even though it is a single structure. The shed was used by the Hendersons for storage, but after the storm it became useless, so they decided to go upwards. In the context of going upward they thought they had reached an accomodation with Mr. Roeth last summer whereby the shed would be moved over on to Mr. Roeth's property it would be divided and made two different structures and the easement would be in effect extinguished. Mr. Roeth had some concerns with that. Tonight they have agreed to slide the shed over onto his property and extend the existing foundation at the applicants expense or if as he is concerned the shed will not withstand that movement we will in effect build him a new one. That is all subject to this Boards approving our proposal and Mr. Ratz approving the movement or rebuilding. The applicant would stipulate no living quarters at all in the structure, no plumbing or no kitchen. There would be lights and heat.
Mr. Thomas Henderson - 756 Watchung Rd., Bound Brook, N. J. was sworn in by Mr. Byrnes. Mr. Henderson testified he acquired the improvements to this property in 1985 from his mother-in-law who owned the property since 1953. The structure never became a problem until they bought the property from American Timber Co. and lines were drawn, as there is no more leased ground.
Mr. Henderson testified they acquired the property from American Timber Co. in December of 1990. The shed was 5 ft. wider but in 1954 the American Timber Co. turned the streets over to the town and at that time, the town widened the street to make it a regular size street instead of a lane. At that time they took 5 ft. off of the garage. On exhibit A-8 Mr. Henderson testified on the East elevation, that is what he sees from the back of his house. The one story frame dwelling described on the print is the house with a picket fence around it. Mr. Henderson testified inside the house are 3 bedrooms, living room, dining room kitchen combination and a bath. There is no basement and the attic is very small. The back on the outside is a concrete patio. Mr. Henderson testified he would be willing to testify that there will never be any facilities put in the shed for living quarters, it is strictly for storage.
Mr. VanSchoick and Mr. Lyons had some questions of Mr. Henderson, as to how the shed was going to be built. It will be 2 stories and strictly for storage. They are putting a hip roof on it to keep a low profile and keeping in line with the rest of the property.

Mr. Deppler representing Mr. Roeth put himself on record and said they are not prepared to make a presentation at this time.

They wanted to see what went on with the Board tonight and then talk to Mr. Ratz to know what kind of a position they are going to take in this matter. We will be prepared to make our presentation at the next meeting after we see what the architect has to say.
Mr. Burke asked Mr. Deppeler if he agreed with what has transpired here tonight. He said he did and he is going to talk to Mr. Ratz about what he is going to require on this shed.
Susan Peters - 573 Pike Avenue, Manasquan, was sworn in by Mr. Byrnes. She testified that she is very much in favor of this project, as it is an eye sore and a fire trap and she didn't think it would take much to tear it down.
Mr. Burke stated the public hearing will be left open as there will probably be more questions and testimony next month.
A motion was made to have a site inspection by Mr. VanSchoick, seconded by Mr. Brittle for Saturday March 18, 1995 at 9:20 a.m., followed by the following vote: "YES" -R.Brittle, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G. Bialas.
Mr. Henderson waived the time limit to extend until May 17, 1995 as he will be away on vacation.

Mr. Burke read a letter from Mr. Ratz regarding the case of Mr. and Mrs. Zavada. In order to meet the New Jersey Uniform Construction Code requirements, the structure should be demolished to the foundation and reconstructed. This approval should be conditioned on reconstructing the building to the exact same dimensions as the building was prior to the start of the renovations and that the rest of the construction be in strict compliance with the Board of Adjustment Resolution No. 21-94 of September 21, 1994. Mr. Burke said if there is no objections from the Board he will tell Mr. Ratz to let them go ahead and demolish the structure.
Mr. Byrnes stated that according to the resolution they will need variances and have to come back to the Board. Mr. Burke said he will talk to Sandy Ratz and inform him that the Zavada's have to come back to the Board and renotice. They will be put on the agenda next month if they can finalize everything.

Jeffrey & Patricia Smith - 261 Pine Avenue.
Mr. Burke read a letter from Mr. Ratz stating they were granted a variance for additons to their home and now wish to change the plan. Condition 2 of the resolution requires the construction to be in compliance with the plans which were submitted to and approved by the Board.
Mr Byrnes stated they will have to come before the Board as a new application and renotice. The Board will also need a letter from Mr.Smith stating they are abandoning his prior resolution # 34-94.

For the record, Mr. Langella left at 10:00 p.m.

RESOLUTION - 2-95 William & Ann Junda - 165 South Street.
Mr. Byrnes read a favorable resolution into record. A motion to approve the resolution was made and seconded followed by the following vote: "YES" - R. Brittle, E.Lyons, P.Walsh, J.VanSchoick, J.VanStolk and G. Bialas.

A motion was made seconded and unanimously carried to pay all bills.

A motion was made seconded and unanimously carried to adjourn the meeting at 10:10 p.m..

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
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Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

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

CERTIFICATION

The undersigned is a member of the Zoning Board of Adjustment of the Borough of Manasquan.

I was unable to attend the meeting held by the Board on

March 15, 1995

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 Kaufmann

OUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

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COUNTY OF MONMOUTH
NEW JERSEY 08736

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
APRIL 19, 1995 MEETING AGENDA

On Wednesday April 19, 1995 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 - 5-95 (cont.) Meckel/Tomaseck - 566 Pompano Ave.

APPLICATION - 6-95 (cont.) Rose Olson - 11 Lockwood Avenue

APPLICATION - 8-95 Edward Byrne - 45 First Avenue

APPLICATION - 9-95 Robert & Patricia Dombal-66-68 Ocean Ave.

RESOLUTION - 4-95 Jeffrey & Valera Kohl - 35 Wigwam Path

OLD / NEW BUSINESS

(Work session will be conducted immediately after regular meeting).

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - April 19, 1995
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on April 19, 1995, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman, John Burke opened the meeting 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: R.Brittle, J.Langella, J.Lyons, P.Walsh,J.VanSchoick, J.Burke,J.VanStolk and Gene Bialas.

A motion was made by Mr. Brittle to approve the minutes of MARCH ~~April~~ 15, 1995 seconded by Mrs. Walsh followed by the following vote: "YES"- R.Brittle, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G. Bialas.

APPLICATION - 34-94 - Jeffrey & Patricia Smith-261 Pine Avenue
Mr. Smith came forward in regards to his letter to the Board. He is requesting a special meeting referring to Resolution 34-94 which was approved back in January for their addition.
They changed contractors and their plans were changed. Legally they must come back to the Board with a new application. Mr. Smith is requesting that the Board give them the earliest date to return so they may start work. MR. Burke stated this will be a new application not an adendum to the previous application and any thing to do with the previous application will be thrown out. If by any chance it is voted down, they can not revert back to the old application.
A motion was made by Mr. Langella seconded by Mr.Brittle to have a special meeting on May 10, 1995, followed by the following vote: "YES"- R.Brittle, J.Langella, E.Lyons, J.Burke, J.VanStolk and G. Bialas.

APPLICATION - 5-95 - Meckle/Tomaseck - 566 Pompano Avenue (cont.)
MR. Byrnes marked additional exhibits as A-7B. Ms. Meckle and Mrs. Tomaseck came forward with their contractor John Lohnes. The site inspection was done on March 18, 1995. Mr. Lohnes testified that on the new plans, they changed the roof line in the back east and west and put a dormer out the back for additional head room for attic storage. They also put a set of stairs to the attic storage as the applicant does not like pull down stairs. The heighth is now 21', it went from 18'.
They downsized the utility room and moved the bathroom to make room for the stairs.
A motion to close the public hearing was made by Mr.VanSchoick and seconded by Mr. Langella, followed by the following vote: "YES"- R.Brittle, J.Langella, E.Lyons, P. Walsh, J.VanSchoick, J.Burke, J.VanStolk and G. Bialas.

Mrs. VanStolk would like a condition put in the resolution that the attic will not be used as living space. The applicant had no objection to that being put in the resolution.
Mr. VanSchoick made a motion to approve a resolution seconded by Mr. Langella followed by the following vote: "YES"- R.Brittle, J.Langella, E.Lyons, J.VanSchoick, J.Burke, J.VanStolk and G. Bialas. "NO" - P. Walsh.

APPLICATION - 6-95 - Rose Olson - 11 Lockwood Avenue
The site inspection for March 18, 1995 was made. Mrs. Walsh asked Mr. Olson why they are coming out so far with the deck.
Mr.Olson explained that there is such a large front yard and no back yard and they would just like a nice deck to come out and sit. Mr. Olson testified that they are not renting the house in the summer.
A motion was made by Mr. Brittle, seconded by Mrs. VanStolk to close the public portion of the meeting, followed by the following vote: "YES" R.Brittle, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J. Burke, J. VanStolk and G.Bialas.
Mr. Langella has no problem with the deck but to go 2½ feet from the other property line on the side of the house he has a problem with that. Mr. Olson said he would take the deck off the side of the house and move the front steps in line with the front of the house and he would not have a problem doing that. Mr. Byrnes said if the Board votes favorable for this application, Mr. Olson will have to submit a revised set of plans and Mr. Byrnes will have to mark the plans.
Mr. Byrnes said the application would be granted conditional upon those plans being submitted.
Mr. Langella made a motion seconded by Mr.VanSchoick to approve the application with the stated changes to the deck, with the condition that a revised set of plans be presented to the Board before next months vote, followed by the following vote: YES- R.Brittle, J.Langella, E. Lyons, J.VanSchoick, J. Burke, J. VanStolk and G.Bialas. NO - P. Walsh.

APPLICATION - 8-95 - Edward Byrne - 45 First Avenue.
Chairman Mr. Burke excused himself as he lives within 200 ' of the applicant. Board Attorney Mr. Byrnes marked the file as A-1 to A-10.
The applicant is in an R-2 Zone. Owner wishes to construct second floor addition to existing residence. The application was denied for the following reasons: 107-27 Front Setback - 25' required - 11.86' existing. A-5 Flood Zone - building will comply with requirements.
Mr. Byrnes swore in Mr. Edward Byrne -45 First Avenue, Manasquan. The house is already built, and it should have been before the Board as it is non-conforming.
Thomas J. Coan - Representing Frank A. Morris Construction - Allenwood Rd.. Mr. Coan is a licensed builder in the State of

N. J. and he has testified before the Wall Township Board of Adjustment and the Wall Township Planning Board.
Mr. VanSchoick asked how this project was started before coming before the Board. Mr. Coan testified the applicant has a building permit to work on the main structure and was informed by Mr. Ratz the building inspector that they were not to touch the existing porch area. Mr. Coan testified that the peak portion on the top of the front porch would be removed and become a deck. Board Attorney Mr. Byrnes stated he was not aware of this situation until about 5 minutes ago. There is nothing on the denial or notice of appeal of variance application, that would let any one know that it was at the stage it was. Our chairman who excused himself was asked to come back into the room by Mr.Byrnes, as he is familiar with this situation and Mr. Byrnes swore in Mr. Burke and asked him to give the Board his knowledge as to the history of this property and this particular application, not his opinion as to whether or not it is a good application but only his knowledge as a resident in the neighborhood.
Mr. Burke testified that he has had discussions with the Borough Construction official Mr. Ratz and expressed concerns about this project. Mr. Burke testified that when the project started he was told by Mr. Ratz that he was giving permits on the section of the building that he could give permits on, that the application for a variance was just on the non-conforming front part of the house. MR. Burke said he told Mr. Ratz he could not do that, as the whole application would have to come before the Board. Mr. Ratz told Mr. Burke that he could give permits on the part of the structure that had been worked on. Mr. Ratz stated that they were coming before the Board for a variance on the second floor front deck only.
Mr. Byrnes stated his recollection is, that regardless of what the variance is - if the project is non-conforming it still has to come before the Board.
MR. Byrnes suggested to the applicant that they ask the Board to consider allowing them to amend their application so as to seek relief setforth in all the plans. Mr. Coan said they would like to amend their application.
MR. Langella questioned the heighth of the building. Mr. Coan tesified it is approximately 27'. Mrs. Walsh questioned wherethe out door shower is located. Mr. Coan tesified it is located between the house and the garage. The deck will be fibre-glass and the rail will be painted wood system.
Mr. Byrnes told the applicant that any work they do from here on is at your own risk, because the Board is considering the entire addition now as a request for a variance.
Mr. Langella suggested that the applicant may want to come in on the special meeting being held on May 10th for Jeffrey Smith.
Mr. Byrne said he would like to come in for the Special meeting on May 10, 1995.

A motion by Mr. Langella seconded by Mr.VanSchoick was made to allow the applicant to come before the Board on May 10, 1995, followed by the following vote: "YES" R. Brittle, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J.VanStolk and G.Bialas.

Mr. Langella moved for a site inspection seconded by Mrs. Walsh for Saturday April 22, 1995 at 9:00 a.m., followed by the following vote: "YES" R. Birttle, J. Langella, E.Lyons, P. Walsh, J. VanSchoick, J.VanStolk and G. Bialas.

Mr. VanSchoick moved for a five minute intermission seconded by Mrs. Walsh followed by the following vote: "YES" R.Brittle, J.Langella, E.Lyons, P. Walsh, J.VanSchoick, J.VanStolk and G.Bialas.

The Board returned from break at 9:00 p.m. with the following ROLL CALL: "YES"- R.Brittle, J.Langella, E.Lyons, P. Walsh, J.VanSchoick, J.Burke, J.VanStolk and G.Bialas.

APPLICATION - 9-95 - Robert & Patricia Dombal-66-68 Ocean Avenue
Mr. Byrnes marked the file as A-1A to A-1G to A-8.
Mr. Byrnes stated Mr. & Mrs. Dombal came before the Board in April 1985 for a sub-division seeking to sub-divide the premises into two lots - front and rear. The front containing 2 existing dwellings and they also wanted to construct a new dwelling on the rear lot which would have access to Ocean Avenue by means of an easement across the front lot. The Board by way of Resolution 13-85 which passed by a vote of 5 to 2 granted the application. However after that time which was in July of 1985, some things that were supposed to happen didn't. The house was built but the documents that were to be filed with the County Clerks office in Monmouth weren't filed by Mr. Dombals prior attorney.
Mr. Dennis P. Lahiff, Fairlawn, N.J., put his appearance on record as attorney representing the Dombals.
Mr. Lahiff said what Mr. Byrnes has summarized is what happened. Mr. Lahiff gave a narrative of the same. Being the deed or the plat was never recorded, as a result there is technically an unperfected sub-division. Mr. Lahiff said the confusion is compounded due to the fact that Mr. & Mrs. Dombal have been getting 3 tax bills since 1985. Mr. Lahiff said the original sub-division divided the lot into 2, the tax bills have come out with lot 17-01, 17-02 and 17-03. He would like to have the Board with Mr. Byrnes help have the tax office correct the tax bills - as this error has been going on for 10 years. Mr. & Mrs. Dombal were completely unaware of this event having relied on their prior attorney to perfect the sub-division. There could be a severe problem because if the Board were to say no, then there is a home which is illegally constructed, we relied on what was done, we relied on the building permits and it would

create a severe hardship. The sub-division was within the Boards guidelines to be approved back in 1985, nothing has really changed since then, except the house has been constructed and they are asking the Board to allow a mistake to be corrected, to reapprove the sub-division, to allow a new deed be prepared, signed, and it will be filed in Freehold to correct this, correct the tax bills, and put this behind the Dombals and allow them to enjoy the summers on outlet Creek.
Mr. Robert Dombal - 14 Bristol Place, Fair Lawn, N.J., was sworn in by Mr. Byrnes. Mr. Dombal testified he has owned the property since 1976. Mr. Dombal did not realize the sub-division had not been correctly done until Mr. Lahiff made the title search.
Mr. Lahiff is asking the Board to grant a sub-division as the previous sub-division is null and void because of an error.
Mr. Erwin Rahner - 76 Ocean Avenue, Manasquan, was sworn in by Mr. Byrnes. MR. Rahner came forward to say he has known Mr. Dombal for quite a few years and he knows he has done everything in good faith and he would like to see justice done and correct the error which was an oversight.

A motion was made to close the public hearing by Mr. Langella, seconded by Mrs. Walsh followed by the following vote: "YES" R.Brittle, J.Langella, E.Lyons, P. Walsh, J.VanSchoick, J.Burke, J.VanStolk and G. Bialas.

A motion was made to approve this application by Mr.Langella seconded by Mr. Lyons followed by the following vote: "YES"- R. Brittle, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G.Bialas.

RESOLUTION - 4-95 - Jeffrey & Valera Kohl - 35 Wigwam Path
Mr. Byrnes read a favorable resolution into record.
A motion to approve the resolution was made and seconded followed by the following vote: "YES" R.Brittle, E.Lyons, P.Walsh, J.VanSchoick, J.VanStolk and G. Bialas.

A motion was made seconded and unanimously carried to pay all bills.

A motion was made seconded and unanimously carried to adjourn the meeting at 9:40 p.m.

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MAY 17, 1995 MEETING AGENDA

On Wednesday May 17, 1995, 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 - 3-95 - (cont.) Deborah & Thomas Henderson
367 First Avenue

APPLICATION - 7-95 - Dennis & Madonna Saake - 61 Colby Avenue

APPLICATION - 10-95 - Lorne W. Phelps - 60 Manito Road

RESOLUTION - 5-95 - Meckel/ Tomaseck - 566 Pompano Avenue

RESOLUTION - 6-95 - Rose Olson - 11 Lockwood Avenue

RESOLUTION - 9-95 - Robert & Patricia Dombal - 66-68 Ocean Ave.

OLD / NEW BUSINESS

Ciccolella/English from Chicant Corporation
166-168 First Avenue 165-167 Beachfront
Resolution - No. 14-94

(Work session will be conducted immediately after the regular meeting).

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

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MANASQUAN ZONING BOARD OF ADJUSTMENT
MAY 10, 1995
SPECIAL MEETING AGENDA
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

On Wednesday May 10, 1995, 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 - 15-95 - Jeffrey & Patricia Smith -261 Pine Avenue

APPLICATION - 8-95 - Edward Byrne - 45 First Avenue

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

Dated - 5/1/95

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES - MAY 10, 1995
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held a special meeting on May 10, 1995,in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman, John Burke opened the meeting at 7:30 p.m.. He asked all in attendance to join in the Salute to the flag. He stated this was an open public meeting held in accordance with the Open Public Meeting Act and held according to law.

ROLL CALL: R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick, J.Burke, J.VanStolk and G.Bialas.

APPLICATION - 15-95 - Jeffrey & Patricia Smith- 261 Pine Avenue
Mr. Byrnes Board Attorney marked the Boards file as A-1 to A-10.
Owner wishes to construct 8'x30' front porch, 12'x34' garage and 14'x30' family room addition to existing dwelling. R-2 Zone.

Application was denied for 107-27 Front yard setback - 25' required, 21.55' proposed. 107-27 Side yard setback - 5' required, 3' proposed.
This property was the subject of a variance application which was approved December 14, 1994. The owners have substantially changed that plan which requires the applicant to return to the Board for a new variance. The December 14, 1994 variance application required a variance from Chapter 67 of the Code of Manasquan for existing dwelling being below the Base Flood Elevation. This variance is no longer required because these additions no longer constitute a "Substantial Improvement".
Exhibit A-7A was not given to all Board members, so Mr. Byrnes instructed Mr. Smith regardless of the outcome of the hearing by Monday May 15th he is to submit 6 additional drawings to the Board Secretary.

Patricia Smith, 261 Pine Avenue and Jeffrey Smith, 261 Pine Avenue were sworn in by Board Attorney Mr. Byrnes.
Mr. Smith testified the side yard set back is 3'proposed not 2'.
Mr. Burke told the Board this is a totally new application and should be treated as such. Mr. Byrnes stated that by requesting this Board to review a new application, before they do that they must state on record, that they abandon any relief that has been given to you under Resolution 34-94. Mr. Byrnes stated that if the Board does not approve these variances you can not fall back on the old ones. They waived the relief that was previously granted under resolution 34-94.

MR. Smith testified that the original proposal was to build a garage with a second floor above it with a family room above. After reviewing it with a different builder, considered an option

of not going two stories high with several reasons. One being a safty factor in case of fire and the other it would be more appropriate to take the family room and go right out the back within code. The family room is right in code, the garage addition needed the same setback that we had already approved and the front setback is staying the same, the side setback is 3'. Mr. Smith testifed the only things they are looking for that was not approved is not going 2 stories high and build a family room within code going out the back.
Mr. Lyons questioned the over-head doors on both ends of the garage. Mr. Smith testified that is for access to the back yard.

Mrs, Kazenmayer moved to close the public meeting, seconded by Mr. VanSchoick, followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.VanSchoick, J.VanStolk and G. Bialas.

Mrs. Kazenmayer moved for a favorable resolution noting that on the West side there is a 3' set-back and 6 copies of the plans are to be submitted by Monday seconded by Mr. Lyons followed by the following vote: "YES" R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, J.Burke, J.VanStolk and G. Bialas. "NO"- J.VanSchoick.

APPLICATION - 8-95 - Edward Byrne - 45 First Avenue.
Chairman Mr. Burke excused himself as he resides within 200' of the applicant. Vice Chairman R.Brittle will take over.
Testimony was heard at the April 19, meeting. New evidence was marked as A-1A, A-2A, A-3A, A-4A, A-5A and A-5B.
Mr. Langella questioned why a permit was issued on the house. The Secretary was told by Mr. Ratz that the house was conforming and he was allowed to issue the permit for the house only.
Mr. Byrnes said a few years ago there was a series of discussions between himself, the Boro Attorney Mr. Fitzsimmons and Mr. Burke and this issue was discussed at great length and it was decided on at that time that if there is a portion of the house that is non-conforming and there's an addition proposed for that house, it still has to come before the Board. The old rule which was in effect some years ago, Mr. Ratz must have gone back to that.
Richard P. Grasso, Algonquin Arts Center, 171 Main St.. He is a licensed Architect working in Manasquan and other towns. He has testified before this Board before.

Mr. Grasso testified Mr. Byrne purchased the house 18 months ago and his intention was to expand the house. Mr. Grasso designed the house for him. Mr. Grasso submitted some pictures to be marked for evidence, which were marked A-9A to A-9F and a drawing was marked A-10.

The heighth of the proposed house will be 30'6", but the deck will be lower than that.
A motion to close the public hearing was made by M. Kazenmayer seconded by J. Langella, followed by the following vote: "YES"- R. Brittle, J.Langella, E. Lyons, J.VanSchoick, J.VanStolk and G.Bialas. Abstain - M.Kazenmayer.

Mr. Langella asked what the set-back is on the south side of the building. Mr. Coan testified it is 5'. The reason for the variance is the front yard set-back.

A motion for approval was made by J. VanSchoick seconded by E.Lyons followed by the following vote: "YES" - R.Brittle, J.Langella, E.Lyons, J.VanSchoick, J.VanStolk and G.Bialas. Abstain - M. Kazenmayer.

A motion was made seconded and unanimously carried to adjourn the meeting at 8:37 p.m..

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

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MANASQUAN ZONING BOARD OF ADJUSTMENT
MAY 10, 1995
SPECIAL MEETING AGENDA
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

On Wednesday May 10, 1995, 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 - 15-95 - Jeffrey & Patricia Smith -261 Pine Avenue

APPLICATION - 8-95 - Edward Byrne - 45 First Avenue

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

Dated - 5/1/95

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MANASQUAN ZONING BOARD OF ADJUSTMENT
ADDENDUM TO AGENDA
May 17, 1995 MEETING

RESOLUTION - 8-95 - Edward Byrne - 45 First Avenue

RESOLUTION - 15-95 - Jeffrey & Patricia Smith - 261 Pine Ave.

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 5/16/95

BOROUGH HALL, 15 TAYLOR AVENUE
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MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - MAY 17, 1995
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on May 17, 1995, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke opened the meeting 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: R. Brittle, M. Kazenmayer, J.Langella, J.VanSchoick, J. Burke and G. Bialas.

A motion was made by Mr. VanSchoick to approve the minutes of April 19, 1995, seconded by Mr. Langella followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, J.Langella, J.VanSchoick, J.Burke and G. Bialas.

APPLICATION - 3-95 - (cont.) Deborah & Thomas Henderson
367 First Avenue

Mr. Keith Henderson of Lautman, Henderson & Wight, put himself on record as representing the Henderson's. The applicant Mr. Thomas Henderson was sworn in at the last meeting.
Board Attorney W. Byrnes, by way of a recap, stated this involves property at 367 First Avenue. The application was started on March 15, 1995, a site inspection was held on March 18, 1995, and there was a time waiver by counsel so it could be carried to tonight.

Attorney Mr. Henderson said at the last meeting a question arose as to whether, if the single structure which now sits on 2 properties was severed and if the adjoining property had that portion of the building moved over on to it, would a variance be required? The consensus of the Board was that one would probably be needed. Mr. Henderson checked with Mr. Ratz and was told he would need the variance. Prior to this meeting Mr. Henderson engaged with Mr. Deppler who represents the neighbor and what they would like to do is enter into an agreement where the Henderson's would pay the cost of either moving or re-building of that portion of the structure which is being placed back on the neighbors property. The Henderson's would also pay for the cost of a variance including the cost of the notification and the cost of the application fee, exclusive of attorneys fees. Mr. Deppler placed his appearance on record as representing Edward Roeth and Marjorie Roeth his wife who reside at 369 First Avenue. Edward H. Roeth, 369 First Avenue was sworn in by Mr. Byrnes. Mr. Roeth testified the shed cannot be moved, it will have to be destroyed as he was told by a reputable builder. The other alternative Mr. Henderseon presented was to cut the building off at the easement line and leave it as is and that is what Mr Roeth would like to happen.

Attorney Mr. Henderson stated that if that is what Mr. Roeth wants to have the shed cut off at the easement lines, they would file revised plans with the set-back from that reducing our proposed structure but basically leaving it as in the proposed plans. MR. Thomas Henderson testified Mr. Roeths garage encroaches on his property by 28" or 25% of the shed. Mr. Henderson said the easement was imposed in the American Timber Co. sub-division.
Mr. Henderson said he would like a little imput from the Board as to whether they would be favorably disposed towards the application as amended, before they go out and get additional plans. Mr. Burke said he can ask the Board members to give their opinion and it is non binding. Mr. Thomas Henderson testified he was hoping to clean up the property line, evidently Mr. Roeth is not of that disposition, but he would like to point out that because his building in on my property and now I might have to move over 7 ft..
Mrs. Kazenmayer asked what they are saying is that Mr. Henderson can build his new shed and Mr. Roeth does not want his touched, only to seperate it from the Hendersons. She also questioned the size of the building and is it only going to be storage on the second floor. It is going to be flush with the street. They will not encroach on the street with the over-hang.

Mr. Byrnes stated Mr. Roeth has a perpetual easement toward the existence and continuance of the southern most bay of the garage, to the extent that it encroaches upon lot 25, and that easement shall continue for so long as the garage continues to exist. MR. Henderson has an easement on Mr. Roeth's property for existence continuation of reconstruction of the stone driveway. Mr. Roeth testified he has no problem with Mr. Henderson building his new garage on his garage, so he doesn't have to move it over 5 feet.
MR. Burke told Mr. Roeth that Mr. Henderson should tell the Board just what they want to do. In other words the Board can not look at options and decide which option the Board likes the best. The Board would like from Mr. Henderson, a set of plans showing it, a foot print showing it and then the Board can decide what to do. Consensus of the Board was that they should stay 5' away and no encroachment on the street and a slightly smaller building. All Board members thought the plans were alright.
Attorney Henderson would like the Board to carry them, they will waive the time constraints set forth in the land use act for the record, and submit an amended application and hopefully get in for the next hearing.

APPLICATION - 7-95 - Dennis & Madonna Saake - 61 Colby Avenue
Mr. Byrnes marked the Boards file as A-1 to A-10
Owner wishes to add a new room on the second floor.

It is in an R-2 Zone. Application was denied for the following reasons: 107-27 - Side Yard Setback - 5Ft. required, 3.21 Ft. existing. The existing setbacks will not be affected by this variance. The proposed new work will comply with all zoning requirements. It is not in a flood zone.

Mr. Dennis Saake - 61 Colby Avenue was sworn in by Mr. Byrnes. Mr. Saake testified that his home was built prior to 1876, the first house on the block and the first house in that area. They first paid taxes to Wall Township before Manasquan was Incorporated. Mr. Saake testified he bought the house in 1978. He has other additions made to the house and up to a couple of years ago if the home is non conforming, the basic structure is nonconforming, yet all the additions prior to that he has never had to come before the Board. Now since this new interpretation has come into effect any new addtion Mr. Saake puts on to his home even though its conforming in all aspects to the zoning code since the house will never conform he must appear before this Board. Mr. Saake testified he would hope that the Board would recommend to the Council to give relief to the property owner and if the addition is conforming he would hope some legislation could be written by the Mayor and Council to rectify this situation, because this means that now every addition he puts on this house he will have to appear.
Mr. Burke told Mr. Saake that this was not done by town Council but it was done by this Board and the Planning Board. Mr. Burke said they have run into problems in the past, where things have been built on non-conforming houses, even though it was conforming in the nature. One of the primary reasons this was changed is that your neighbors have the right to make comments on any additon to a non-conforming house.
Mr. Saake tesified he is puting a 12x15 room built on the second floor, the first floor is a box shape and the second floor is an L shape. The second floor has 3 bedrooms and Mr. Saake is proposing to expand the L over the "what he calls the new addition" not over the old house. The first floor of the back part of the house is only about 10 years old.

A motion was made by Mr. Langella to close the public hearing seconded by Mr.VanSchoick, followed by the following vote R.Brittle, M.Kazenmayer, J.Langella, J.VanSchoick, J.Burke and G.Bialas.

Mr. Langella moved for a favorable resolution seconded by Mr. VanSchoick, followed by the following: "YES" - R.Brittle, M.Kazenmayer, J.Langella, J.VanSchoick, J.Burke and G. Bialas.

APPLICATION - 10-95 - Lorne W. Phelps - 60 Manito Road
For the record, Mr. Bialas is excusing himsself from this application due to the fact he resides within the 200 Ft. notice

area.
Mr. Byrnes marked the applicants file as A-1 to A-9.

Mr. Byrnes swore in Donna Phelps, 60 Manito Rd and Lorne Phelps, 60 Manito Rd, Manasquan. Mr.Byrnes stated that going over the list of property owners, he must disclose that he also has a conflict. The Borough of Manasquan was noticed and he is emplyed by the Borough, also there is one family in Brielle on this list Mr. & Mrs. Dominic Bossone who he represents. He stated on the record that they have not contacted him at all in regard to this. Being they are not here tonight, he asked the Phelps if they would like him to proceed and hear the application, is all they have to do is waive the conflict and move on. If they don't do that, they cannot proceed tonight and will have to carry this into next month and have another Attorney come and hear the case. The Phelps waived the conflict.

Owner wishes to enclose existing open - unroofed porch in front of house. R -2 Zone. The application was denied for the following reason: 107-27 Front Setback - 25 Ft. required 20 Ft. proposed.
Mr. Phelps testified the existing porch in the front which is 5 ft. out and 20 ft. long, we would like to take 13x5 ' of it and push the living room out, because they don't use the porch. The remaining part of the porch would stay as a porch.
Mr. VanSchoick questioned the difference in measurements on each side of the house. Mr. Phelps testified it is lopsided, the house is old. All windows have been replaced, new siding, new heat. Mr. Langella said the porch is non-conforming as it exists now. Mrs. Kazenmayer said no not until the roof is put on. Mrs. Kazenmayer said they did a nice job on the house and felt this room would make it look nice. The house was purchased in June 1993 and they own the land.

A motion to close the public hearing was made by Mrs. Kazenmayer, seconded by Mr. Langella followed by the following: "YES" R.Brittle, M.Kazenmayer, J.Langella, J.VanSchoick, J.Burke.

Mrs. Kazenmayer moved for a favorable resolution, seconded by Mr. Langella, followed by the following: "YES" - R.Brittle, M.Kazenmayer, J.Langella, J.VanSchoick, and J. Burke.

OLD / NEW BUSINESS - Ciccolella/English from Chicant Corp.- 166-168 First Ave. - 165-167 Beachfront, Resolution 14-94. Mr. Byrnes said back in 1994 the Board approved a resolution for Chicant, and part of that was to sub-divide the property. Ciccolella / English are the new owners of the Chicant property and are asking for relief from one of the conditions that we

had put in the resolution, specifically an exterior staircase between the two buildings that encroached from one lot onto an adjoining lot that was not part of the sub-division. The woman who owned the adjoining lot was here as an objector. Mrs. Walsh asked that one of the conditions be that the stair-case be removed and located somewhere else in the building code. Now the new owners are asking for relief from that condition only for the reasons that now Mrs. Ciccolella who objected to the stair-case is the owner and doesn't want to take the stairs down now. Her lawyer sent a letter stating that it could be solved by Mrs. Ciccolella in essence giving herself a permanent deed of easement allowing the stairs to permanently encroach on to her original lot. Mr. Langella moved that Mr. Byrnes advise Mr. Marquet if he wants to change what the Board granted, then he has to come back before the Board. Mrs. Kazenmayer agreed with Mr. Langella.

Mr. Burke wanted to know why this sub-division is in existence without the stairs being moved, as that was a condition of sub-division. Mr Byrnes said yes it was, that maybe you should check in your book to see who the member was to follow up on this, as you do with all applications. It was April 20, 1994. Mr. Byrnes said they did ask for an extension and they have until July 1995 to complete.

Mr. Burke said from what the Board has said, if they want to leave the stairs there, they must come back to the Board on a complete application.

Mr. Byrnes said the Board has already passed a resolution sub-dividing the property. 99% of our resolutions are permission to build somthing, and if they don't build it within 9 months and an extension of 9 months, then they can no longer get their building permit, but it doesn't necessarily revert to the original condition, it just tells them they cannot add on.
If they don't do it within the 18 months they have been given, it automatically reverts to one lot.

Mr. Byrnes said about 3 years ago the law in New Jersey is that any resolutions that are passed by either the Planning Board of the Board of Adjustment, that relief runs with the land, even if its not recorded with the Clerk of the County, even if a title search fails to disclose it, it's still binding on the land. Mr. Byrnes believes a map has been filed or a deed. Mr. Byrnes said he would write Mr. Marquet stating the Board is not willing to waive the conditions set forth in the resolution, that the options are either remove the stairs and comply with the terms of the resolution by July 19, 1995, or file an application.

Resolution 5-95-Meckel / Tomaseck - 566 Pompano Avenue- Mr.Byrnes read a favorable resolution into record. A motion to approve the resolution was made by Mr. Langella, seconded by Mr. Bialas, carried by the following: "YES"- R.Brittle, J.Langella, J.VanSchoick, J.Burke and G.Bialas.

RESOLUTION 6-95-Rose Olson-11 Lockwood Avenue- A favorable resolution was read into the record by Mr. Byrnes. A revised set of plans have been issued and marked as A-8A. Motion to approve the resolution was made by Mr.Bialas, seconded by Mr. Langella carried by the following: "YES"- R.Brittle, J.Langella, J.VanSchoick, J.Burke and G.Bialas.

RESOLUTION 9-95 - Robert & Patricia Dombal-66-68 Ocean Avenue - Mr. Byrnes read a favorable resolution into record.A motion to approve the resolution was made by Mr.VanSchoick, seconded by Mr. Langella, followed by the following: "YES"- R.Brittle, J.Langella, j.VanSchoick, J.Burke and G.Bialas.

RESOLUTION 8-95 - Edward Byrne - 45 First Avenue- A favorable resolution was read into the record by Mr. Byrnes. A motion to approve the resolution was made by J.VanSchoick, seconded by J.Langella, followed by the following: "YES"- R.Brittle, J.Langella, J.VanSchoick and G. Bialas.

RESOLUTION - 15-95- Jeffrey & Patricia Smith-261 Pine Avenue- Mr. Byrnes read a favorable resolution into record. A motion to approve the resolution was made by J.Langella, seconded by G.Bialas, followed by the following: "YES" R.Brittle, M.Kazenmayer, J.Langella, J.Burke and G.Bialas.

A motion was made and unanimously carried to pay all bills.

The Board went into executive session as 9:55 p.m., with the following vote: R.Brittle, M.Kazenmayer, J.Langella, J.VanSchoick, J.Burke and G.Bialas.

The Board re-entered regular session at 10:20 p.m. with the following vote: "YES" - R.Brittle, M.Kazenmayer, J.Langella, J.VanSchoick, J.Burke and G.Bialas.

A motion was made seconded and unanimously carried to adjourn the meeting at 10:25 p.m.

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

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

CERTIFICATION

The undersigned is a member of the Zoning Board of Adjustment of the Borough of Manasquan.

I was unable to attend the meeting held by the Board on

May 17, 1995

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: 6/19/95

Joanne Van Steel

GH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
June 21, 1995 MEETING AGENDA

On Wednesday June 21, 1995, 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 - 3-95 - (cont.) Deborah & Thomas Henderson
367 First Avenue

APPLICATION - 11-95 - Patrick Callahan -11 Gardners Lane

APPLICATION - 12-95 - Cynthia Martin - 5 Newark Avenue

RESOLUTION - 7-95 - Dennis & Madonna Saake-61 Colby Avenue

RESOLUTION - 10-95 - Lorne & Donna Phelps - 60 Manito Road

OLD / NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
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JOHN L. WINTERSTELLA
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Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - JUNE 21,1995
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on June 21, 1995, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, opened the meeting at 7:30 p.m.. He stated this was an open public meeting held in accordance with the Opebn Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the flag.

ROLL CALL: M.Kazenmayer, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G.Bialas.

A motion was made by M.Kazenmayer, seconded by J.VanSchoick to approve the minutes of the Special Meeting of May 10, 1995, carried by the following vote: "YES" M.Kazenmayer, J.Langella, E.Lyons, J.Vanschoick, J.Burke, J.VanStolk and G. Bialas.

A motion was made and seconded to approve the minutes of the May 17, 1995 regular meeting, carried by the following vote: "YES" - M.Kazenmayer, J.Langella, J.VanSchoick, J.Burke and G.Bialas.

APPLICATION - 11-94 - Beth Harrison, 312 E. Virginia Ave.
A motion was made by J.Langella seconded by E.Lyons to grant an extension to Beth Harrison, followed by the following vote: "YES" - M.Kazenmayer, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G.Bialas.

APPLICATION - 22-94 - Gordon Bird, 367 Beachfront.
A motion was made by J.Langella, seconded by P.Walsh to grant an extension to Gordon Bird, followed by the following vote: "YES" - M.Kazenmayer, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G.Bialas.

APPLICATION - 3-95 - (cont.) Deborah & Thomas Henderson
367 First Avenue
Attorney Keith Henderson,(Lautman, Henderson & Wight) returned for the applicant. At the last meeting it was requested from the applicant to furnish a revised set of plans. Mr. Keith Henderson submitted the amended plans noting four changes or clarifications have been made. 1. The plans have been amended to provide for a setback of five feet from the neighbors property to the south. 2. Plans have been clarified to provide that there will be no overhand or encroachment onto Timber Lane.
3. The elimination of a portion of the southerly side of the structre has downsized the building in accordance with the Board's recommendations. 4. Elevation of the structure to the plans for clarification have been added.
Board Attorney Mr. Byrnes marked the revised plans as exhibit A-9A.

A motion to close the public hearing was made by M. Kazenmayer and seconded by J.Langella followed by the following vote: "YES"- M.Kazenmayer, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J. Burke J.VanStolk and G.Bialas.

M.Kazenmayer made a motion for a favorable resolution, seconded by J.VanSchoick and followed by the following vote: "YES"- M.Kazenmayer, J.Langella, J.VanSchoick, J.Burke and G.Bialas. "NO" - J.VanStolk.

APPLICATION - 11-95 - Patrick Callahan - 7 Gardners Lane.
Mr. Byrnes marked the file as A-1 to A-9. R-2 Zone- Owner wishes to construct front proch with roof on existing dwelling.
This application was denied for the following:
107-27 - Front setback - 25 Ft. required - 17.2 Ft. proposed.
Pictures presented were marked A-10A thru A-10D.
Mrs. Christine Callahan - 7 Gardeners Lane and Patrick Callahan- 7 Gardners Lane were sworn in by Mr. Byrnes.
Mr. Callahan testified he would like to construct an 8x10 Ft. porch with a roof on the front of their home. Mr. Burke stated due to the stairs on the front of the porch, the proposed setback will be approximately 14.02. Mr. Callahan agreed to amend his application. Mr. Callahan testified the reason they are putting the porch on is to beautify the house and they would like to sit out there in the summer. The house and land were purchased in 1993. The porch will be open not screened in.
Mr. Brittle arrived at 8:03 p.m. and excused himself from voting on this application, unless it is carried and he hears the tape.

A motion was made by Mr. Langella to close the public hearing, seconded by Mr. VanSchoick, followed by the following vote: "YES"- M. Kazenmayer, J.Langella, E.Lyons, P. Walsh, J.VanSchoick, J.Burke, J.VanStolk and G. Bialas.

Mr. Langella moved for a favorable resolution as amended, seconded by M.Kazenmayer, followed by the following vote: "YES"- M.Kazenmayer, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J.Burke J.VanStolk and G. Bialas.

APPLICTION - 12-95 Cynthia Martin - 5 Newark Avenue.
Mr. Byrnes marked the file as A-1 thru A-9.
Cynthia R. Martin, 5 Newark Avenue and Robert G. Stanley, 5 Newark Avenue were sworn in by Mr. Byrnes.
Mr. Stanley testified he is the builder and a licensed electrical contractor in New Jersey License # 9882.
The property is in an R-2 Zone. Owner wishes to construct roof over porch. Application was denied for the following reasons:
107-27 Side Yard (corner lot) setback 15 Ft. required - 10 Ft. proposed.
Ms. Martin testified when she bought the house it had a front

porch with an overhang on it. To keep the look of the house as it originally was and along with the houses in the neighborhood, she wanted to put a roof over the front porch.
She was granted a building permit to take the old porch off and add the new addition. The property was purchased in 1985. The porch will be 6 ft. with an overhang. The Atlantic Avenue side is the front of the house and the Newark Ave. side is the side. The overhang on the Atlantic side is alright, the Newark Avenue side is the problem. The applicant has requested to amend the application to reflect an 8 Ft. side yard set back rather than a 10 Ft side yard set back request.
Mr. Martin Pedersen - 119 Atlantic Avenue, was sworn in by Mr. Byrnes. Mr. Pederson testified he lives across the street from the applicant and he said the house is going to look very nice when it is finished.
Charles Fischer - 14 Newark Avenue was sworn in by Mr. Byrnes.
Mr. Fischer testified he isdiagonally across the street from the applicant. He testified he didn't think the steps would look good by the garage. He said a nice wrap-around porch with a roof to the front and a roof to the side and just 2 steps coming down the front would be the best thing to approve for this applicant.
Mr. Burke said it is not a case where the Board is telling him he has to move the steps, the only thing the Board did tonight so far, is have the applicant change the application so all the numbers are correct.

A motion to close the public hearing was made by P. Walsh, seconded by J.VanSchoick, followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G. Bialas.

Ms. Martin testified the porch will not be used as a living area, no plumbing or heating and will not be enclosed with screens or windows.

M.Kazenmayer moved for a favorable resolution as amended, seconded by J.Langella followed by the following vote: "YES R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G.Bialas.

RESOLUTION - 7-95 - Dennis & Madona Saake - 61 Colby Avenue
The favorable resolution was read by Board Attorney Mr. Byrnes.
A motion to approve the resolution was made by Mr. VanSchoick, seconded by Mr. Langella and carried by the following: "YES" R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, P.Walsh, J.Van Schoick, J.Burke, J.VanStolk and G.Bialas.

RESOLUTION - 10-95 - Lorne & Donna Phelps - 60 Manito Road
Mr. Byrnes read the favorable resolution.

Mr. Langella made a motion to approve the resolution, seconded by Mr. VanSchoick and followed by the following vote: "YES" R.Birttle, M.Kazenmayer, J.Langella, J.VanSchoick and J.Burke.

Mr. Burke asked the Board members to keep an eye on certain properties as to what is being done with the application and so on. J.VanStolk willwatch Junda -165 South St. and Kohl - 35 Wigwam Path. Mr. Langella will over see Henderson -367 First Avenue. Mrs. Walsh will check Meckel & Tomasek - 566 Pompano Ave.. Mr. Brittle will check Rose Olsen - 11 Lockwood Avenue. Mr.VanSchoick will watch Dennis & Madona Saake - 61 Colby Avenue. Mr. Burke will check Edward Byrne - 45 First Avenue. Mr. Bialas will check on Lorne W. Phelps - 60 Manito Rd..

A motion was made by Mr. Langella at 9:10 p.m. to go into executive session, seconded by Mrs. Walsh, carried by the following: "YES" R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, P. Walsh, J.VanSchoick, J.Burke, J.VanStolk and G. Bialas.

They closed executive session and re-entered regular session at 9:35 p.m. ROLL CALL: R.Birttle, M.Kazenmayer, J.Langella, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G.Bialas.

Motion was made seconded and unanimously carried to adjourn the meeting at 9:36 p.m..

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
July 19, 1995 MEETING AGENDA

On Wednesday July 19, 1995, the Zoning Board of Adjustment of the Borough of Mansquan 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 - 13-95 - Donald Horn - 548 Riverside Drive
Posponed due to noticing not being done.

APPLICATION - 14-95 - Victor & Sharon Kubu - 121 Fletcher Ave.

RESOLUTION - 3-95 - Thomas & Deborah Henderson - 367 First Ave.

RESOLUTION - 11-95 - Patrick & Christine Callahan - 7 Gardners Lane

RESOLUTION - 12-95 - Cynthia Martin - 5 Newark Avenue

OLD / NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
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COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

ADDENDUM TO AGENDA

June 21, 1995

Case 11-94 - Beth Harrison - 312 E. Virginia Ave. - Request for an extension

Case 22-94 - Gordon G. Bird - 367 Beachfront - Request for an extension.

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

Dated at Manasquan 6/20/95

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
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COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - JULY 19, 1995
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on July 19, 1995, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, opened the meeting 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: R.Brittle, M.Kazenmayer, E.Lyons, P. Walsh, J.VanSchoick, J.Burke, J.VanStolk, G.Bialas.

A motion was made and seconded to approve the minutes of the June 21, 1995 regular meeting, carried by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G.Bialas.

APPLICATION - 13-95 Donald Horn - 548 Riverside Drive. has been postponed due to noticing not being done. Will be on agenda for the August 16, 1995 meeting.

APPLICATION - 14-95 Victor & Sharon Kubu - 121 Fletcher Avenue.
Mr. Byrnes marked the Boards file as A-1 through A-9I.
Owner wishes to construct roofed front porch on existing dwelling.
Application denied for the following reasons: 107-27 Front Yard Setback - 25 Ft. required, 13.75 Ft. proposed.
107-27 Side Yard Setback - 5 Ft. required, 4.26 Ft. existing. This setback will not be touched by this construction. It is a pre-existing condition. It is in an R 1 Zone.
Sharon Kubu, 121 Fletcher Ave, Victor Kubu, 121 Fletcher Ave, and their builder Richard Gerlach 49 Minerva Ave., Gerlach Builders were sworn in by Board Attorney Mr. Byrnes.
For the record, Mr. Byrnes mentioned that one of his clients resides in the affected area. Being there is no one here tonight to voice opposition, Mr. Byrnes does not feel it is a conflict for him to hear the case tonight. Mr. & Mrs. Kubu testified they would waive any conflict.

Mrs. Kubu explained the pictures she had marked as evidence. A9-1-A9C and A9D will show the existing porch that is there now and how it is falling apart and needs to be replaced.
Mrs. Kubu testified they would like to extend the porch across the front of the house with a roof. Mrs. Kubu testified on the pictures A9B-A9E-A9F-A9G-A9H was to sort of get the angle of the house where the existing porch is now, their not going out just across the house. She testified the porch will never be enclosed. There are 8 houses on her block that have porches.
The Kubu's testified they have owned the property 21 years.

Phyllis Devereux, 124 Fletcher Avenue came forward and was sworn in by Mr. Byrnes. She testified she lives directly across the street from the applicant and she feels the porch would be an asset to the neighborhood, also would improve the lines of the house.

A motion to close the public hearing was made by Mrs. Walsh, seconded by Mr. VanSchoick followed by the following: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G.Bialas.

Mr. Byrnes stated in order to vote affirmatively on this application, the Board must find the following things;
That the application relates to the specific piece of property, and purposes of the Municipal Land Use Law would be advanced by a deviation from the requirements setforth in the Zoni ordinance, and a variance can be granted without substantial detriments to the public good, and benefits of the deviation which substantially outweigh any detriment, and the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance. No variance of this type should be granted when merely the purposes of the owner will be advanced. Approval must actually benefit the community in that it represents a better zoning alternative for the property. The Board must also find that in relief will not be a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

A motion was made by M.Kazenmayer, seconded by E. Lyons, for a favorable resolution, followed by the following vote: "YES" R.Brittle, M.Kazenmayer, E.Lyons, P. Walsh, J.VanSchoick, J.Burke and J.VanStolk.

APPLICATION - 3-95 - Thomas & Deborah Henderson - 367 First Ave.
Mr. Byrnes read the resolution for the Henderson's. The Board did not vote on this resolution as there were changes to be made to the resolution. Changes will be made and voted on at the August meeting.

APPLICATION - 11-95- Patrick & Christine Callahan, 7 Gardners Lane
A favorable resolution was read by Board Attorney Mr. Byrnes.
A motion to approve the resolution was made by Mrs. Walsh, seconded by Mrs. Kazenmayer followed by the following vote: "YES"- M. Kazenmayer, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, and J.VanStolk.

APPLICATION - 12-95 - Cynthia Martin - 5 Newark Avenue
Mr. Byrnes read the favorable resolutionl.
A motion was made by M.Kazenmayer to approve the resolution, seconded by P. Walsh, followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.VanSchoick, J.Burke.

M. Kazenmayer was given Callahan, 7 Gardners Lane, to check and G.Bialas will check C. Martin, 5 Newark Avenue.

The Board went over the Instructions for Appeal and Application and decided to go over them and make any adjustments next month.

A cover letter will be sent to Chicants lawyer, giving them 15 days to file the plans with the County.

A motion was made by Mr. VanSchoick and seconded by Mrs. Walsh to adjourn the meeting at 9:07 p.m., followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G. Bialas.

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
AUGUST 16, 1995 MEETING AGENDA

On Wednesday August 16, 1995, 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 - 16-95 James Hope - 279 First Avenue
Unable to complete his application,
Requesting September 20, 1995 meeting.

APPLICATION - 17-95 George & Cynthia Dempsey - 551 Pike Ave.

APPLICATION - 13-95 Donald Horn - 548 Riverside Drive

RESOLUTION - 14-95 Victor & Sharon Kubu -121 Fletcher Ave.

RESOLUTION - 3-95 Thomas & Deborah Henderson - 367 First Ave.

OLD / NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - AUGUST 16, 1995
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on August 16, 1995, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, opened the meeting 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: R. Brittle, M.Kazenmayer, J.Langella, E.Lyons, P.Walsh, J.Burke, J.Van Stolk and G. Bialas.

A motion was made and seconded to approve the minutes of the July 19, 1995 regular meeting, carried by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.Burke, J.VanStolk and G.Bialas. ABSTAIN - J.Langella.

Dr. Eileen Masterson came forward to request a special meeting. She stated she had planned to do the construction during the summer and if she waits until December she can not start until spring. She stated she did not know the next date would be December, and she wasn't told how much a special meeting would cost. Board Secretary had copies of letters sent to applicant notifying her of the December date and the cost of a special meeting.
Mr. Langella moved to have a special meeting on September 13, 1995, seconded by Mr. Bialas, followed by the following vote: "YES"- R.Brittle, J.Langella, E.Lyons, J.Burke, J.VanStolk and G.Bialas. "NO" - M.Kazenmayer and P. Walsh.

APPLICATION - 17-95 George & Cynthia Dempsey - 551 Pike Avenue
Mr. Byrnes marked the Boards file as A-1 to A-9. Owner wishes to construct 1½ story addition to existing dwelling to make it 2½ story dwelling. R-3 Zone. Application denied for the following reasons: Rear Setback 20 Ft. required, 16.1 Ft. Existing and proposed. Front Setback 25 Ft. required, 15.93 Ft. existing and proposed. Block 184.03 Lot 1.551.
Kevin Callahan Attorney with Monte & Marriott, Sea Girt, placed himself on record as representing the applicant, George & Cynthia Dempsey. George R. Dempsey,Jr.-551 Pike Avenue, Richard Grasso, Architect- 165 Main St. were sworn in by Board Attorney Mr. Byrnes. Mr. Callahan had two more exhibits which were marked A10 and A11. Mr. Callahan stated the addition to the house is an upward addition and the upward addition with the exception of one violation will not violate the front setback on Pike Ave. or will it violate the rear setback. The addition to the rear will be 20 Ft. off the rear and it will be 20 Ft. off Pike. There is a bumpout on the side which is the front of the house and will be the front if the application is approved. Mr.

Callahan asked to have the application amended if a variance is deemed necessary due to the bumpout.
Mr. Byrnes referred to the R Zone ordinance definitions. and he stated setback lines states, " a line paralel to any street line beyond which no building or portion thereof may be errected except as provided in this chapter". He stated this ia a line paralel to the street, a portion of the building, so it would seem that a variance would be required. Mr. Byrnes said what has been done in the past, in situations like this, since it does not involve changing the plans, redrawing or changing numnbers, what you have submitted is what you are going to go with, you will just have to request an additional variance. The Board will discuss it and vote as to whether or not they feel the additional variance is required, if so allow you to amend it on the record. It doesn't require additional notice.

Mr. Grasso testified,on the north elevation, they are projecting out 1 foot on the first floor, 1 foot on the second floor and 1 foot on the third floor, that's a total of 3 feet projection from the original face of the house. The original face of the house on the site diagram is 8.3 ft. The porch and deck goes out further than that. The porch can be taken down to 3 ft..
Mr. Burke said the way it is drawn, right now there is a 6 in. set back. He said without having numbers on the plans showing how far out the porch and stairs come within 6 inches of the property line, he doesn't think the public had a true scope as to what this building was going to look like.
Mr. Byrnes also pointed out that a member of the general public going down to look is notified that there is a problem with the rear yard setback, problem with the front yard setback, and that is what they are going to be looking at. This involves the side and their not told that this is going to extend to 6 inches of the property line, and they have a right to know that. To add to that, Mr. Grasso testified that it could be changed,"we could do it a couple of differnet ways", but the Board needs to know which way your going to go and that will be your application.
MR. Callahan and the applicant were given 5 minutes to go out and talk it over.

RESOLUTION - 14-95 - Victor & Sharon Kubu - 121 Fletcher Avenue
The resolution was read by Mr. Byrnes. A motion for an approval of the resolution was made by J.VanStolk seconded by E.Lyons, followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.Burke and J.VanStolk.

RESOLUTION - 3-95 - Thomas & Deborah Henderson -367 First Avenue
Mr. Byrnes read the resolution. A motion for an approval of the resolution was made by M.Kazenmayer, seconded by J.Langella,

followed by the following vote: "YES" - M.Kazenmayer, J.Langella, J.Burke and G.Bialas.

Mr. Callahan, Mr. Dempsey and Mr. Grasso returned from their 5 minute recess. Mr. Callahan stated he spoke to Mr.Demsey and Mr. Grasso and they are proposing the plans be modified to the effect to eliminate the bunp-out on the first floor level so we are back to the 8.3 ft. existing set-back, limiting the front porch to 3 ft. and the stairs to the side, making a 5.3 ft. set back on the side where a 7 ft. set-back is required. The bump-out on the second and third floor with 1 and 2 ft. that will give 6.3 ft. making a 9" set-back.
Mr. Grasso testified, the second floor level will be 20 Ft. off the rear property line.
MR. Burke said the Board might want a site inspection which means the Board would hear the majority of the case, you would present and the Board would ask all their questions, have a site inspection and continue next month. Doing that would give you the oportunity to make any renoticing about these changes.so the neighbors would find out about the changes and come back next month.
MR. Callahan said it has been his experience with applying to the Board of Adjustment in making an application, you get that application in 10 days before the hearing to afford the members to inspect the site before the hearing. Mr. Burke said it is not the way it is handeled here. There is case law in the State of New Jersey, that site-inspections before an applicant is before the Board are not legal.
MR. Byrnes stated in order for the applicant to renotice it would have to be determined or ruled that there was a substantial enough change or differential from the plans that were submitted so as to cause the Board concern as well as the general public has not been properly informed as to the acutal plans. Mr. Byrnes concern, is that there was a complete omission and he wants to make it clear that it was not intentional by Mr. & Mrs. Dempsey, Mr. Callahan or Mr. Grasso, that it was just a complete over-site by whom ever, and he is concerned because of the seriousness of the fact that it's an over-site that involves a view impediment on a corner where site lines are very important for traffic, pedestrians and children. It was left out completely and to bring it to within 6" of the property line, and it not be fully disclosed, he feels it would be a substantial omission. In looking at the zoning criteria on the drawing marked A-9 it is addressed, but addressed incorrectly.
Mr. Byrnes thinks the Board should continue with the application tonight because of the fact that we've now come around to a situation where it's a much less major change. Mr. Byrnes told MR. Grosso he has to submit a revised set of drawings to the Board at least 10 days before the September 20th meeting. Mr.

Byrnes feels the applicantshould be allowed to amend this application to include a request for additional side yard set-back violation, showing a proposed set-back of 5.3 Ft. with the steps extending toward Third Avenue instead of Pike Avenue.

Mr. Burke stated Mr. Callahan is asking to Amend the application to add a side yard setbach violation of 5.3 ft. from the property line instead of required 7 ft. from the property linw. Mr. Burke said there will be three violations that will pertain to this application, front yard, rear yard and side yard facing Third Avenue including third floor overhang.

Mr. Dempsey testified he is the owner of the property with his wife. He has owned the property since 1992 and it is currently his permanent home. He previously lived at 132 South St. since 1939 and has lived in Manasquan since 1943. The Pike Avenue house has no celler and a small storage space with pull down stairs. Mr. Dempsey testified they tried to be good neighbors by pulling the front back, the side back and the back to within the property line. He also lowered the deck so the neighbors would have a better view. We tried to accomadate every one and then we get this. Exhibit A-10 were pictures which Mr Dempsey explained.

Mrs. Walsh wanted to know what the percentage was of lot cover.
Mr. Grasso testified it was 39%. Mrs.Walsh stated the new zoning requirements have a maximum of 35%. She questioned if the amendments made earlier would bring that into compliance, (the reduction of the porch and the reduction of the over-hangs).
Mr. Dempsey testified he is not putting a sidewark in - just grass. He testified the reason for expanding the house is because he is coming from a 3 story huge victorian house with a lot of storage, to a smaller house, which they want to put on a second floor, basically live on the second floor, which will be a living room, bedroom, bathroom and closets. The first floor will be a kitchen living room and dining room in the large room, a bedroom and bath. The third floor is for storage except for a 7x7 ft. area that is a little tower to look out at the water. Mr. Dempsey testified it will benefit Manasquan,as it will upright the area and more ratables. The proposed foot print of the new structure will total 38.8%
Mr. Grasso testified the proposed revisions to the existing house are basically adding living space to the second floor modifying the first floor by putting a staircase in what was currently the kitchen area and converting the master suite to the second floor. The third floor area is storage space and a loft to overlook the view. The heating unit will be in the storage space. When complete there will be 2 bedrooms down and one up, and 2 baths.
Mrs. Dempsey came forward and stated they tried very hard to

bring the house in and not make it such a mass down there. They are going to live there and they want it to look nice.
She said they know they are in violation so they tried to come back as best as they could so it would look nice.
Mr. Byrnes asked Mr Grasso if the Board could grant the variances requested without substantial detriment to the public good? Mr. Grasso testified yes. Mr.Byrnes asked Mr. Grasso if the granting of these variances be done without substantially inferring the intent and purposes of the zoning plan and zoning ordinances. Mr. Grasso testifed yes, as he doesn't believe there is any detriment caused by this as there are other people along the street that are doing the same things, and if it's not a detriment caused by them why would it be by the Dempsey's. It looks like it's in the spirit of the neighborhood.
MR. Grasso testified this application will not restrict the flow of air or impair or restrict the flow of light in the area.
Mr. Grasso testified he sees gabled ends comimg down to decks, which means that portions now blocking light to adjacent properties are increasing amount of light and air. It will not affect traffic patterns at all. He testified the change will be compatable to othe structures in the neighborhood. He testified the benefits outweigh the detriments as the Dempsey's are making an improvement to the property and making himself happy and making a better community for all who have an interest in Manasquan. Mr. Dempsey is encouraging the neighbors to improve their property.
Mr. Byrnes asked Mr. Dempsey if the Board says no or it says you can't do this project, what kind of a hardship would it put on you other than finance? MR. Dempsey said he would probably make it a group rental and buy somthing else and move to another neighborhood. Mrs. Dempsey testified they have their big house for sale and they would have to start all over and decide where they wanted to go. Mrs. Dempsey was sworn in by Mr. Byrnes.
A site inspection was not needed.

Mr. Langella moved the public hearing be closed seconded by Mrs. Kazenmayer followed by the following: "YES"- R.Brittle, M. Kazenmayer, J. Langella, E.Lyons, P.Walsh, J.Burke, J.VanStolk and G. Bialas.

Mr. Langella stated the plans were drawen in such a way to bring the addition into conformance, the issue of the steps have been addressed and he feels there is no problem. Mrs. Walsh feels it is a very large structure for a small piece of property, she is concerned with the size of the half story. She is concerned with the flow of light on the property that is located to the east. She thinks the architect has tried to deminish the impact and she is concerned that if eveyone on the street goes up to $2\frac{1}{2}$ stories there is going to be a very compact area.
Mr. Langella, Mrs. Kazenmayer and Mr. Bialas thinks the new

addition conforms which is very important and they think it will be an improvement. Mr.Brittle,Mrs.VanStolk and Mr. Lyons thought it was a great improvement to the area.

Mr. Dempsey testified he owns the land and house since 1992.
Mr. Grasso testified the steps will just be going toward Pike.

Mr. Langella moved for a favorable resolution considering the changes that have been made and also include in there that a anew set of plans be submitted showing the dimensions and numnbers that were mentioned, seconded by Mrs. Kazenmayer followed by the following vote: "YES"- R.Brittle, M. Kazenmayer, J.Langella, E.Lyons, J.Burke, J.VanStolk,G.Bialas. "NO"-P.Walsh. For the record, Mr. Bialas vote is not counted.

Mr. Byrnes told Mr. Dempsey his application has been approved, conditioned upon his Architect submitting a revised set of plans by September 8th.

Mrs. Walsh moved for a five minute recess, seconded by Mrs. Kazenmayer, at 9:55 p.m. followed by the following: "YES" - R.Brittle, M.Kazenmayer, J.Langella, E. Lyons, P.Walsh, J.Burke, J.VanStolk and G. Bialas.

The Board returned at 10:05 p.m from their recess with the following roll call: R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, P.Walsh, J.Burke, J.VanStolk and G.Bialas.

APPLICATION - 13-95 -Donald Horn, 548 Riverside Drive.
Malcom Greenberg from Greenberg, Mellinger, Rudenstein & Frese, 301 Main St. West Orange, N. J., is representing the applicant.
The Boards file was marked as A-1 to A-8. Owner wishes to construct a partial second floor addition to existing dwelling and first floor deck. This application is denied for the following reasons: 107-27 Rear Setback - 20 Ft. required,11.96 ft. existing. 107-33 Structures in fron yards. Open terrace to have front yard setback of 10 ft. 4.89 Ft. proposed. Lot front is Riverside Drive. Flood zone A-5 not applicable.

Mr. Byrnes swore in Mr. Donald Horn, 293 Parsonage Hall Rd., Short Hills, N. J., also Architect Richard Grasso, Main St., Manasquan, N.J..
There was some discussion as to what was the front yard and the side yard by Mr. Bialas. Mrs. Kazenmayer said the short side of the lot is always the front.
Mr. Burke said Mr. Horne will need a side yard setback on Third Avenue, also rear yard setback and a variance for the side yard on Riverside Drive.
Mr. Burke propossed to the Board, looking at it the way he sees it, he would go with Mr. Grasso's determination that the front

yard goes all the way out to Riverside Drive, The Board agreed with that.
On the front yard setback the Board will determine the way Mr. Grasso drew on the plans 38 Ft. going parallel to the side yard property line. The variances we need are for rear yard setback, side yard setback on Third Ave. which is 4.89 Ft., 7 Ft. required and side yard setback on the east property line which is 4.5 Ft., 5 Ft. required. The applicant is asking for 3 variances.

Mr. Byrnes said the chart says in an R-3 Zone you need 3400 sq. ft. of lot area, according to plans there are 5,972 sq. ft. which is alright. Need 40 Ft. of frontage, there is 38 Ft. so a variance is needed for the front. The 25Ft. front yard setback is covered, a 5Ft. side yard set back is covered, 7Ft.side yard set back for a corner is covered, and a 20 Ft. rear yard setback is covered. Mr. Byrnes asked Mr. Grasso how high the building was in height. Mr. Grasso testified proposed 23FT. and Building coverage is 26%, lot coverage is 37%
Mr. Byrnes said 4 variances are needed for an R-3 Zone, but what about the flood zone being it is on Riverside Drive? There is noting in the Denial as pointed out by Mr. Byrnes.
Mr. Burke stated if your addition was more than 50% of the assessed value of the house, you would be required to put the whole building up on pilings. MR. Grasso testified the building will be less than 50% of the assessed value.

MR. Burke suggested to the Board that any decision that is made tonight on this application, before the resolution is read next month, that they get an answer from Mr. Ratz on the flood zone.

Mr. Horne testified he is the owner of the property, which was purchased 12 years ago, and the land was purchased from the Timber Co. in 1992. He testified he wants to put a second floor on the existing building. Pictures submitted for evidence were marked A-9 and A-10. Mr. Horne testified A-9 is the front of his house as it looks now and A-10 is the side of the house as it presently looks which runs along Third Ave.. Mr. Horne testified he intends to remove a bedroom from the first floor build a dormer on the second floor and add a bath and bedroom space. He testified the rear line of the house will remain exactly as it is now. The only changes in the front is that a porch will be added and the porch will move a little closer to the neighbor on the right and a little closer to Third Ave. on the left, as testified by Mr. Horne. The only kitchen facilities are on the first floor. Mr. Horne testified his reasons for the addition are to improve the house as he is thinking of living there permanently, he has 21 grand children and needs the room.

MR. Grasso testified he has drawn the plans and the Horne's wanted to have all of his living on one level for he and his

wife and the upstairs for his children and grandchildren when they visit. MR. Grasso testified the only addition to the original foot print of the house is the Terrace on the front Third Ave. side, 5FT. porch and the second floor loft, which is the end space. Mr. Grasso testified they are upgrading the beach community, improving the value of real estate, hoping to encourage other people to do the same. Mr. Horne testified he paid $195,000. for the property back in 1992.
Mr. Byrnes asked Mr. Grasso if the cost of the proposed addition exceed 50% of the value of the property? Mr. Grasso said this renovation will probably be in the $80 to $90,000. dollar range. He also said the value of the house in that location is probably in the $300.000 dollar range. There is no impact on light, air and traffic as testified by Mr. Grasso.
Mrs. Kazenmayer questioned the stairs in the rear and the length of the deck. Mr. Grass said the deck is 14 ft. long.

A motion by Mrs. Kazenmayer, seconded by Mr. Langella was made to close the public hearing on this application, followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, P.Walsh, J.Burke, J.VanStolk and G. Bialas.
No site inspection was required.
Mrs. Walsh assumes Mr. Langella is concerned about the flood requirements and the height of the finished floor and how this complies with the rest, other than that she has no problem. Mr. Langella stated other than that he has no problem as long as that is covered.

Mr. Byrne stated if the vote is favorable or a motion is made for a favorable resolution, that it be conditional upon the applicant providing a flood zone certification. Mr. Grasso said he would take care of it with Mr. Ratz.
Mr. Langella moved for a favorable resolution based on the submission of the flood requirement elevations approved by Mr. Ratz, seconded and followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, P. Walsh, J.Burke, J.VanStolk.

The Board agreed to exempt the Shiloh Baptist Church when they come in. The Board approved to pay all bills.

A motion to adjourn the meeting at 11:00 p.m. was made by Mr. Langella, seconded by Mrs. Walsh followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, J.Langella, E.Lyons, P.Walsh, J.Burke, J.VanStolk and G.Bialas.

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

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COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
SEPTEMBER 20, 1995 MEETING AGENDA

On Wednesday September 20, 1995, 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..

REVISED AGENDA FOR 9/20/95

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 27-95 - Dr. Ira & Susan Schulman -47 Beachfront

APPLICATION - 17-95 - Thomas & Joan Fahey - 74 Rogers Avenue

APPLICATION - 20-95 - David & Tracey Place - 39 Main Street

RESOLUTION - 17-95 - George & Cynthia Dempsey - 551 Pike Avenue

RESOLUTION - 13-95 - Donald Horne - 548 Riverside Drive

RESOLUTION - 26-95 - Dr. Eileen Masterson - 300 Perrine Blvd.

OLD / NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

Revision 9/14/95

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

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MANASQUAN ZONING BOARD OF ADJUSTMENT

September 13, 1995
SPECIAL MEETING AGENDA
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

On Wednesday September 13, 1995, 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 - 26-95 - Dr. Eileen Masterson - 300 Perrine Blvd.

APPLICATION - 27-95 - Dr. Ira & Susan Schulman -47 Beachfront

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES - SEPTEMBER 13, 1995
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held a special meeting on September 13, 1995, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, opened the meeting at 7:00 p. m.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: R. Brittle, E.Lyons, J.VanSchoick, J.Burke and J.Van Stolk.

WORK SESSION - Meeting with Planning Board members, Chairman Chris Rice and Vice Chairman Robert Zanes, on Borough Zoning Ordinance Changes.

Mr. Zanes stated this dates back 10 years. The issue is how you look to the development of the beachfront over the next 20, 30,40 years. They came up with a solution, first with building height and how to deal with it. The issue was to lower the height limitation to 27 Ft. measured from the beach walk or measure on First Avenue, the crown of the road. With some architectual help they created an envelope with which the building would be built. Thiswould challenge the architect to be very creative. The concluded 17½ Feet from grade up would be enough to create a story and a half which would clearly allow a garage on First Avenue. Using the set back lines and create a 30 degree envelope in which the rest of the building would be built. That in essence would create light and air, it would bevery challenging to architects and create a very interesting beachfront, skyline and roof lines. It would take into account, narrow lots, wide lots, the more you would be able to build on larger lots, the less on narrower lots. It would keep the structure in same scale.

Mr. Rice gave some back-ground on how they came about the heights and slopes. He stated on a larger scale like in New York City, they have a lot of sky scrapers next to each other, they have a similiar problem, so there is a code that says if you go up 10 stories you come in 10 feet, the reason for that is light and air. That is pretty much the reason we came up with this.
If every one built a 35 Ft. rectangular house, there wouldn't be any light and air coming through on the beachfront.
We worked it out on paper to see what they thought the average person on a standard lot would be able to achieve within 17½ feet before they started to slope at 30 degrees.

The diagram shows that the building can go up step in, go up and step in, or it can be a sloped roof. This ia just a foundation for what they are trying to achieve, again light

and air on the thiner lots, this 30 degree imaginary line will limit the height on their lots, they may not be able to achieve the 35 but proportionitly it makes sense. The sub committee spent a lot of time on this, it's been kicking around for a long time and now it's out, and the Planning Board is expecting some applicants to come to them and say this is what you asked for and this is what we can do with it, it works.
Mr. Rice said this envelope works for the time being.

MR. Byrnes said the way he is reading this, this particular restriction only applies to R-4 Zones, so this Board should not consider this restriction for any of the other zones in reaching a decision. MR. Rice said that is right but it was not their intent. Mr. Byrne referring to schedule 2, says the vertical plane of the wall at the set back lines on the north, south and westerly sides of the property. At the side set-back line, assuming it is 5 Ft. you go through an imaginary 17½ ft. in the air then take the 30 degrees from the center of the property from there - most of the houses in the R-4 Zone area already don't meet the 5 ft. setback, so do we go from the 5 ft. setback line or if they have a 2 ft. set-back existing do we go from the existing 2 ft.? Mr. Zanes answer was if your going to have a 2 ft. side yard set-back your probably going to give a variance to do that, and that in fact will then become the set-back line upon which the 17½ Ft. will start.assuming it is 5 ft.

Mr. Byrne asked if an application for a building permit is requested, the house is in the R-4 Zone, and it is going to meet all the set-back requirements, will the plans still have to conform to this limitation if no variances will be necessary?
Mr. Rice and Mr. Zanes said yes. Mr. Byrnes asked how are they going to do that, if no variances are necessary - just a building permit? Mr. Rice said it all comes down to what they are doing to the house.
John Winterstella Mayor of Manasquan, put his presence on the record. He stated if it's in the R-4 zone the construction official probably would not issue a permit without a variance if it exceeds this envelope. This is now part of the zoning code of the Borough of Manasquan.

Before going into the regular session, Mr. Burke said there is a very big chance that we may not be able to hear Dr. Schulmans case tonight, reason being, Mr. Schulman is a use variance, he requires 5 affirmative votes, so there must be 5 voting Board members here. You see 5 Members here tonight, but I (Mr.Burke) live within 200 Ft. of Dr. Schulman, so I must step down and cannot vote, which leaves 4 members. We are suppose to have a 5th member here, but he has not shown up yet.
If he shows up we will give Dr. Schulman the option of hearing

his case. If he does not show up, we cannot hear Dr. Schulmans case.
Mr. Keith Henderson attorney for Dr. Schulman came forward and asked Counsel for an opinion. He stated Mr. Ratz,Building Official indicated a Use Variance was required, but if you look at what is in the application and applied for, it is not a Use Variance, it should be a Hardship variance in his opinion.
Board Attorney Mr. Byrnes stated even if that's the case, there are still only 4 members and that doesn't constitute a quorum.

APPLICATION - 26-95 - Dr.Eileen Masterson - 300 Perrine Blvd.
Board Attorney Mr. Byrnes marked the file as A-1 to A-13, which concluded the marking of the file. Pictures given were markeed A-14
Eileen Masterson - 300 Perrine Blvd., Manasquan and Michael Baine - 356 Kelly Ave., Bricktown were sworn in by Mr. Byrnes.
Michael Baine is the applicants contractor from Michael Baine Contracting Corp.

Owner wishes to remove existing enclosed porch and replace with new larger porch and enlarge second floor. R-2 Zone.
This application was denied for the following reasons: 107-27 Front setback - 25 Ft. Required - 13 Ft. proposed. 107-27 Side setback - 5 Ft. required, 4.37 Ft. existing.
107-27 Maximum Building Coverage - 30 percent permitted, 33 percent proposed. 107-27 Maximum Lot Coverage - 45 percent permitted, 65 percent proposed. Hardship Variance.

Dr. Masterson testified she purchased the house in 1992, which she bought for vacations. There was a problem with the porch which leaked when there was a north east storm. She testified in photograph A-14 she wants to bring the porch to the east amd the west covering the windows on each side but not changing the existing front setback at all, so she won't be changing any set backs in the house.
Basically they are bring the porch out, going to eliminate the dormer, going to have a flat roof over the porch, which will be used as a deck and the entrance to the deck will be from the second story bedroom. She testified the attic area will not be a living area.

A motion was made by Mrs VanStolk to close the public hearing seconded by Mr. Lyons, followed by the following vote: "YES" R.Brittle, E.Lyons, J.VanSchoick, J.Burke and J.VanStolk.

Dr. Masterson testified it will not impair the flow of air or light to other houses in the neighborhood. She testified it will enhance the neighborhood, improve the value of the neighborhood properties also improve the value of her house. The traffic will not be increased by this improvement.

She purchased the land and house in 1992, she moved in 6 months before the northeast storm. She has not made any additions or improvements since she purchased it.

Mr. Byrnes stated this is a hardship variance so you require a majority of the voters. We have 5 voters present and you will need 3. You do have the option of asking the Board not to vote tonight and perhaps the other Board members not here tonight will listen to the tapes and they will then be able to vote. Dr. Masterson testified she would like them to vote tonight.

Mr. Byrnes asked the Board to allow him (if the resolution is granted) to make a condition upon a revised set of plans being submitted by the architect in regard to the two changes or corrections, one is a change on the deck entending only 18" rather than 24", the other is as to the dormers seen on one part of the drawings and not on the other.

A motion for approval of this application with revised plans was made by Mr. Brittle, seconded by Mrs. VanStolk, followed by the following vote: "YES" R.Brittle, E.Lyons, J.VanSchoick, J.Burke and J.Van Stolk.

Mr. Byrnes said he will try to have the resolution ready to be read at the meeting of Sept. 20, 1995, if not it will be read next month at our meeting. When the new plans are submitted they will be marked A-12A.

Mr. Keith Henderson put his appearance back on the record as attorney for the applicant - Dr. Schulman.

Mr. Burke apologized to Mr. Henderson and Dr. Schulman as there are still only 4 Board members and we will not be able to hear the case tonight. You will be heard next Wednesday and you will be first on the agenda.

Mr. Byrnes announced that Application 27-95 Dr. Ira & Susan Schulman - 47 Beachfront will not be heard tonight, simply due to the fact that we do not have enough eligible Board members to vote should it be completed - 5 are required, out Chairman Mr. Burke resides within the notice area and must disqualify himself from this application and that leaves only 4 votes. The matter will be heard next Wednesday September 20, 1995, here at 7:30 p.m.. It will be the first matter on the record. Every one here tonight is notified it will be carried one week and one week only.
Mr. Byrnes marked the Boards File as A-1 to A-8.
Mr. Henderson thought his client should get credit for the money he put up for the Special meeting as he had no benefit

from it.

Mr. Henderson asked Mr. Byrnes to take a look at, between now and the next meeting, Mr. Ratz interpretation of a Use Variance requirements, as Mr. Henderson does not think that is correct. Nr. Henderson stated the use itself is conforming, its residential, it's in a residential zone, it's in the R-4 Zone. The various variances that are being requested are all essentially bulk variances..There is no requested use variance. The other thing they would like to know is if there is going to be a site inspection, would it be possible to do it between now and the next meeting? Mr. Grasso was sworn in by Mr. Byrnes.

A motion was made by Mr. Lyons for a site inspection on Saturday September 16, 1995 at 9:00 a.m. seconded by J.VanSchoick, followed by the following vote: "YES" - R.Brittle, E.Lyons, J.VanSchoick, J.VanStolk.

Motion was made seconded and unanimously carried to adjourn the meeting at 8:25 p.m..

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - SEPTEMBER 20, 1995
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on Sepotember 20, 1995, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, opened the meeting at 7:30 p.m.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute of the Flag.

ROLL CALL: R.Brittle, E. Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk, and G. Bialas.

A motion was made and seconded to approve the minutes of August 16, 1995 regular meeting, carried by the following vote: "YES" R.Brittle, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G.Bialas.

APPLICATION - 27-95 - Dr. Ira & Susan Schulman - 47 Beachfront.
MR. Burke stated this application is not going to be heard tonight, as there was going to be only 5 voting members and (we ended up with 6) we gave Dr. Schulman an option of hearing it when we had a full board and he took that option and withdrew the case this morning. The Board does not know when it will be heard. If any one is interested they should watch the newspaper or call the Secretary to see when it is scheduled.
Mr. Byrnes stated he received a call from the applicants Attorney Keith Henderson this morning, stating he received a call from the Board Secretary stating there were only going to be 5 voting members to hear the application. Mr. Henderson stated it was his intention to ask that the matter be carried "using his words" until a full Board is present and he would be contacting the Board Secretary accordingly.
Mr. Byrnes, for the record, stated that last week Mr. Henderson made an inquiry, apparently it's his position that the Schulman application involves a Hardship Variance and not a Use Variance. He stated on record that he was going to provide Mr. Byrnes with legal argument, case law, references what have you, so that MR. Byrnes could check into the matter and make a ruling tonight. Mr. Byrnes stated when he left his office today at 5:00 p.m. he had not received anything from Mr. Henderson, so he is not in a position to make any determination.

MR. Byrnes stated the Board will have to make a decision tonight as to whether or not they will require new legal notices to be sent out. On September 13, 1995 the file was marked so they would not have to renotice, but that was only if they would be heard tonight.

MR. Burke stated being they did not come in tonight, they will have to renotice.

A motion was made to put the Schulman application on the last case in October and notify Mr. Henderson that they will have to renotice, seconded and followed by the following vote: "YES" R. Birttle, E.Lyons, P.Walsh, J.VanSchoick, J.Burke. J.VanStolk and G. Bialas.

Mr. Byrnes said he would notify Mr. Henderson by letter.

APPLICATION - 17-95 - Thomas & Joan Fahey - 74 Rogers Avenue.
Mr. Byrnes marked the Board's file as A-1 through A-9B.
Owner wishes to enlarge front dect to 10 feet and put roof over deck. R-2 Zone.
This application was denied for the following reasons. 107-30 Lot has two dwelling unitswhere only one principal dwelling is permitted. 107-27 sideyard setback - 5 Ft. required, 2 Ft. 7 inches existing house. Use Variance. A-5 Flood Zone not applicable.

Mr. Byrnes swore in Joan Fahey, 74 Rogers Ave. as of December 1, 1995, and Eileen Lidon, 1134 Ivy Rd., Manasquan Shores, Wall.N.J.

Mrs. Fahey said the plans were drawn by her son and his buddy. Mrs. Fahey said she would like a porch like the Chief's porch. She has a deck now and would like to lengthen it 2 ft. and put a roof over it. Mrs. Fahey owns the houses and the land about 12 years. She rents out the rear house in the summer.

A motion to close the public hearing on this application was made by Mr. VanSchoick seconded by Mrs. Walsh followed by the following vote: "YES" R.Brittle, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G.Bialas.

Mr. Byrnes asked Mrs. Fahey if she had any intentions of enclosing the porch or living out there and she testified no. She testified there would be no increase of electricity and no plumbing. She feels it would look better than the deck.

A motion was made to aprove this application, seconded and followed by the following: R.Birttle, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G. Bialas.

APPLICATION - 20-95 - David & Tracey Place - 39 Main Street
THe file was marked by Mr. Byrnes as A-1 through A-11 A through 11-E.
Owner wishes to construct approvimately 16' x 18' deck on existing dwelling. R-2Zone.
This application wa denied for the following reasons: 107-27 Side yard setback - 5Ft. required, 2.9Ft. existing. Proposed deck will conform to all setback requirements; existing house

is 2.9' from side yard line. Hardship variance.
MR. Byrnes swore in Tracey Place, 39 Main St. and David Place 39 Main St. Page Place - 3 weeks old - first official appearance in any type of legal proceedings.

MR. David Place testified he just tore down steps on the side of the house due to termite infestation. He plans to replace the steps, add a cat walk along the side of the house into an 16'x 18' deck which will be built on the rear of the house. The cat walk will be 3' wide going to the rear of the house into the deck. Mr. Place testified in picture A-11B it shows the complete area in which the deck will be constructed including the area where the steps were taken down and the rear entrance to the house. The deck will come down the side of the house, the same width as the stairs 3' and then when it gets to the corner of the house it will be in line with the house and not jet out. There will be a railing on the deck.
Mr. Place testified he owns the house and property approximately 3 years. The elevation of the deck will be approximately 3'.
He testified he has no plans to enclose the deck.

A motion was made by Mrs. Walsh seconded by Mr. VanSchoick, to close the public hearing, followed by the following vote: "YES" R. Brittle, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G. Bialas.

No site inspection was required. Mr. Place testified it will preserve the character of the neighborhood. There is one other deck in the neighborhood. It will not have any impact on his neighbors and will not block the flow of air and light. It will enhance the beauty of his home.

A motion for a favorable resolution was made by Mr. VanSchoick, seconded by Mr.Lyons, followed by the following vote: "YES" R.Brittle, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G. Bialas.

A letter from Gordon Bird was read, asking for a special meeting. Gordon Bird, 1025 Vossler Avenue, Martinsville, N. J. was sworn in by Mr. Byrnes, regarding 367 Beachfront.
MR. Bird testified he wants to replace the existing structure with a new structure on the existing foundation, but was denied as it was changing the previous resolution.
Mr. Burke stated the Board gave you permission to expand the second story to an existing 1½ story structure. When you went to get the building permit, Mr. Ratz told you the house had to go up on pilings because it's in the B-6 Flood Zone and to do that the house would have to be moved off the property, put the pilings in and move tahe house back. On the beachfront there is no place to put the house while doing this. The alternative

ia to completely take the house down and rebuild a new house on pilings that you put in. Mr. Bird testified that was correct. Mr. Burke told Mr. Bird he has to go to Mr. Ratz, get the official denial, bring it to the Secretary, she will give you the forms to fill out, fill them out, return to the Secretary and you will be put on the schedule for the earliest date. If that date is not satisfactory to you for reasons that you deem necessary for a special meeting, then you can go to the Board to apply for a special meeting.

RESOLUTION - 17-95 - George & Cynthia Dempsey - 551 Pike Ave.A favorable resolution was read by Mr. Byrnes with a correction that will be made on page 2 and page 4. A new set of drawings were submitted showing all the changes requested by the Board. A motion for a favorable resolution was made seconded and followed by the following vote: "YES" R.Brittle, E.Lyons, J.Burke, J.VanStolk and G. Bialas.

RESOLUTION - 13-95 - Donald Horne - 548 Riverside Drive
Mr. Byrnes did not read the resolution, as a flood zone certification was not submitted. The Board will have Mr. Byrnes send a letter to Mr. Grasso requesting the correct certificate and it will be read next month.

RESOLUTION - 26-95 - Dr. Eileen Masterson - 300 Perrine Blvd.
The revaised set of plans were received with the correct changes. The resolution was read by Mr. Byrnes. A motion for a favorable resolution was made by Mr. VanStolk, seconded and followed by the following vote: "YES"- R.Brittle, E.Lyons, J.Burke, J.VanStolk and J.VanSchoick.

OLD / NEW BUSINESS

APPLICATION - 18-95 - Ronald & Claudia DePasquale - 300 Euclid Avenue
A letter was read from Mr. DePasquale requesting to withdraw his application. A motion was made by the Board to charge him 10% of the $200.00 application fee and return $180.00 to him, seconded and followed by the following vote: "YES" - R.Brittle, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G.Bialas.

The bills were signed by Mr. Burke and a voucher for $180.00 was signed for Mr. DePasquale.

MR. Burke spoke about applications coming in and not having the right dimensions on the plans, so it was decided to have Mr.Burke or Mr. Brittle come in and look at the plans before they are put on the list.

A motion was made to go into executive session to talk about

a past case at 9:17 p.m. by Mr. VanSchoick, seconded by Mrs. VanStolk and followed by the following: "YES" - R.Brittle, E.Lyons, P.Walsh, J.VanSchoick, J.Burke, J.VanStolk and G.Bialas.

The Board came out of executive session at 9:55 p.m. A motion was made to adjourn the meeting, seconded and unanimously carried.

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

908-223-0544
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COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
SEPTEMBER 20, 1995 MEETING AGENDA

On Wednesday September 20, 1995, 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 - 17-95 - Thomas & Joan Fahey - 74 Rogers Avenue

APPLICATION - 20-95 - David & Tracey Place - 39 Main Street

RESOLUTION - 17-95 - George & Cynthia Dempsey - 551 Pike Avenue

RESOLUTION - 13-95 - Donald Horne - 548 Riverside Drive

OLD / NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

Yours truly,

Marie Applegate, Secretary
Manasquan Board of Adjustment

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - OCTOBER 18, 1995
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on October 18, 1995, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, opened the meeting at 7:30 p.m.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: R.Brittle, E.Lyons, J.VanSchoick, J.Burke and J.Van Stolk.

A motion to approve the minutes of September 20, 1995 with corrections, was made by J.VanSchoick, seconded by J.VanStolk, followed by the following: "YES"- R.Brittle, E.Lyons, J.VanSchoick, J.Burke and J.VanStolk.
Mrs. Kazenmayer arrived at 7:45 p.m.

A motion to approve the minutes from the Special Meeting of September 13, 1995 was made by Mrs. VanStolk, seconded by Mr. Lyons, followed by the following: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.Burke and J.VanStolk.

Mr. Burke stated 2 letters were recived, one from Mr. Jack Langella who is resigning from the Board due to business and the other from Mr. Gene Bialas who is resigning for the same reason. Both resignations have been accepted by the Mayor and Council which makes the Board short 2 members. Mrs. VanStolk is now a regular member.

APPLICATION - 22-95 - Eugene & Jean Bunce - 160 McLean Avenue
Mr. Byrnes marked the file as A-1 to A-13.
This application involves property at 160 McLean Ave, Block 159, Lot 6 in R-1 Zone. Owner wishes to construct 18' x 24' addition to existing dwelling, consisting of bedroom and bathroom.
This application was denied for the following reason: 107-27 Front setback - 25 Ft required, 10 Feet existing.
NOTE: the front setback is existing and will not be changed by this proposed addition. A-5 Flood Zone - addition is required to comply. Hardship variance.

Eugene J. Bunce, 160 McLean Avenue and Michael Kurc, 32 Taylor Avenue -(D & M Custom Builders),were sworn in by Mr. Byrnes.
Mr. Bunce testified he is the owner of the property and he purchased it in 1972. Mr. Bunce testified his wife is on Chemo Dialysis, her mobility and stamina are quite limited and they want to have all the necessary facilities on one floor, bathroom, washer, dryer and bedroom, so she doesn't have to climb stairs.
Mr. Kurc tesified they are building a breezeway, bedroom an

bath on the back of the house. Mr. Kurc testified from the back door of the kitchen, you will enter into the breezeway, which is 9' x 9', a bath on the side and a bedroom in the back. It will have electric baseboard heat.
A motion was made by M. Kazenmayer seconded by J.VanStolk to close the public meeting, followed by the following vote: "YES" R.Birttle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.Burke and J.Van Stolk.
The proposed renovation will not affect the flow of traffic in the area, nor will it block the flow of air or light.

M. Kazenmayer made a motion for a favorable resolution of this application with stipulations, seconded and followed by the following vote:"YES"- R. Birttle, M.Kazenmayer, E.Lyons, J.Van Schoick, J.Burke and J.VanStolk.

APPLICATION - 23-95 - Shiloh Baptist Church - 44 Union Avenue
Mr. Richard Hogan, Attorney with an office in Ocean Grove put himself on record as attorney for the applicant.
Mr. Byrnes the Board Attorney marked the file as A-1 to A-7 which involves property at 44 Union Avenue.
Owner proposes to construct a second story addition on existing church. B-1 Zone.

This application is denied for the following reasons:
107-13 D (3) A church is an approved conditonal use, however all of the requirements of 107-42 must be met to be an approved use. This property and structure do not meet all of the requirements of the conditional use and therefore a USE VARIANCE is required. 107-27 Sideyard setback- 3 Ft. required, 1.6 Ft. existing. 107-36.A Schedule II - Parking - one space for every four seats is required. Plan does not show any designated parking spaces. NOTE: The existing sideyard setback wil not be affected by the new construction. Also, the proposed addition will not add any seating to the church. USE VARIANCE. A-5 Flood Zone not applicable.
The following were sworn in by Mr. Byrnes - Rev. Gerald A. Schenck, Pastor, 115 Newton Corner Road, Howell, N.J. pastor for the last 17 years, and Deacon J.Edward Stives, 1 Nantucket Ct., Howell, N. J.
Rev. Schenck testified the Shiloh Baptist Church was born in 1909. In 1924 and 1957 the church was remodeled, but the facilities at this point to meet the needs of the ministry at this time are inadequate, in that they don's have office space. What they are proposing is for office space and conference space. Mr. Byrnes questioned Rev. Schenck as to how many parking spaces they had. Deacon Stives testified they are not adding any more seating space to the church. He testified they now have 14 parking spaces, but the way they utilize the parking space they can double that in 5 or 6 more spaces, they also use the office

next door for weddings and funerals. Deacon Stives testified the addition will be used for pastor study, church office and a small conference room. Deacon Stives testified they have been using the attorney's office next door for parking for about 30 years. Pastor Schenck testified the addition would allow them to meet with people who need assistance during the day. Deacon Stives testified if approved it would not be a detriment to the town, it would not obstruct air or light to any of the neighbors.

Mr. Byrnes swore in Mr. Noel Hood, 161 Beachfront, Manasquan,. He testified he owns the property right behind the church and he sees no problem with this application. They have been a good neighbor to him and he is in favor of the addition.

Mrs. Betty Kolavetz, 23 Euclid Avenue, Manasquan, was sworn in by Mr. Byrnes. She testified she lives directly behind the church for 52 years, and she has no problem with the church.

Mrs. Kazenmayer made a motion to close the public hearing on this case, seconded by J. VanStolk, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.Burke and J.VanStolk.

Mr. Byrnes stated this property is in a B-1 (Business Zone), and there are certain requirements set forth in our zoning schedule. He asked Mr. Hogan the height of the proposed addition. Deacon Stives testified it is 30 Ft. or less. The percentage of the building coverage is 1/3, which is in excess of 10%. Byrnes asked Mr. Hogan if they would like to move to amend the application to include additional variance from that requirement. Mr. Hogan stated he would ask the Board to consider that, also a variance for the lot coverage.
Mr. Byrnes stated the Board will have the Town Engineer review and comment on the stream that runs under the parking lot.

A motion by Mr. VanSchoick for a favorable resolution was made and seconded by J.VanStolk, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.Burke, J.VanStolk.

RESOLUTION - 13-95 - Donald Horn - 548 Riverside Drive.
A flood elevation certificate was marked as exhibit A-9.
Mr. Byrne read the resolution. A motion for a favorable resolution was made by J.VanStolk, seconded by M.Kazenmayer, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, J.Burke and J.VanStolk.

RESOLUTION - 19-95 - Thomas & Joan Fahey - 74 Rogers Avenue.

The resolution was read by Mr. Byrnes. A motion for a favorable resolution with correction was made by J.VanStolk, seconded by E.Lyons, followed by the following vote: "YES" - R.Brittle, E. Lyons, J.VanSchoick, J.Burke and J.Van Stolk.

RESOLUTION - 20-95 - David & Tracey Place - 39 Main Street.
Mr. Byrnes read the resolution. A motion for a favorable resolution was made by J. VanStolk, seconded by E.Lyons, followed by the following vote: "YES" - R. Brittle, E.Lyons, J.VanSchoick, J. Burke and J. VanStolk.

Special meetings were requested by Campbell / Crowell and Gordon Bird.
A special meeting was granted to Campbell /Crowell, for 7:00 p.m. before our regular meeting on November 15, 1995, motion made by J.VanStolk, seconded by J.VanSchoick, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.Burke and J.VanStolk.

A motion was made to pay all bills seconded and unanimously carried.

Mr. Burke stated in the past if there were two applications on for a special meeting we have split the $300.00 cost between them, charging them $150.00 each. Mr. Burke doesn't believe that is covering the cost of the meeting, so in December we will change the bi-laws to read $300.00 each application.

A motion was made to adjourn the meeting at 9:45 p.m. seconded and unanimously carried.

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

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NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
OCTOBER 18, 1995 MEETING AGENDA

On Wednesday October 18, 1995, 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 - 22-95 - Eugene & Jean Bunce - 160 McLean Avenue

APPLICATION - 23-95 - Shiloh Baptist Church - 44 Union Avenue

RESOLUTION - 13-95 - Donald Horne - 548 Riverside Drive

RESOLUTION - 19-95 - Thomas & Joan Fahey - 74 Rogers Avenue

RESOLUTION - 20-95 - David & Tracey Place - 39 Main Street

OLD / NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - NOVEMBER 15, 1995
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on November 15, 1995 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, opened the meeting at 8:30 P.M.. He stated this is an open oublic meeting held in accordance with the Open Public Meeting Act and held according to law.

ROLL CAll: J.Burke, R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.VanStolk, N.Hood and J.Miller.

APPLICATION - 21-95 - Michael Collins - 82 Ocean Avenue.
Mr. Byrnes marked the Boards file as A-1 to A-8. Owner wishes to construct addition and deck to existing dwelling. R-2 Zone. Application denied for the following reasons: 107-27 - Side yard setback - 5 Ft. required, 4.3Ft existing. 107-27 Lot frontage - 50 Ft. required, 40 Ft. existing. Existing house is 4.3 Ft. and the proposed additions and deck willmeet all zoning requirements.. Hardship variance. A-5 Flood zone not applicable.
Michael J. Collins, Jr. - 82 Ocean Avenue was sworn in by Mr. Byrnes.

Mr. Collins testified he would like to reconfigure the internal back half of the house and in doing that, he would like to add approximately 4 feet to the east side of the house, in addition add bay windows to the rear of the house which ends up with a proposed addition of approximately 4 feet on one side and 2 feet in the rear. Mr. Collins testified the proposed addition will be part of the kitchen, in addition to being a dining area with bay windows overlooking Stockton Lake. He testified the floor plan as it now exists is fairly unpractical, his refrigerator, dining area and kitchen area are in 3 different rooms seperated by 3 different walls. He would like to open up and make it flow a little. He testified he is moving the bedrooms around. Currently there are two bedrooms - on the new plans he would like to open it up, move the bathroom and utility room to one side of the house, have the kitchen wrap around in an L shap around the back of the house and move the 2 bedrooms together on the west side of the house. He testified he his not extending out to the side of the house at all and he is not extending to the existing rear except for the bay windows.
This application includes the deck also. He has owned the property and land for 6 months.
He testified, on the blue prints - in the upper right hand corner the shaded in areas is realy all he is doing is squaring off the house and adding the deck. Mrs. Van Stolk pointed out that the town ordinance for the front is 25 Ft. and the applicant only has 19.1 ft. Mr. Burke said if it is alright with Mr.Collins the Board will have to add another variance to the application

on front yard set-back. Mr. Collins testified he would like to amend his application to reflect an additional request for a variance on the front yard setback.

Martin Chapman - 86 Ocean Avenue was sworn in by Mr. Byrnes. Mr. Chapman testified he lives next door to Michael Collins and what he wants to do will improve the property and the general area.

MR. Collins testified the addition will improve and enhance it and hopefully stablize property damage, there will be no detriment to the area with this addition, it will not block light or air to any of the neighbors.

MR. Joseph Guzik - 80 Ocean Avenue, was sworn in by Mr. Byrnes. He testified he lives next door to Michael and what he wants to do with this property will definitely improve it.

A motion was made by M. Kazenmayer, seconded by E. Lyons to close the public meeting on this application, followed by the following: "YES - J.Burke, R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.VanStolk, N.Hood and J. Miller.

A motion for a favorable resolution was made by M.Kazenmayer, seconded by J.VanSchoick, followed by the following: "YES" J.Burke, R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.Van Stolk, and N. Hood.

A motion was made for a 5 minute recess, seconded and followed by the following vote: "YES"- J.Burke, R.Brittle, M.Kazenmayer, E. Lyons, J.VanSchoick, J.VanStolk, N. Hood and J. Miller.

The Board returned from recess at 9:10 p.m. with the following vote: "YES" - J.Burke, R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.VanStolk, N.Hood and J.Miller.

APPLICATION - 24-95 Richard & Geraldine Pincus -56 Clark Street
The Boards file was marked as A-1 to A-9A. Affadavit of Proof of Service will be marked as A-9B when it is completed.

Owner wishes to construct 8' x 20' covered porch on front of house. R-2 Zone. This application was denied for the following reasons: 107-27 - side yard setback - 5 Ft. required, 3.9 Ft. existing and proposed. Front yard setback -25 feet required, 17.1 ft. proposed. Hardship variance. Block 13 Lot 13.

Geraldine Pincus, 56 Clark Street and Richard Pincus, 56 ClarkSt. were sworn in by Mr. Byrnes, Board Attorney.
Mr. Burke stated there is a change that should be made on the denial from Mr. Ratz. It is somthing that was picked up on the

Board's inspection of the file last week and the applicant was asked to supplyus with the distance from the property line to the front of the house, taking into account the steps which were not taken into account on the plot plan. The acutal proposed distance is 13ft. 8 inches, according to the applicant adding the distance from the property line to the steps, rather than the porch itself.

Mr. Pincus testified they would like to put a front porch on the left side of their house facing Clark Street, which would improve the look of the house and in the spring it is a place for his elderly father to get out and sit. Mr. Pincus testified that the porch would not be closed in at any time. He also testified it will not block air or light from his neighbors. There will be no electric, water or heat out there. Mr. Pincus testified he thought the porch will enhance the neighborhood and it will increase the value of the house and improve the look of the house.

Mr. Hood has a problem with this, as he stated this is going to be the only house in two blocks that will be standing out like this. He stated all the houses are the same distance from the street and in changing this it is going to effect the zoning ordinance in Manasquan which is the setbacks. It is going to make your property more non-conforming than what it is at the present time. Mr. Hood could see if other houses were similiar to the Pincus house, meaning if they were all non-conforming in the front yard setbacks, he would agree with this, but you are going to be the only house like this.

Mrs. Pincus testified that if it were a living space and a confining structure, but a porch which is open she can not see where it is a problem.

A motion was made by Mr. Lyons, seconded by Mr. Hood for a sight inspection for Saturday November 25, 1995 at 9:00 A. M., followed by the following vote: "YES" - J.Burke, R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.VanStolk, N.Hood and J.Miller.

Mr. Pincus testified he purchased the property in 1978. Mr. Pincus waived the time period.

APPLICATION - 25-95 -Thomas & Jean Mountford - 393 Beachfront.
Mr. Deppeler, Attorney for the applicant, came forward and stated it was brought to his attention that the denial by Mr. Ratz dated November 8, 1995, required 2 additional variances to be applied for. He stated he has spoken to his clients and they are prepared to renotice people within 200 Feet and amend the application and notice accordingly. We ask the Board to entertain our application at the December meeting.

Mr. Byrnes, the Board attorney, said no vote is needed as the file has not been marked and no exhibits have been submitted. The application will be the first on the agenda for December.

RESOLUTION - 22-95 - Eugene & Jean Bunce - 160 McLean Avenue.
The resolution was read by Mr. Byrnes. J.VanStolk brought to Mr. Byrnes attention that a section requested by the Board was not included in the resolution. Mr. Byrnes has written a proposed section which was read to the Board.
A motion for a favorable resolution as amended was made by J.VanStolk, seconded by J.VanSchoick, followed by the following vote: "YES" - J.Burke, R.Brittle, M.Kazenmayer, E. Lyons, J.VanSchoick and J.VanStolk.

RESOLUTION - 23-95 - Shiloh Baptist Church - 44 Union Avenue
Mr. Byrnes read the resolution. A motion for approval of a favorable resolution was made by Mr. VanSchoick, seconded by Mr. Brittle, followed by the following vote: "YES" - J.Burke, R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick and J.VanStolk.
The Board Secretary was asked to call T & M and find out how much the bill would be on the comments and approval in regard to the underground stream that runs below the property.

Mr. Byrnes stated that on October 26, 1995 his office received a telephone call from Manasquan Tax Assessor Frank Nelson, regarding Resolution 18-94, John Paglia, SeaBreeze Partnership. "Mr. Nelson stated that he reviewed the resolution and that the resolution, quoting - neglected to require the owner to consolidate lots - legally the owner cannot build over lot lines." The resolution was not prepared by Mr. Byrnes -as it was a conflict of interest and the resolution was prepared by Mr. Bongiovani.

A motion was made by J.VanSchoick, seconded by M.Kazenmayer to go into executive session, followed by the following vote: "YES" J.Burke, R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.VanStolk, N.Hood and J.Miller.

The Board came out of executive session at 10:59 p.m.. Roll Call: J.Burke, R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.VanStolk, N.Hood and J. Miller.

Motion was made seconded and unanimously carried to adjourn the meeting at 11:00 p.m..

Very truly yours,
Marie Applegate
Marie Applegate, Secretary
Manasquan Board of Adjustment

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COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
DECEMBER 13, 1995, MEETING AGENDA

On Wednesday December 13, 1995, 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:

SPECIAL MEETING REQUEST - Rudy & Michele Graf, 267 Beachfront - 268 First Avenue

APPLICATION - 25-95 - Thomas & Jean Mountford - 393 Beachfront

APPLICATION - 24-95 - Richard & Geraldine Pincus - 56 Clark Street

APPLICATION - 28-95 - Robert Mermini/Terry Rafferty - 59 Wyckoff Avenue

APPLICATION - 30-95 - Gordon & Mary Lou Bird - 367 Beachfront

RESOLUTION - 21-95 - Michael Collins - 82 Ocean Avenue

OLD / NEW BUSINESS

DETERMINATION - Michele Calabrese - 75 Parker Avenue

EXTENSION REQUEST - Jeffrey & Anita Kohl - 35 Wigwam Path

(Work session will be conducted immediately after the regular meeting).

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

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COUNTY OF MONMOUTH
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MANASQUAN ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES - NOVEMBER 15, 1995
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held a special meeting on November 15, 1995, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, opened the meeting at 7:00 p.m.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: J. Burke, R.Brittle, M, Kazenmayer, E. Lyons, J.VanSchoick, J.Van Stolk, N. Hood and J. Miller.

A motion was made by J.VanStolk seconded by M.Kazenmayer to approve the minutes of October 18, 1995, carried by the following vote: "YES" - J.Burke, R.Brittle, M.Kazenmayer, E.Lyons, J.Van Schoick, J.VanStolk.

Mr. Noel Hood was sworn in as first alternate and James R. Miller was sworn in as second alternate by Mr. Byrnes.

The minutes were amended to reflect that the roll call was taken at 7:07 p.m. and that both Mr. Hood and Mr. Miller were present having been sworn in before the roll call.

29-95 - Campbell/Crowell - 138 Main Street
Mr. Byrnes marked the Boards file as A-1 to A-8. This application involves property at 138 Main St., Block 63 Lot 52, B-1 Zone. Owner wishes to add exterior stair tower to existing building which has retail sales on first floor and 5 apartments on the second floor. The application was denied by Construction Official Mr. Ratz, for the following reasons: 107-13 - 5 Apartments are not a permitted use of second floor. (Only 1 apartment is allowed). 107-27 - Front setback - 10 Ft. required, 0.47 Ft. encroachment on Borough Property existing. Side-Yard (Corner)- 7 Ft. required, 2 Ft. Existing and proposed. Maximum Building Coverage - 10% allowed, 71% existing. Maximum Lot Coverage - 60% allowed, 92% existing. 107-36 - Off street parking - None shown on plan. 107-52 -Site Plan Approval required. Not a flood hazard zone.

Wayne Crowell- 20 Thackeray Drive, Roseland,N. J. and Dennis Campbell, 2524 River Road, Manasquan, N. J. were sworn in by Mr. Byrnes.

Mr. Crowell testified the existing building as it exists, houses 5 apartments on the second floor with only one means of egress for the tenants to get out and go in off of Parker Avenue. It was the building inspectors recommendation and Mr. Crowell agrees, due to the fact that there was a fire in the early part of this year, we try to provide a second means of egress for

any new tenants that will occupy upstairs. He testified that there is a shed on the side of the building that takes up the majority of the footprint. They are not looking to encroach on the propety any more than what is being encroached by the shed. They are looking to remove 10 ft. of the shed and build in place of that an exterior stair-case, not to be mistaken by a fire escape or the appearance of a fire escape. The building official was very clear that he wanted a roof over it and be more of a permanent structure and I have taken the liberty of talking to the architect about designing somthing victorian, with a victorian railing, lattice underneath it, this way it would blend in with the history of Manasquan.

The main purpose for this stair-case is strictly for safety. Nr. Crowell testified he has put a lot of money in the improvement, he has tried to do every thing the right way and he feels the building is now in better shape than it has ever been in. He stated there are pictures in Dempsey Lock & Key showing an exterior door in the same location years ago when the building was first built, where he proposes to put the exterior door. The only other option he has is to encroach upon the interior store right down the middle of the store.
Mr. Campbell testified Mr. Crowell is not only in construction, he is also a paid fireman in the town of Maplewood and he has gone to great lenghts to do over and above what ever the fire code is on the second floor. Mr. Campbell feels what ever he is proposing is in the best interests of peoples safety.

Mr Lyons wanted to know how the people get up to the second floor now. Mr. Crowell testified looking down from Main St. right before you come to the existing one story part of the building, there is a door way and a staircase which is the one means of egress right now. Mr. Crowell testified if he is denied, he will open up the door way in the upstairs hall and a staircase will go right down into the retail store and walls build to have a second egress.

Mrs. Kazenmayer stated they were the plans she saw when she went upstairs, they were the original plans that you were going to do. The stairs were against the wall and came down and out that old door. Mr. Crowell testified that was correct, and the way the plans are now that I have a building permit on, was that I had to provide a second means of egress, so what I did was I provided it from the center hallway as we refer to where the apartments are, it goes right down into the retail store and out the door that would be located under this proposed porch, and existing door.

Mr. Miller said he lived there until 1957 in the south east corner apartment. The walkway on the existing building was there

and there was a stairwell in the back. The door on the second floor that is being talked about was actually a door leading on to a porch from the kitchen. The only means of egress in and out of the second floor at that time up until 1957 was the main entrance which is right next to the existing one story building.

Mrs.Kazenmayer asked Mr. Crowell, when you showed that on the original plans, it took up about 14 or 15 squares from the retail store?
Mr. Crowell testified the landing is approximately 4 ft. wide and the stairwell itself where it landed into the retail store would only be 4'x4', but you would see the stairs themselves going up which would be 12 ft. x 4 ft. wide of staircase coming down and then it would fall on a landing right next to the door that now goes into the shed that goes to the out side of the building. The shed as it stands now has a little alcove, so that part of the shed would not come down.
Mr. Hood wanted to know if Mr. Crowell could turn the stairway around so it wouldn't encroach as much on the side lines,
Mr. Crowell testified to answer your question we could come straight down the side of the building but we would encroach more in the 15 ft. line. The way he designed the stairs now is it is following the same roof line of the building and we were keeping with in the shed. Mr. Crowell testifed he was trying not to encroach any more on the land than what is existing right now.

Mrs. Kazenmayer asked Mr. Crowell why he changed his mind, when the original plans called for an inside stairway. Mr. Crowell testified the tenant on the first floor asked him if he would do any thing in his power not to encroach on the store, also if there is ever a new tenant in the store, with the stairway going down in the middle of the store, it would hurt the rental.
Mrs. Kazenmayer stated after the Chamber of Commerce and the Citizens of Manasquan have spent a good deal of money on the pavers and antique lights, and then to put up somthing like this, she doesn't think it's right to do it.

Mr. Crowell testified every window on the second floor has been changed to meet fire egress windows. They all have more than 5.7 sq. ft. openings so that fireman wearing air packs can get inside of the windows.

Mr. Crowell testified what he has proposed for the stairway would look a lot better than a solid wall of the existing shed from the street. He feels it would not in any way hurt any other real estate values or take away any thing from the building as far as resale goes. Mr. Crowell is recommending that this stairway be used only in emergency and where the mail boxes

are will be the existing stairway to go up. The apartments are sheetrocked and ready for kitchen cabinets to be installed and are approximately 90% ready to be rented.

Carol Broderick, 21 Parker Avenue came forward and asked if the exit directly in back of the building will it be used as an exit also in emergency? Mr. Crowell testified it is an option as the door is there, and if there was a fire and people were going down the staircase, he felt if the door existed it would be nice to have another door for safety. There will not be a patio put out there or sidewalks put to the rear of the building. Mrs. Broderick questioned why if only 1 apartment was allowed how come he has 5 apartments.
Mr. Burke emplained that in a B 1 Zone only one apartment is allowed, but these apartments have been existing before that zoning code was written, so Mr. Corwell is allowed to replace those 5 apartments that were burned out. If 70% of the complete building was burned out, then he would not be allowed to rebuild the 5 apartments. Mr. Crowell would be glad to show Mrs. Broderick the apartments, and he is sure she would be impressed. She wanted to know how many would be allowed in each apartment. Mr. Crowell testified there are 3 one bedroom apartments and 2 two bedroom apartments. Mr. Crowell testified without blocking the doorway, there is room for 1 car each apartment.

Mr. Richard Dunne, 458 Long Avenue came forward and questioned the stairs that are proposed. The purpose of the lattice work is decorative not structural.

Carol Broderick, 21 Parker Avenue was sworn in by Mr. Byrnes. She testified she doesn't think it will look right from town. It looks like the stairs the Algonquin put up for the apartments, but theirs are behind the apartments, but this is in open view where every one will see them, from Main St. & Parker Avenue. She feels the stairs should be put inside the building.

Robert Zanes 430 Long Avenue was sworn in by Mr. Byrnes. Mr. Zanes testified his concern is that this in fact is an add on, it's not structurally part of the original architectural design. The original plans did show interior stairs which met the criteria and he thinks that is the way to go.

Richard Dunne, 458 Long Avenue, was sworn in by Mr. Byrnes. Mr. Dunne testified we have done a lot to improve the town and the way it is laid out is not an asset to the town. He asked that the builder and Board look to another way to install the stairs.

Mr. Crowell testified that Mr. Ratz did not give his opion nor was it his opinion to lay the steps out this way.

Mr. Burke asked Mr. Dunne how he would feel if the steps were over the shed and came down on Parker Avenue. Mr. Dunne said if it can be done that way it would be alright with him.

Frank Diana, 401 First Avenue, came forward and was sworn in by Mr. Byrnes. Mr. Diana testified he has been a fireman for 40 years and a fire chief for 5 years and works in a fire prevention office, and any one that thinks an interior stairway is a good means of egrees once a building is involved in a fire, are totally wrong. The best situation is an exterior exit so you can get out of the building.

A motion to close the public hearing was made by Mr. Lyons, seconded by Mr. VanSchoick, followed by the following vote: "YES" - J. Burke, R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.VanStolk, N. Hood and J.Miller.

Mr. Hood would like to see the shed down, the stairway the opposite way heading north, it would make more spaces to park. Mrs VanStolk agrees with Mr. Hood. Mr. VanSchoick would like to see the stairs outside. Mr. Brittle would like to see the stairs turned 90 degrees and have the same amount of space in the shed. He goes along with the fire dept., the faster you get the people out the better. Mr. Lyons goes along with the platform on the side and down. He still likes to see the stairs outside. Mrs. Kazenmayer goes along with the original plan, she thinks the stairs are better inside. Being the property has 90% coverage, to add any other structure outside is not right. Mr. Miller agrees with Mrs. Kazenmayer. He does not like the stairs going over the shed. He believes they could go along the south east wall and have the egress there. Mr. Burke believes an outside stairway is better than an inside stairway from a fire safety stand point. He does not like the look of it from the street the way they have it now.

Mr. Crowell, testified that it does not look like the Board is going to vote in favor of it tonight, so he would like to have somthing a little more concrete in that he is told that if he desires to remove the shed and put the staircase as requested, out the door and down Parker Avenue, having no shed there, removing the whole shed, then could the Board put sonthing in some type of form of a vote. Mr. Crowell testified he would come out to a platform of 4', the roof line would still be the same and a roof down over the stairs to the rear of the building.

Mr. Burke said the only way the Board could legally give you any kind of a vote, is if the Board votes on the application as it stands. Mr. Burke told Mr. Crowell he has 3 options - totally withdraw the application - Let us vote on the

application as it stands, or you can amend your application right now.

Mr. Byrnes told Mr. Crowell, what Mr. Burke told him is correct. If the Board votes on the application as it was submitted based on these plans which was marked A-8., they can vote on it tonight, they may vote to approve or deny it. You can seek to amend your application and provide the Board with as detailed explanation as you can, as to just what you want to do and they can consider whether or not they want to vote tonight, or if they feel it's necessary to see a set of plans showing exactly what you want to do and they can consider whether or not they feel the change from what they have in front of them is substantial. Mr. Byrnes said his opinion is removing a shed that is 17 x 35 is probably substantial. Mr. Byrnes realizes that you are having problems with your tenant. Another option is to carry your application over to another meeting to give you the time to discuss the matter with your tenant and see what the tenant feels about certain things and come back to the next meeting. He will take the option of coming back in December with plans to try and please all that have objected.

A motion was made by Mr. VanSchnoick, seconded by Mrs. VanStolk to close the Special meeting, at 8:20 p.m.,.followed by the following vote: "YES" - J.Burke, R.Brittle, M.Kazenmayuer, E.Lyons, J.VanSchoick, J.VanStolk, N.Hood and J. Miller.

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

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POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
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COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

SPECIAL MEETING AGENDA

NOVEMBER 15, 1995 7:00 P.M.

On Wednesday November 15, 1995, the Zoning Board of Adjustment of the Borough of Manasquan will hold a special meeting at 7:00 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N.J..

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 29-95 - Campbell / Crowell - 138 Main Street

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
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MANASQUAN ZONING BOARD OF ADJUSTMENT
NOVEMBER 15, 1995 MEETING AGENDA

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APPLICATION - 21-95 - Michael Collins - 82 Ocean Avenue

APPLICATION - 24-95 - Richard & Geraldine Pincus - 56 Clark Street

APPLICATION - 25-95 - Thomas & Jean Mountford - 393 Beachfront

RESOLUTION - 22-95 - Eugene & Jean Bunce - 160 McLean Avenue

RESOLUTION - 23-95 - Shiloh Baptist Church - 44 Union Avenue

OLD / NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
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MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - DECEMBER 13, 1995
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on December 13, 1995 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, opened the meeting at 7:30 p.m.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: J.Burke, R.Brittle, M.Kazenmayer, P.Walsh, J.VanSchoick, J.Van Stolk, N.Hood and J.Miller.

A motion to approve the minutes of November 15, 1995 was made by J.VanSchoick seconded by M.Kazenmayer, followed by the following vote: "YES" J.Burke, R.Brittle, M.Kazenmayer J.VanSchoick, J.VanStolk, N.Hood and J. Miller. Abstain - P.Walsh.

A motion was made by J.VanSchoick seconded by J.VanStolk to approve the minutes of the special meeting of November 15, 1995 at 7:00 p.m., followed by the following vote: "YES"-J.Burke, R.Brittle, M.Kazenmayer, J.VanSchoick, J.VanStolk, N.Hood and J.Miller. Abstain- P.Walsh.

SPECIAL MEETING REQUEST - Rudy & Michele Graf, 267 Beachfont 268 First Avenue.

Keith Henderson put himself on record as the attorney for Mr. & Mrs. Graf. He stated the purpose for their appearnace tonight is to request a special meeting. He stated they have entered into a contract to purchase 267 Beachfront and 268 First Avenue, the contract gives them a 90 day window for land use contingencies specifically any variances required by the Boro for the purpose of demolishing the rear structure being 268 First Avenue and renovating 267 Beachfront. Mr. Henderson stated the overall proposal will be an asset to the town, but because of the limited opportunity they have in terms of getting their approvals before their contract becomes void by its terms, they are asking for a special meeting. At the present time there are 3 parking spaces on First Ave.

P. Walsh made a motion to have a special meeting on January 24, 1996 to review the application of Mr. & Mrs. Graf, seconded by J.Miller, followed by the following vote: "YES"- J.Burke, R.Brittle, P.Walsh, J.VanSchoick, J.VanStolk, N.Hood and J.Miller. Abstain - M.Kazenmayer.

APPLICATION - Thomas & Jean Mountford - 393 Beachfront.
The Boards file was marked as A-1 to A-10-I by Mr. Byrnes.
Owner wishes to construct additions to existing garage to create a second dwelling unit on the lot and alterations to the

beachfront house by enclosing the existing front porch and changing the roof line of the house. R-4 Zone. This application is denied for the following reasons: 107-11 - Two dwellings on one lot is not a permitted use. 107-30 - Only one principal building permitted on each lot. 107-27 - Maximum Building Coverage, 35% permitted, 47.9% proposed. 107-27 - Maximum Lot Coverage - 50% permitted, 57% proposed. Additional variances on the Beachfront house - 107-27 Sideyard Setbach - 5 feet required, .05 feet existing (north) and 4.6 feet existing (south).
107-36.A - Off street parking - 4 spaces required, 2 spaces provided. And any other variance the Board may deem necessary. A-5 Flood Zone will comply. Use Variance.
Mr. Deppeler put himself on record as the attorney representing the Mountfords.
Jean M. Mountford, 81 East Madison Avenue, Florham Park, N. J., and Thomas A. Mountford, 81 East Madison Ave, Florham Park, N. J. were sworn in by Mr. Byrnes.
Mrs. Mountford testified they own the house at 393 Beachfront amd American Timber Co. owns the land. They purchased the house in March of 1995. Mr. Mountford testified his family has been comming to Manasquan since 1910. The house was purchased from Mrs. Hoblitzel, who owned it since 1944. They signed a contract with American Timer Co. for 6 years, at which time it then renews based on variables for another 15 years. Mrs. Mountford testified the house is in the middle of the block between Whiting and the Inlet. Mrs. Mountford testified, since they purchased the house they have painted the out side and repaired the porch, put a new washer & dryer and all new furniture
Picture 10-a shows the 7 parking spaces they have. Mrs. Mountford testified the house has 4 bedroom, 1½ baths, gally kitchen and a living room.

Mrs. Mountford testified, on the front house they are planning to leave the roof line on one side as it exists and raise the south part of it, so they have head room in the bedrooms.

For the record Mr. Byrnes stated that on the elevation certificate, Mr. Ratz had noted on his original denial from August that the garage was in A-5 Flood Zone and that it will comply. On the elevation certificate the beach front house is in a V-6 Zone and it is not on the amended denial for the front house.

Mrs. Mountford testified on the garage apartment, there would be 2 bedrooms, a bath, a kitchen, a living rooom and a deck in the back. She testified there are 26 properties on First Ave. from Whiting to the Inlet and 23 of them have dual housing. The size of their lot is 3

because there is no eating area in the house and it is hot as there is no head room. It will not affect air or light to the neighbors on either side. Mr. Mountford testified, as long as it is within the building package, it will benefit the neighborhood and the town.

Mrs. Mountford testified, on the First Avenue property, they don't own the land, they pay $23,000. to lease the land, and they feel that a rental will help. It will not affect air or light to the neighbors.

Thomas J. Cowan, 81 Curtis Avenue, came forward and asked if the apartment is going to be a 2 bedroom unit, and how many parking spaces are available. Mr. Burke stated it is a 2 bedroom unit and that the applicant testified to at least 4 parking spaces.

Thomas J. Cowan, 81 Curtis Avene came forward and was sworn in by Mr. Byrnes. He testified he thought it was wonderful they are upgrading the property on the beach front and that they do have the parking is a benefit. His concern is the apartment. He testified he wouldn't be so concerned if it was a one bedroom apartment.

A motion was made by Mr. Hood seconded by J.VanSchoick for a site inspection on Saturday December 16, 1995 at 9:00 a.m., followed by the following vote: "YES"- J.Burke, R.Brittle, M.Kazenmayer, J.VanSchoick, N.Hood and J.Miller. ABSTAIN - P.Walsh and J.VanStolk.

The Board was in favor of the Beachfront property but had reservations on the First Ave. property.
Mr. Burke stated the ordinance for one family zone in the Beachfront area has been in effect since 1947, and it has been updated since.

Mr. Byrnes stated that in the event there is a favorable resolution, the applicants will be required to give written consent or permission from American Timber Co. since it is their land. Mr. Deppler testified they will waive all time limits.

APPLICATION 24-95 - Richard & Geraldine Pincus - 56 Clark St.
Mr. Byrnes marked the additional exhibit which was missing the last time -"the affadavit proof of service and publication" has been marked as exhibit A-10.
Mr. Byrnes asked the applicants as to why this application is going to benefit the community. Mrs. Pincus testified that it is going to improve the looks of their block.
Mr. Hood was not in favor of this application. The rest of the Board was in favor.

A motion to close the public meeting on this application was made by M. Kazenmayer, seconded by J.VanStolk, followed by the following vote: "YES"-J.Burke, R.Brittle, M.Kazenmayer, P.Walsh, J.VanSchoick, J.VanStolk, N.Hood and J.Miller.

A motion for a favorable resolution was made by J.VanStolk, seconded and followed by the following vote: "YES"-J.Burke, R.Brittle, M.Kazenmayer, J.VanSchoick, J.VanStolk, J.Miller. NO - N. Hood. ABSTAIN - P.Walsh.

A motion for a 5 minute recess was made and unanimously carried at 9:27 p.m.

The Board returned from recess at 9:40 with the following Roll Call: J.Burke, R.Brittle, M.Kazenmayer, P.Walsh, J.VanSchoick, J.VanStolk, N.Hood and J.Miller.

APPLICATION - 28-95 - Robert Mermini/Terry Rafferty -
59 Wyckoff Avenue

Mr. Byrnes marked the Boards File as A-1 to A-10.
Owner wishes to construct two story addition to the rear of the dwelling and a three foot by 5 foot landing for new front steps. R-2 Zone. This application was denied for the following reason. 107-27- Front yard setback, 25 Feet raequired, 10Ft. proposed to end of steps. And any additional variances the Board may deem necessary. Flood Zone B - will comply. Hardship variance.
Mr. Robert Mermini, 59 Wyckoff Avenue was sworn in by Mr. Byrnes. Mr. Mermini testified that he and his wife are the owners of the property. Terry Rafferty is is wife. Originally the house was his Mother-in-laws since 1960 who passed away 4 years ago and he and his wife bought out her brothers share.
Mr. Mermini testifed that they were originally going to construct an addition to the rear of the dwelling, but was informed by the building inspector that they do not have a conforming lot due to the front set-back. The house has been there since about 1910. They want to put on a 3x5 ft. landing on the front. Mr. Mermini testified he is in the Carpenters International Union, and he doesn't like additions that look like additions, so he designed it so the windows and roof line would match the existing ones. He tesified he wants it to look like the original house.

Mr. Burke stated they are adding in a variance for the garage which is 4.65 ft. from the property line and the zoning requires 5 ft.. Mr. Meminin testified the front steps will not affect the air or light to the neighbors. It will improve the looks of the property. Mr. Mermini testified part of the addition on the rear will be like a family room and the up stairs it will expand a bedroom and allow for more closet space. The rear

addition will not affect air or light to the neighbors. Mr. Mermini testified, in general, it is going to be a very nice improvement, and will increase the value of the property.

A motion to close the public hearing was made by P. Walsh, seconded by M.Kazenmayer, followed by the following: "YES" - J.Burke, R.Brittle, M.Kazenmayer, P. Walsh, J.VanSchoick, J.VanStolk, N.Hood and J. Miller.

A motion to approve this application was made by P. Walsh seconded by M.Kazenmayer, followed by the following: "YES"J.Burke, R.Brittle, M.Kazenmayer, P.Walsh, J.VanSchoick, J. VanStolk and N. Hood.

APPLICATION - 30-95 -Gordon & Mary Lou Bird - 367 Beachfront
Mr. Byrnes marked the Board's file as A-1 to A-12.
Owner wishes to demolish existing building (on Beachfront) and construct new home on lot with two structures and three, dwelling units. R-4 Zone.
This application is denied for the following reasons:
107-11 Not a permited use. Only one single family dwelling per lot. 107-27 Schedule of Building Requirements. Frontage: 30 Ft. required, 25 ft. existing. Front Setback: 15 ft. required, 2.4 ft. proposed. Front Setbach - Aggregate: 30 ft. required, 3.2 ft. proposed and existing. Sideyard Setback: 5 ft. required, 3 ft. proposed (each Side). Height: Note (f) vertical plane of wall at proposed setback line on north and south sides is greater than 17 ft. 6 in. within the 30 degree angle. Maximum Building Coverage: 35% maximum permitted, 60% proposed. Maximum Lot Coverage: 50% maximum permitted, 67% proposed. 107-36 Existing property has four off-street parking spaces where six spaces are required. And any aother variances the Board may deem necessary. Use Variance. Flood Zone - V-6 - Structure must comply.

Mary Lou Bird, 1025 Vosseller Ave. Martinsville, N. J. and Gordon Bird,1025 Vosseller Ave., Martinsville, N. J., were sworn in by Mr. Byrnes.
Mr. Bird testified he had been before the Board previously to put on a second story on the existing 1½ structure, and after getting involved with the construction official, its in a B 6 Zone, so it requires pilings, which would require moving the structure and there is no place to move the structure, so they thought it would be best to abandon the structure and start over with a new structure. Mr. Bird testifed he would like to make the changes as the house is small, old and tired and we now have married children and grand children and we need more room. It will in the future be their permanent residence.
Mr. Bird testified he is decreasing the size of his house by

1 ft. so that he will have 3 ft. on each side of his property, which will increase the air and light on the right side and on the other side of the house he is decreasing the house so it will increase his side yard by 3 ft.. Mr. Bird testified that the house he proposes will upgrade the neighborhood as it's a victorian style home, a modest size home. Mr. Bird testified the house will not be higher than 32 Ft.

Suzanne 25 Cambridge Way, Ocean Township, was sworn in by Mr. Byrnes. She is speaking for Alvera Maes - 359 Beachfront, who is her mother. She testified they have no problem with what the Bird's propose, but she hopes it will be done by Memorial Day, as they have rentals and it's not fair to the rentals to have to listen to that noise all day long.

A motion made to close the public hearing on this application was made by J. VanSchoick, seconded by J.VanStolk, followed by the following vote: "YES"- J.Burke, R.Brittle, M.Kazenmayer, P.Walsh, J.VanSchoick, J.VanStolk, N. Hood and J.Miller.

P.Walsh made a motion for a favorable resolution, seconded by M.Kazenmayer, followed by the following vote: J.Burke, R.Brittle, M.Kazenmayer, P. Walsh, J.VanSchoick, J.VanStolk, and N.Hood.

DETERMINATION - Michele Calabrese - 75 Parker Avenue
Mr. J. Deppeler has put himself on record for representing Mrs. Calabrese.
Mr. Byrnes stated this involves property at 75 Parker Avenue. Block 63, Lot 20.02, R.- 2 Zone. Mr. Byrnes stated it is property back in Sept. 1992 it was deeded to three individuals, Beverly Calabrese who is unmarried, Michele Calabrese who is married and Leonard Patruno who was the husband of Michele Calabrese.
According to the deed Beverly Calabrese was a 65% owner of the property, Michele Calabrese 20% owner and Leonard Patruno 15% owner. In December of 1992, Michele who is 20% owner, wrote a letter to Mr. Iannelli requesting the property be changed from a 2 family to a 1 family house, and noted in the letter that she understood that it may never alter it's status. Mr. Iannelli, then acknowledged receipt of the letter, sent copies of a letter from him to tax assessment and water department.

Mr. Deppeler stated Beverly Calabrese lives up-stairs, it being a mother daughter house since Oct. 2, 1992. The real estate tax didn't decrease after the change of status. The tax assessment card still reflects it as being a 2 family house.
There are 2 electric and gas meters, but it has only ever had 1 water meter. His client only found out that it was a one family when she listed it for sale and there was a prospective buyer that it was a one family in February 1995. His client who is 65% owner never found out what Michele did - when she

found out she was shocked. They are here tonight to ask the Board to reverse the decision of Mr. Iannelli.
Mr. Byrnes stated under N. J. Statue - the Board has the authority to hear appeals of a zoning officers decision or determination. Mr. Byrnes asked Mr. Deppeler if Michelle and the guardian for the minor consented to what your client wants to do, change it back?
Beverly Jean Calabrese, 75 Parker Avenue and Arline Crowe, 624 Union Lane, Brielle. Mrs.Crowe testified she is here as she sold the Calabrese's their house initially and she is the agent that had the house listed for Mrs. Calabrese and her daughter when this problem came up.
Mr. Byrnes asked Mr. Deppeler to provide somthing in writing so he can discuss it with the Board, why Mr. Iannelli would have a legal duty to check. Please provide somthing in writing why the actions of the minority property owner should not be binding on the majority property owner, also please provide copies of any documents what so ever you can come up with from the Borough of Manasquan showing that this is a 2 family and was never changed in their records to a 1 family, other then Mr. Iannelli's letter.

For the record, Mrs. Walsh left at 11:40 P.M..

RESOLUTION - 21-95 Michael Collins - 82 Ocean Avenue
Resolution was read by Mr. Byrnes. A motion for approval of a favorable resolution was made by N. Hood, seconded by J.VanStolk, followed by the following: "YES"- J.Burke, R.Brittle, M.Kazenmayer, J.VanSchoick, J.VanStolk, N. Hood and J. Miller.

OLD/NEW BUSINESS
A motion was made and seconded for approval of an extension of 9 months for Jeffrey & Anita Kohn, 35 Wigwam Path, followed by the following vote: "YES"- J.Burke, R.Brittle, M.Kazenmayer,J.VanSchoick, J.VanStolk,(N. Hood) abstain and J.Miller.

A motion was made by J.VanStolk, seconded by J. VanSchoick to keep the same amount of budget as last year, followed by the following vote: "YES" J.Burke, R.Brittle, M. Kazenmayer, J.VanSchoick, J.Van Stolk and J. Miller. ABSTAIN: N.Hood.

For the record Mr. Byrnes wished all a Merry Christmas and A Happy and Healthy New Year.

Motion was made seconded and unanimously carried to adjourn the meeting at 12:00 A.M..

Very truly yours,
Marie Applegate
Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
JANUARY 17, 1996 MEETING AGENDA

On Wednesday January 17, 1996, 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:

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

DETERMINATION - (Cont.) ~~Michele~~ Beverly Calabrese - 75 Parker Ave.

APPLICATION - 25-95 -(Cont.) Thomas & Jean Mountford
393 Beachfront.

APPLICATION - 1-96 - John & Benedetta O'Grady -265 Beachfront
264-266 First Avenue

APPLICATION - 2-96 - Joseph Bossone - 46 Ridge Avenue

RESOLUTION - 24-95 - Richard & Geraldine Pincus
56 Clark Street

RESOLUTION - 28-95 - Robert Mermini/Terry Rafferty
59 Wyckoff Avenue

RESOLUTION - 30-95 - Gordon & Mary Lou Bird - 367 Beachfront

OLD / NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

Very truly yours,
Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

1996

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

ZONING BOARD OF ADJUSTMENT -- 1996 ANNUAL REPORT

CASE #	APPLICANT	ADDRESS	TYPE OF VAR.	STATUS	FEE PAID	RETURNED
1-96	O'Grady, John	265 Beachfront	Use Variance	Withdrawn	$600.00	
2-96	J. Bossone	46 Ridge Avenue	Hardship	Memorialized	200.00	
3-96	Rudy Graf	267 Beachfront	Use Variance	Memorialized	300.00	
4-96	Patrick Quinlan	574 Pike Avenue	Hardship	Memorialized	200.00	
5-96	Paul Carsillo	3 Pickel Alley	Hardship	Memorialized	200.00	
6-96	Brian Stepowany	295 Beachfront	Use Variance	Memorialized	300.00	
7-96	Michael Bauer	18 Allen Avenue	Hardship	Memorialized	20000	
8-96	Eltz Holtz	23 First Avenue	Hardship	Memorialized	200.00	
9-96	Thomas Mountford	393 Beachfront	Hardship	Memorialized	200.00	
10-96	Edward Tellone	116 Church St.	Hardship	Memorialized	200.00	
11-96	Audrey Musgrave	46 Pearce Avenue	Hardship	Memorialized	200.00	
12-96	John O'Grady	265 Beachfront	Use Variance	Continued	450.00	
13-96	Linda Werdann	25 Ocean Avenue	Hardship	Withdrew	200.00	$180.00
14-96	Kenny Davern	85 Virginia Ave	Hardship	Withdrew	200.00	180.00
15-96	Lazara-Karlson	231-231½ Second	Use Variance	Denied	300.00	
16-96	Teresa Reichy	420 E.Main St.	Hardship	Withdrew	200.00	180.00
17-96	Anna Engel	64 N. Farragut	Hardship	Memorialized	200.00	
18-96	Walter Richie	13 Central Ave.	Hardship	Memorialized	200.00	
19-96	Marshall Blore	522 Brielle Rd.	Haradship	Memorialized	200.00	
20-96	Robert Morro,Jr.	61 Potter Ave.	Haradship	Memorialized	200.00	
21-96	Kenneth Yersin	18 Newark Ave.	Hardship	Memorialized	200.00	
22-96	Stephen Clark	30 Virginia Ave.	Hardship	Memorialized	200.00	Spec. 300.00
23-96	Harcourt Ward	11-15 Wyckoff	Minor Sub Div.	Withdrew	202.48	
24-96	Richard Hingston	201 Broad St.	Hardship	Memorialized	200.00	

25-96	Terry Scimeca	84 Curtis Ave.	Hardship	Memorialized	200.00	
26-96	D. Wilderotter	66 Mohegan Rd.	Hardship	Memorialized	300.00	
27-96	Kermit Hassfield	50 Pearce Ave.	Use Variance	Memorialized	300.00	Spec.
28-96	James Julian	14 Main Street	Use Variance	Continued	300.00	
29-96	Charles O'Malley	76 Marcellus Ave.	Hardship	Memorialized	200.00	
30-96	Joseph Hopp	564 Perch Avenue	Haradship	Memorialized	200.00	Spec. 300.00
31-96	Robert Scerrato	373 Beachfront	Hardship	Memorialized	200.00	1/97
32-96	Michael Parziale	305 Beachfront	Use Variance	Continued	450.00	

RESOLUTIONS GRANTED: 23

Hardship Variances	-	23
Use Variances	-	8
Minor Sub-Division	-	1
Withdrawals	-	5
Denials	-	1

TOTAL FEES PAID: $7,750.00

FEES RETURNED $ 540.00

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 17, 1996, and whose term as Chairman shall terminate at the close of the first regular meeting of the Board held in the month of January, 1997.

YES: R. Brittle, M. Kazenmayer, E. Lyons, J. VanSchoick, J. VanStolk, N. Hood, J. Miller.

NO: None

The foregoing is a true copy of a resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organization meeting conducted on January 17, 1996.

Marie Applegate
MARIE APPLEGATE, 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 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 17, 1996, and who term of Vice-Chairman shall terminate at the close of the first regular meeting of the Board held in the month of January, 1997.

ROLL CALL VOTE:

YES: M.Kazenmayer, E.Lyons, J.VanSchoick, J.VanStolk, J.Burke, N.Hood, J.Miller

NO: None

The foregoing is a true copy of the Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 17, 1996.

Marie Applegate

MARIE APPLEGATE, 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, or on any other date as determined by the Zoning Board of Adjustment of the Borough of Manasquan, 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:

YES: R.Brittle,M.Kazenmayer,E.Lyons,J.VanSchoick,J.VanStolk,N.Hood,M.Miller,J.Burke

NO: None

MEETING DATES:

February 21, 1996

March 20, 1996

April 17, 1996

May 15, 1996

June 19, 1996

July 17, 1996

August 21, 1996

September 18, 1996

October 16, 1996

November 20, 1996

December 18, 1996

January 15, 1997

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 17, 1996.

Marie Applegate

MARIE APPLEGATE, 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:

YES: R.Brittle,M.Kazenmayer,E.Lyons,J.VanSchoick,J.VanStolk,J.Burke,N.Hood,J.Miller

NO: None

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 17, 1995.

Marie Applegate

MARIE APPLEGATE, 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

WHEREAS, James VanSchoick offered the following Resolution and moved its adoption, seconded by Joanne VanStolk; and

WHEREAS, Article 11, Section 3 of Ordinance No. 1006 of the Borough of Manasquan entitle "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 an attorney by the Board of Adjustment of the Borough of Manasquan; and

WHEREAS, the Local Public Contract 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 Zoning Board of Adjustment of the Borough of Manasquan as follows:

1. That William Byrnes, Esq., be and he is hereby appointed as Attorney for the Board of Adjustment of the Borough of Manasquan for a term of one year. The effective date of this

appointment shall be as of January 17, 1996, and the same shall terminate at the close of the first regular meeting of this Board held in the month of January, 1997.

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:

YES: R.Brittle,M.Kazenmayer,E.Lyons,J.VanSchoick,J.Burke,J.VanStolk,N.Hood,J.Miller

NO: None

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organization meeting conducted on January 17, 1996.

Marie Applegate

MARIE APPLEGATE, 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

WHEREAS, Marge Kazenmayer offered the following Resolution and moved its adoption, seconded by Joanne VanStolk; and

WHEREAS, Article 11, Section 2 of Ordinance No. 1006 of the Borough of Manasquan entitled "THE LAND USE PROCEDURES OR 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 Marie Applegate be and is hereby appointed as Secretary of the Zoning Board of Adjustment of the Borough of Manasquan for a term of one year. The effective date of this appointment shall be as of January 17, 1996, and the same shall terminate at the close of the first regular meeting of this Board held in the month of January, 1997.

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:

YES: R.Brittle,M.Kazenmayer,E.Lyons,J.VanSchoick,J.Burke,J.VanStolk,N.Hood,J.Miller

NO: None

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organization meeting conducted on January 17, 1996.

Marie Applegate

MARIE APPLEGATE, 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 17th date of January, 1996

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 recognized 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 Collar ($1.00) and of the good and valuable considerations, to each in had 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 $ 105.00 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 hereby 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

By: Marie Applegate
Secretary

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

OATH OF OFFICE

State of New Jersey

ss.

County of Monmouth

I, Robert Ratajack, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the Authority of the people; and that I will faithfully, impartially and justly perform all the duties of the office of Manasquan Planning Board of the Borough of Manasquan to the best of my ability (So help me God).*

Sworn and subscribed to before me this 6 th day of October 1 A.D. 1996

An Attorney At Law of N.J.

Robert Ratajack

P.O.Address:70 Curtis Avenue

Manasquan, N. J. 08736

* person taking the oath has the option of including "So help me God," if he so desires.

Chap. 217 P.L. 1971
R.S. 41:1-1 - 41:1-3
No. 143N

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
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MANASQUAN, N.J.

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

OATH OF OFFICE

State of New Jersey

ss.

County of Monmouth

I, Robert Brittle, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the Authority of the people; and that I will faithfully, impartially and justly perform all the duties of the office of Manasquan Board of Adjustment of the Borough of Manasquan to the best of my ability (So help me God).*

Sworn and subscribed to before me this 17th day of January A.D. 1996

William Byrnes, Esq
Attorney at Law
State of N.J.

Robert Brittle

P.O.Address: 386 Euclid Ave.

Manasquan, N. J. 08736

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Chap. 217 P.L. 1971
R.S. 41:1-1 - 41:1-3
No. 143N

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908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

OATH OF OFFICE

State of New Jersey

ss.

County of Monmouth

I, Marie Applegate, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the Authority of the people; and that I will faithfully, impartially and justly perform all the duties of the office of Manasquan Board of Adjustment of the Borough of Manasquan to the best of my ability (So help me God).*

Sworn and subscribed to before me this 17th day of January A.D. 1996

William Byrne, Esq
Attorney at Law
State of N.J.

Marie Applegate

P.O.Address: 10 Sims Ave.

Manasquan, N. J. 08736

* person taking the oath has the option of including "So help me God," if he so desires.

Chap. 217 P.L. 1971
R.S. 41:1-1 - 41:1-3
No. 143N

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

OATH OF OFFICE

State of New Jersey

ss.

County of Monmouth

I, John Burke, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the Authority of the people; and that I will faithfully, impartially and justly perform all the duties of the office of Manasquan Board of Adjustment of the Borough of Manasquan to the best of my ability (So help me God).*

Sworn and subscribed to before me this 17th day of January A.D. 1996

William Bagnasco, Esq
Attorney at Law
State of N.J.

P.O. Address: 4 Stockton Ave.

Manasquan, N. J. 08736

* person taking the oath has the option of including "So help me God," if he so desires.

Chap. 217 P.L. 1971
R.S. 41:1-1 - 41:1-3
No. 143N

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

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NEW JERSEY 08736

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

OATH OF OFFICE

State of New Jersey

ss.

County of Monmouth

I, Ronald Lloyd, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the Authority of the people; and that I will faithfully, impartially and justly perform all the duties of the office of Manasquan Board of Adjustment, of the Borough of Manasquan to the best of my ability (So help me God).*

Sworn and subscribed to before me this 15 th day of May A.D. 1996

Ronald T. Lloyd

P.O. Address 134 Curtis Place

Manasquan, N. J. 08736

Attorney at Law
State of N.J.

* person taking the oath has the option of including "So help me God," if he so desires.

Chap. 217 P.L. 1971
R.S. 41:1-1 - 41:1-3
No. 143N

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
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COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

SPECIAL MEETING AGENDA

JANUARY 24, 1996 7:00 P.M.

On Wednesday January 24, 1996, the Zoning Board of Adjustment of the Borough of Manasquan, will hold a special meeting at 7:00 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 3-96 - Rudy & Michele Graf - 267 Beachfront.

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - JANUARY 17, 1996
MANASQUAN BOROUGHJ HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on January 17, 1996 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, opened the meeting at 7:30 p.m.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: R.Brittle, M,.Kazenmayer, E.Lyons, J.VanSchoick, J.Van Stolk, J.Burke, N.Hood and J.Miller.

A motion was made to approve the minutes as adjusted, was made by J.VanSchoick, seconded by J.VanStolk followed by the following vote:"'YES"- R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.VanStolk, J.Burke, N.Hood and J.Miller.

The meeting was turned over to Mr. Byrnes for the reorganization.

Nomination for Chairman was opened. Mr. Burke was nominated by J.VanSchoick, seconded by J.VanStolk, followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.VanStolk, N.Hood and J. Miller.
Mr. Byrnes read the resolution into record.

Nomination for Vice Chairman was opened. Mr. Brittle was nominated by M.Kazenmayer, seconded by J. Miller, followed by the following vote: "YES" M.Kazenmayer, E.Lyons, J.VanSchoick, J.VanStolk, J.Burke, N.Hood, J. Miller.
The resolution was read into record by Mr. Byrnes.

Resolution C is for the setting of the meeting dates for 1996, which was read into record by Mr. Byrnes.
The meeting dates are as follows: February 21, March 20, April 17, May 15, June 19, July 17, August 21, September 18, October 16, November 20, December 18, 1996 and January 15, 1997.
A motion for adoption was made by Mr.VanSchoick, seconded by J.Miller, followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, R.Lyons, J.VanSchoick, J.Burke, J.VanStolk, N. Hood and J. Miller.

Resolution D is in regards to the official newspapers, which was read into record by Mr. Byrnes.
The official newspaper is the Coast Star and the secondary newspaper shall be The Asbury Park Press.
A motion moved to adopt was made by J.VanSchoick, seconded by J.VanStolk, followed by the following vote: "YES"-R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.Burke, J.VanStolk, N.Hood and J.Miller.

Resolution E - Appointment of Board of Adjustment Attorney.
Mr. Burke nominated Mr. Byrnes seconded by Mr. VanSchoick who ruled the nominations be closed seconded by J.VanStolk, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.Burke, J.VanStolk, N.Hood and J.Miller.

Mr. Byrnes was nominated by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.Burke, J.VanStolk, N Hood, J. Miller.
Resolution was read into record by Mr. Byrnes.

Resolution F - Appointment of Secretary to the Board of Adjustment.
A motion to nominate Marie Applegate was made by M.Kazenmayer, seconded by J.VanSchoick who moved to close the nominations seconded by J.VanStolk, followed by the following vote: "YES" R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.Burke, J.VanStolk, N.Hood and J. Miller.
Resolution was read into record by Mr. Byrnes.

Mr. Byrnes administered the oath of office to Mr. John Burke for Chairman of the Board.

Mr. Byrnes administered the oath of office to Mr. Robert Brittle, for Vice Chairman of the Board.

Mr. Byrnes administered the oath of ofice to Marie Applegate for Secretary of the Board.

APPLICATION - 1-96 - John & Benedetta O'Grady, 265 Beachfront
264-266 First Avenue.
Mr. Kenin Thomas who represents the O'Grady's came forward and put himself on record. Mr. Thomas stated that this application is scheduled to commence tonight, the public has been given notice. The Board for this application in respect to 265 Beachfront is opposed. It is opposed by Florence and Marie Breunig. Their attorney John Fitzpatrick has raised an issue with Mr. Byrnes, an issue which was the subject of telephone conversations today between Mr. Fitzpatrick, Mr.Byrnes and myself. After getting a grasp of the issue that has been raised by Mr. Fitzpatrick it was decided that the best coarse to follow with the Boards permission, is for this application to be carried to the next meeting on February 21, 1996, and to allow the attorneys representing the parties, who are represented in this matter, to submit arguments to Mr. Byrnes in writing, persuent to a schedule that has been agreed upon, so that Mr. Byrnes has the position of the parties and can look at the law himself, taking into consideration the argument of the parties and make a determination so that he can advise the Board. The issue is purely legal, and that is why it was decided that it would

be better to handle it in this fashion. Mr. Thomas also stated that another factor leading to it being handled in that fashion is that the issue was raised today by Mr. Fitzpatrick at approximately 12:15 p.m. according to Mr. Byrnes, and there simply is not enough time for Mr. Byrnes to make an informed decision, based upon it being raised today, and therefore it was felt the best coarse of action was to carry the application to the next meeting and have the matter briefed by the parties, so Mr. Byrnes can make a decision. Finally the issue that is being raised, is one that would go to the heart of the application and in fact preclude your hearing for the application.

Mr. Byrnes addressing Mr. Thomas said the reference to the time frame is fairly accurate, stating he did receive a telephone call in his office about 12:15 today from Mr. Fitzpatrick and the issue you were referring to was raised to me for the very first time. Mr. Byrnes asked Mr. Fitzpatrick if he conferred with you about this particular issue and he related to him although he had spoken to you in the past, he had not discussed this particular issue in detail. As a result Mr. Byrnes then placed a telephone call to you which we discussed the issue and you briefly stated your position on it and also that you had not received a copy of the judicial order, which is the basis of Mr. Fitzpatrick's argument. I then faxed a copy over to you and encouraged you to talk to Mr. Fitzpatrick directly, to see if some type of agreement could be reached, as to the time frame rather than the issue itself. Mr. Byrnes stated that at approximately 2:45 he received a telephone call from you and you advised me you had in fact spoke to Mr. Fitzpatrick, and that the two of you had reached an agreement, that you appear here tonight and request that the matter be carried to the Februray meeting, and that each of you were going to submit written arguments to me, so that a decision could be made in somthing less than a vacum, that Mr. Byrnes finds himself in at this moment. That schedule set forth in Mr. Fitzpatrick's letter, his memo will have to be before Mr. Byrnes by February 7th, and one additional week February 14th,for Mr. Byrnes to reply and the meeting follows on February 21st. Mr. Byrnes will not mark any exhibits tonight because there will be no opening remarks. Mr. Byrnes asked Mr. Thomas if his clients would waive the statutory time limitations, so that we can give this matter the attention it deserves. Mr. Thomas said that is done and he will confirm that to the Board Secretary in writing.

Mr. Thomas stated after talking to you Mr. Byrnes, his clients are going to be away on a planned vacation on February 21, 1996. He did not discuss this issue with Mr. Fitzpatrick and what the O'Grady's have requested of him, is to place a formal request before the Board, which he will do in writing to obtain a special

meeting date and that will be done by letter to your secretary proposing a date, and he will check on that date with Mr. Fitzpatrick in advance. Mr. Thomas stated the February 21, 1996 meeting can not go forward as to evidence but only as to decide the legal issue.
Mr. Byrnes stated we do need a vote to carry it to February 21st. and he asked that the Board vote favorably for that.

Mr. Thomas asked if the meeting is carried that the Board not require the applicant to renotice, as this meeting was noticed and those members in the public who wanted to be present could be notified right now that it will be without further notice as to February 21.

Mr. Byrnes feels that is a fair request and he would ask the Board to take that into consideration. If a special meeting is requested, they will have to renotice.

A motion by J.Vanschoick was made to continue this application to February 21, 1996, at which time there will be a determination on the legal issue only, seconded by J. VanStolk, followed by the following vote: "YES" R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.Burke, J.VanStolk, N.Hood and J. Miller.

DETERMINATION - Beverly Calabrese - 75 Parker Avenue.
Attorney Mr. Deppeler put himself on record as representing Beverly Calabrese.
Mr. Byrnes asked Mr. Deppeler for the reports he has on the requests made at the last meeting. Mr. Deppeler said he could not find any case law that says why a minority owner should not be able to buy the majority owner, but he couldn't find a case law that says a minority owner takes precedence over a majority owners interest. Mr. Deppeler feels Mr. Iannelli should have checked further before changing a 2 family to a 1 family - to see if all the owners were in agreement. Mr. Byrnes asked Mr. Deppeler if he was able to find anything that said a Boro employee has a legal duty to check? Mr. Deppeler said no.
Mr. Burke said he talked to Mr. Iannelli, and when Michele came in to him requestimg the change, he requested that she go down stairs to the tax office and get a copy showing her name as being an owner of the property. She bought the copy up showing her name as the owner, but he admitted he did not check to see if there were other owners. The 1947 ordinance was in place at that time. It was built prior to the amendments that were made in 1961, which is in your favor Mr. Deppeler.
Mrs. Kazenmayer stated why the taxes did not come down was because the 2nd kitchen was not removed.

Mrs. Muriel Keefe, 51 Woodland Avenue, Manasquan, was sworn

in by Mr. Byrnes. Mrs. Keefe testified on behalf of Mrs. Calabrese, she came forward to give the history that she has on the homes. Her father William Hauck was the builder of three double homes. The first one was hers on 51 Woodland Ave. built in 1956. 73 Pierce Ave built in 1957, 75 Parker Ave. was in the later part of 1957, completion in 1958, built for her brother and family William Hauck,the house in question now. It was sold to Mrs. Calabrese in 1992 of October. These homes are legal 2 family homes, made as her father and husband had planned it would look and keeping within the neighbor hood as a one family. They have 2 kitchens, 2 bathrooms, a larger liveing room upstairs due to the overhang. Building permits were secured for each as required in 1957, and according to her father's notes the last one was build in 1957 not requiring a variance for a legal 2 family dwelling in that zone. At the time it was in a B Zone.

Mr. Hood said he accepts the testimony of M. Kazenmayer and Mrs. Keefe that it is a 2 family and it should be continued as a 2 family, and that Mrs. Calabrese pay the back sewer and water rates from the time it was changed.

M. Kazenmayer moved for a favorable determination with those stipulations, seconded by J. VanStolk, followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, J.VanSchoick, J.Burke, J. VanStolk, N. Hood and J. Miller.

APPLICATION - 25-95 - (Cont.) Thomas & Jean Mountford - 393 Beachfront.

Mr. Mountford testified that Attorney John Deppeler no longer represrents them and they are continuing without representation.
A site inspection was done on Saturday, December 16, 1995.
Mrs. Mountford testified in addressing the Board on the objections at the last meeting on the First Avenue residence, were that they take the side porch down as there was not room for emergency equipment to get up there. She testified that their house is the only one between Whiting and the inlet that does have access for emergency equipment to get up to the front houses on the beach, which would not change with the addition to the garage apartment. She testified there was an objection to haveing a 2 bedroom instead of a 1 bedroom, as they felt it would make it easirer for children to be there. She testifed if they were forced to rent out the front house, 8 kids could live in the front house, as there is capacity for 11 people. She feels that it is a little discriminatory since the ordinance has been on the books since 1940's and they are the last house on the block to want a second dwelling, also a big house just went up on First Avenue with no space on either side.
M. Kazenmayer's main objection was the size, it is taking up too much room, she wouldn't object to an apartment over the existing garage. Mr. Miller has no objection to the front of

the building, if they would keep the foot print of the garage the same as it is now, but enlarging it he does. Mr. Hood said his objection is if the existing foundation would carry the weight of what is proposed, also the washer and dryer being there. Mr. Hood sees the beach house as a total renovation. Mrs. VanStolk has a problem with the garage apartment - 1 or 2 bedrooms she does not like it, but has no problem with the front house. Mr.Brittle does not see anything wrong with putting 2 residence on a lot that is only suppose to be for one, and in walking around down there, not having 20 feet between the houses he can'tsee why one person is made a victim to uphold a code which will never change.

Thomas J. Cowan, 81 Curtis Avenue, Manasquan came forward and asked the Mountfords if there was going to be any expert testimony with regards to planning or any other issues in terms of this use variance, or is it just because every one else has one. Mrs. Mountford has no other witnesses.

Mr. Frank Diana - 401 First Avenue was sworn in by Mr. Byrnes. Mr. Diana came to speak in favor of the proposal. He lives almost directly behind the applicant, and every house on the beach has it but you can't have it doesn't cut too much mustard. The property in question is very expensive land and Mr. Diana thinks they should be allowed to build the First Avenue apartment to earn money so they can afford to keep the property.
Mr. Byrnes instructed the Board, this is not a hardship variance this is a use variance, and ecconomic reasons are not to be considered in making determination on this. The law is quit clear, an individual cannot buy a piece of property and then claim an economic hardship when they can't afford that property, or an economic hardship if they can't develop that property.

Mr. Cowan came forward and stated his concern is over the rear building and apartment. The house renovation will be wonderful. In terms of use variance they need to prove hardship but they also have to prove positive criteria for the town, and he can't see the town benefiting from another unit. The ordinance would not have been written if density wasn't a consideration in that area.

A motion to close the public hearing on this application was made by J. Miller seconded by R. Brittle, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, J. VanSchoick, J.Burke, J.VanStolk, N.Hood and J.Miller.

Mr. Byrnes said the Board will vote tonight, and you need 5 affirmative votes and there are 7 voters here tonight, but Mr. Lyons cannot vote as he was not at the last meeting. A 4 to3 affirmative vote is still a denial. Mr. Mountford said he will

go for it.
Mrs. Mountford testified, the proposal will be attractive,it will be done early in the spring, it will not cut off light or air.

A motion for approval for this appliction was made by R.Brittle, seconded by J.Miller, followed by the following vote: "YES"- R.Brittle, J.VanSchoick, J.Miller.
NO" - M.Kazenmayer, J.Burke, J.VanStolk, N.Hood.

Mr. Burke explained to the Mountford's that they have been denied. You can come back again, but the res judicata issue will come into effect, and you will have to have a substantially different application from tonights.

A motion for a five minute recess at 9:35 p.m. was made by J.VanSchoick, seconded by M.Kazenmayer, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.Burke, J.VanStolk, N.Hood and J.Miller.

The Board returned from recess at 9:40 p.m. with the following roll call: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.Burke,. J.VanStolk, N.Hood and J.Miller.

APPLICATION - 2-96 - Joseph Bossone - 46 Ridge Avenue.
Mr. Byrnes placed on record that he is refusing himself from being before the Board on this application, as he represents Mrs. Bossone and her daughter in a pending case, and therefore it would be a conflict of intrest to preside over this.
He introduced Mr. Bruce Braender an attorney in Point Pleasant to preside over this application.
Mr. Braender marked the file as A-1 thru A-9.
Joseph Bossone, 46 Ridge Ave. and Patricia A Bossone, 46 Ridge Ave. were sworn in by Mr. Braender.
Owner wishes to construct second floor addition to existing dwelling. R-2 Zone. This application was denied for the following reason. 107-27 - Front Setback - 25 Feet required, 20.5 Feet existing. And any other variance the Board may deem necessary. Not a Flood Zone. Hardship Variance.

MR. Bossone testified, he would like to add a second floor over the top of half of the existing house. The family is growing and they need more bedrooms. The entrance way to the house is between the garage and the front of the house, The first floor of the house has 3 bedrooms, living room and kitchen and it will not change. The upstairs is going to have 3 more bedrooms added. One bedroom will be turned into an office. Two bathrooms will be added to the upstairs addition. Mr. Bossone testified a second kitchen will not be added.

Mr. Bossone testified he does not see this as being a detriment

to the area. He testified it will block air and light to the neighbors on the east. Mr. Bossone feels his taxes would increase and it would be better for the neighborhood.

M. Kazenmayer moved the public hearing be closed seconded by R. Brittle, followed by the following: R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.Burke, J.VanStolk, N.Hood and J.Miller.

N. Hood moved for a favorable resolution for this application, seconded by J.VanSchoick, followed by the following: R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.Burke, J.VanStolk, N.Hood and J.Miller.

RESOLUTION - 24-95 - Richard & Geraldine Pincus -56 Clark St.
The resolution was read by Mr. Byrnes.
A motion to approve the resolution was made by M.Kazenmayer, seconded by J. VanStolk, followed by the following: "YES"-R.Brittle, M.Kazenmayer, J.VanSchoick, J.Burke, J.VanStolk, J.Miller.

RESOLUTION - 28-95 -Robert Mermini/Terry Rafferty - 59Wyckoff
MR. Byrnes read the resolution.
A motion to approve the resolution was made by J.VanStolk seconded by M.Kazenmayer, followed by the following vote: "YES"-R.Brittle, M.Kazenmayer, J.VanSchoick, J.Burke, J.VanStolk, N.Hood and J.Miller.

RESOLUTION - 30-95 - Gordon & Mary Lou Bird - 367 Beachfront
The resolution was read by Mr.Byrnes.
A motion to approve the raesolution was made by M.Kazenmayer, seconded by J.VanStolk, followed by the following vote: "YES" R.Brittle, M.Kazenmayer, J.VanSchoick, J.Burke, J.VanStolk, N.Hood and J. Miller.

OLD / NEW BUSINESS

A motion to approve to increase the salary of the Board Attorney to $105.00 per hour was made by E.Lyons, seconded by J.VanStolk, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, J.VanSchoick, J.Burke, J.VanStolk, N.Hood, J.Miller

A motion to adjourn the meeting at 10:30 p.m. was made, seconded and unanimously carried.

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
FEBRUARY 21, 1996 MEETING AGENDA

On Wednesday, February 21, 1996, 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..

REVISED AGENDA FOR 2/21/96

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 4-96 - Patrick & Barbara Quinlan - 574 Pike Avenue

APPLICATION - 5-96 - Paul & Lucille Carsillo - 3 Pickel Alley

RESOLUTION - 25-95 - Thomas & Jean Mountford -393 Beachfront

RESOLUTION - 2-96 - Joseph Bossone - 46 Ridge Avenue

RESOLUTION - 3-96 - Rudy & Michele Graf -267 Beachfront
268 First Avenue

OLD / NEW BUSINESS
(Work session will be conducted immediately after the regular meeting).

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

ROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

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RESOLUTION - 3-96 - Rudy & Michele Graf - 267 Beachfront
268 First Avenue

OLD / NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUQAN ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES - JANUARY 24, 1996
MANASQUAN BOROUGH HALL, 15 TAYLOR AVNUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held a special meeting on January 24, 1996, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, opened the meeting at 7:30 P.M.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: R. Brittle, E.Lyons, P.Walsh, J.Burke, J.VanStolk, N.Hood and J.Miller.

APPLICATION - 3-96 - Rudy & Michele Graf - 267 Beachfront.

Attorney C.Keith Henderson, from Lautman, Henderson & Wight, represents the applicant. Mr. Byrnes marked the Boards file as A-1 to A-10. Owner wishes to enlarge deck and construct additions to beachfront house (267 Beachfront) and demolish, rebuild and enlarge First Avenue House (268 First Ave.). R-4 Zone. This application is denied for the following reasons:
107-11- Only single one-family dwellings are permitted use. This property has two one-family dwellings.
267 Beachfront - 107-27 Sideyard setbacks - North - 5 Feet required, 2.47 ft. existing. South- 5 ft. required, 1.7 ft. existing.
268 First Avenue - 107-27 - Front setback - 10 ft. required,1.42 ft. proposed. Side setbach - North - 5 ft. required, 3.9 ft. proposed. South - 5 ft. required, 3.0 ft. proposed. Front setbach aggregate - 30 ft. required, 21.42 ft. proposed. Building coverage - 35% maximum permitted, 56.2% proposed.
Lot coverage - 50% maximum permitted, 70.9% proposed.
107-82.A.(4) - Non conforming uses require variance from the Board of Adjustment. And any other variances the Board may deem necessary. Flood Zone - V-6 267 Beachfront. A-5 268 First Avenue. Structures will comply with all Flood Zone requirements. Use Variance.

Board Attorney Mr. Byrnes swore in Michele Graf, 232 Broad St., Rudy Graf, 232 Board St., Manasquan, John J. Gassner, John J. Gassner Builders, Inc. 56 Union Avenue, Manasquan, Charles Gilligan, Gilligan Engineering, 549 Woodland Avenue, Brielle, N.J..

M. Burke explained the procedures to the audience, that the Board is going to hear testimony from the applicant, after the testimony is over and after the Board has questioned the applicant on any questions they might have, we will allow the people in the audience to ask questions of the applicant, that is not the time to give any personal opinions only to ask questions to clarify any questions you might have. After that

we will have more discussion by the Board and then we will ask for personal opinions from any one of the Board.
The exhibit by Mr. Gilligan was marked A-8B and the back of the exhibit,an area map was marked A-11. Mr. Henderson questioned Mr. Gassner as to what the plans on the left of the map depicked. Mr. Gassner testified the survey is the existing survey of the First Avenue house which is a bungalow type dwelling, there are 3 bedrooms, two on the second floor, 1 on the first floor, small bathroom, small kitchen. The beachfront is a rectangular house with a hip style roof, couple of gables over top. The house sits about 17 ft. high. On the right side is what the applicant proposes to do to both the beachfront house and the new dwelling on the First Ave.. He testified on First Avenue the set back is .42 about 4 inches off the line. They would like to increase that to 1.42 ft. then the existing dwelling on the south side goes back 37 Ft.,we would like to decrease that to 36 ft.. They are proposing on the First Ave. a masonary garage with roughly about 7'6" ceilings all block work, then a one story structure on top of that with 2 bedrooms a living room, a bath and kitchen and a very low sloped hip roof on top of that. The south side as it exists now is 2.41 feet and they would like to round that off make it a little larger to 3.0'to the 2 corners on the south side of the first Ave. house. The lot takes a little jag off to the North and the setback now is 2.74 ft. and they would like to round if off to 3.0 ft. The existing setback to the North now is 5.29 ft. they would like to decrease that to 3.9 feet, the reason being that the existing dwelling on First Ave. the front is 20.2' wide and they would like to increase the size of the width to an even 21 ft. The difference on the North side will be decreased 16" on the setback. Mr. Gassner testified the reason is the living quarters upstairs. Any bedroom less than 10' wide becomes sort of like a hall way type bedroom, they would like to maintain a 10' width on both bedrooms facing First Ave. side. That can be accomplished by 21 ft..
The second is with building a double car detached garage. A 16ft. door in the front of the garage is a minimum of 21 ft. wide which is sufficient for 2 cars to drive in and open doors. Referring to the North East corner of the existing dwelling, Mr. Gassner testified that on the existing corner there is a jog-in that consists of 5.9 ft. westward and approximately 11½ ft.wide which is a wooden porch with a roof overhang which takes up that room, but however the foundation is not. They would like to square off the north east corner and make it an even 21 ft. matching the First Ave. side. The existing dwelling has 2½ floors of dwelling space. It has no parkingat all. There is parking on First Avenue. Mr. Gassner testified when the First Avenue structure is finished there will be a net decrease in living space, due to it will be one floor. There will definitely be an increase in parking due to the 4 car garage. below. There will be room for 4 cars to park.

On the front structure Mr. Gassner testified they are proposing to change the roof structure. Right now there is a low slop hip roof that has no living area, so they would like to create a new roof structure with about an 8" or 9" pitch on 12 pitch scale. It will allow space for 2 bedrooms with slop ceilings, also there are plans for 2 dormers on each side. The existing structure stands 17' high now and they are proposing 21 ft. high. The First Avenue structure stands 21' high now and they are proposing 23 ft. high. Both structures are well within the building package. Mr. Gassner testifed the deck on the south side, they would like to increase the wooden deck from 8 ft. to 10 ft. off the back of the house, and on the west side of the deck they are only squaring off the stair-case side.
North of the deck there is an enclosed shower with a roof, underneath the stairs it is totally enclosed for storage and there is a small roof that comes off of this wood deck area underneath, that comes out further, which makes it a very congested area. We are planning on eliminating that aspect of it. Referring to the Beachfront residence, the only other change is right now the existing dwelling around the perimeter of the home is maintaining about a 16 inch soffet overhang. On the front of the proposed house dwelling in order to create this effect, the new roof structure, we would like to extend, just the roof 6 ft. past the front of the wall on the beachfront side, to create this column effect with the railing across,so you can sit on the front porch and have a roof over your head there. The beachfront property is a remodeling job, they will be doing the electric stystem and fire alarms over also.
On the First Ave. property all systems will be done over also, as it is a very antiquated system, and being a new structure all codes will have to be brought up to todays codes.
Mr. Gassner testified on the First Avenue side right now, you have to dig down 12" to 14 " and you will hit the top of the footing which is approximately 8" which means the footing is about 20"to 22" below grade on this First Avenue home.

Mr. Gassner testified the property is in an A-5 Zone. Right now they do not have to do pilings, but however, by code, the botton of footings have to be a minimum of 36 inches below grade, and that will be achieved there. Structurally it is better and protects the occupants against flooding etc..

Mr. Gassner testified, there was a mistake on the drawings, when questioned by Mr. Burke. He testified on the masonary it should be changed to 21' and also you should split on the room drawing which should be 10' and 10' each side, on the First Ave. dwelling. Mr. Byrnes stated if this is approved, they must submit a revised set of plans showing the correct measurements.
Mr. Gassner testified all the footings on the structures are pier type footings.

Mr. Miller asked Mr. Gassner if this is a gut rehab. Mr. Gassner said"if you want to use that term", I would call it an extensive remodel.

Mr. Brittle wanted to know how you get out of this house. Mr. Gassner said on the first Avenue house there is a door located on the east side of the house which is grade level. There will be a concrete pad landing also going over North towards the walkway, and there will be a concrete walkway being put in.

Mrs. Walsh wanted to know the existing bedrooms in the both structures, compared to the proposed. The existing beachfront structure has 4 bedrooms each about 8' wide 16' long, one set on the north side and one on the south side. The proposed beachfront will have one master bedroom on the first floor with 2 bedrooms on the second floor, reduced by 1. The First Avenue home consists of 1 bedroom on the first floor and 2 on the second floor. The proposed will have 2 bedrooms over the top of the garage, reduced by 1. Eleminating 2 over all.

Mr. Gassner testified the only area they are increasing the lot coverage on is on the First Avenue home by squaring off this 5x11½ corner.
Mr. Hood wanted to know what is existing under the Beach-front house now. Mr. Gassner said it is right on the sand. The footing on the beach house, After digging down 26 inches, one pier on the south side and 2 on the north side, I believe what I hit was footing and I started caving in. I'm going to allow for an 8" footing giving them a 36 inch footing, which is sufficient for holding a second floor.

John O'Grady, 1695 Glendola Rd., Wall Township came forward and asked how they were going to meet the fire codes, when they were closing up the alleyway by 1 foot. Mr. Gassner stated there are different methods to meeting that. One is on the side of the home you can put fire rated sheathing on and then fire rated sheetrock and come down and put your tieback and siding on, but even better than that, Weyerhauser makes a fire retardant that is fully class A rated fire proof sheathing that you put on the out side of the house, that meets all fire codes.
Mr. O'Grady was now sworn in by Mr.Byrnes.
Mr.O'Grady has concerns about the walkway, and wanted to know why the house couldn't be moved over to the other side, so as not to take away from the walk-way.

Mr. Gilligan is a licensed engineer and planner in the State of New Jersey. An engineer for about 15 years and a planner also about 15 years. He has testified before Boards as an expert and also been qualified as an expert. Mr. Gilligan has appeared before this Board numerous times, which was verified by Mr. Burke.

Mr. Gilligan stated on building coverage, the existiang coverage is about 47% and they propose to increase to 52%. The lot coverage is 75% and proposed to be increased to 77% and Mr. Ratz is at 71%. The total coverage is in the 70% range and 50% range of building coverage. Total lot coverage is up 2%.

Mr. Gilligan stated all the lots from Brielle Rd. south have principal structures on the beachfront and secondary structures on First Avenue. He stated all from Brielle Rd. to Whiting Ave. about 80% are garage aparatment and the balance would be strictly garages. Mr. Burke stated between Brielle Rd. and the inlet, there are 59 structures that have 2 houses or more on the property, and there are only 19 that have only a beachfront house on the property, 2 of them have no structure at all on them.

Mr. Gilligan stated the applicants lot will hold 3 cars on the outside and 4 in the garage, total of 7 cars. Each space will be allotted 17'4"x 9'10" inside the garage.

Mr. Gilligan stated both structures will be brought up to AC powers, smoke alarms, which are all goals toward safety. The proposed occupancy will be reduced by the proposal. This will be a contraction of a non-conforming use. He stated it will not impair the intent or purpose of the zone plane of Manasquan. It is consistent with the features of the other properties in the neighborhood. It will enhance the neighborhood. It will not affect air or light.

Mr. Hood wanted to know the exact foot print increase of the First Ave. building. Mr. Gilligan said the new house is going to be 9 square feet bigger than the old house.

Mr. Byrnes asked Mr. Henderson whether or not they have to go to pilings. Mr. Henderson replied that he thought Mr. Ratz made that determination. Mr. Henderson after speaking to Mr. Gassner, said Mr. Ratz indicated to him that pilings would not be required for the structure. Mr. Gassner stated that it would cost about $165,000 to$180,000 to build this house from scratch. The improvements will cost approximately $60,000. Mr. Gassner testified the roof is coming off, siding is coming down, windows will be out and interior walls will be moved around, the sheathing will be left on, you will not be able to look through the house.

Mr. Graf testified he feels the garage on the First Avenue property is more important as far as they are concerned to keep the cars out of the element. As far as the beachfront house is concerned they are remodeling to provide a place for their family to live. They just want a house that will fit into the

over all scheme of zoning and living in Manasquan. This will be our permanent residence. The First Avenue house will be used by his parents in the summer, as they live in Florida in the winter. Mr. Graf testified, it is their opinion as residents of Manasquan for quite some time, that moving his family to the beachfront for a permanent life style fits in.

Mr. HEnderson suggested to the Board that when they look at the plan that was presented and you see the minimum change in setbacks, and you look if a use variance rule is to be required, you look at the satisfaction of the special reasons set forth in municipal land use, plus the testimony from the expert that there has been no detriment and would be no detriment to public good and there would be no impediment to the zone plan of the borough, I would suggest that the applicant has satisfied his burden of proof and that the application with all due respect should be granted.

Mr. Hood stated he thinks the plan is excellent and the owner occupant will regulate any rental on the beachfront, which would discourage any problems in that area as far as rentals go, and he would like to see you have it, but he has a problem with the easement in the alley way. Mr. Henderson told Mr. Hood there is no problem, as there is no easement, they own the property in fee. Mr. Hoods other concern is that he couldn't support this application if they didn't put it on pilings. Mr. Gassner testified on the Beachfront house the bottom of footings are approximately 34 to 36 inches below grade which would be sufficient for the structure as it exists now. Mr. Gassner testified they are on piers right now. Mr. Gilligan testified that elevation wise itis accurate for the structure. Mr. Graf testified that they are satisfied with the way it is now.
Mr. Graf testified they have a contract to purchase on the house and land contingent to the Boards approval.

Mrs. Walsh stated she likes the plans, she likes the idea the bedrooms space in both structures has been reduced, that their adding parking is an improvement. She thinks this is exactly the kind of development the town is looking for up on the beach.

Mrs. VanStolk thinks the beach house is alright, and she is glad the First Avenue house is being reduced and they are increasing the parking.

Mr. Brittle likes the lay out but he feels the pilings should be approved by Mr. Ratz and the state. Mr. Lyons likes the plans and feels it is alright. Mr. Miller likes the plans and likes what they are doing, and he feels it's what the beach front needs, and we need more houses like it.

Barbara Lund, 271 First Avenue, Manasquan, came forward and

sworn in by Mr. Byrnes. She testified her biggest concern is safety, fire and first aid getting up the alley way. She has a concern with four cars in the garage in case of fire, the house being so close to the other. Mr. Gassner told her the garage is all concrete and the floor joists of the First Avenue house will be 5/8's fire rated sheetrock with a 1½ hour rate to stop any kind of combustion from the garage going up into the first floor. There will also be fire rated windows which allow firemen to get in with a scott fire pack on.
MR. Gassner testified the fire safety will be greatly improved with the new structure.

John O'Grady came forward and told Mr. Gassner, the people on the north or south can't repair, as the owner that owns it now is against rebuilding or remodeling on the beach. He is personally upset to think that Mrs. Cramer would enter into a contract to sell to Mr. & Mrs. Graf based on a contingency of a variance, when in June of 1994 she appeared in front of this Board at two meetings, was definitely against improvement on the beachfront. She then went on further and entered into a court battle that is now questioning the answer of the Judge, because she was against it, so personally I think it is very hypocritical of Mrs. Cramer to even be involved in selling. Mr. O'Grady is personally in favor of the Graf's fixing the house but against them moving closer on the alley way. He believes it is an improvement to the neighborhood, except for the fact that he would like to see it moved a little to the south. They are very happy to know some one will be living there as they are going to live there.

Marie Breunig, 263 Beachfront, Manasquan, came forward with regards to the house on First Ave.. This is a new construction and as such gives the Board the opportunity to enforce the minimum requirements that are mandated by the zoning codes.
This is the case where brand new construction would be violating minimum side yard set-backs. Side yard setbacks are there for a variety of reasons and are especially important in this particular area of the beachfront which is very congested. She feels that they should not be granted any consession on the side yard set back. With regard to the beach front house she feels the applicant should not be allowed to increase the size of the deck at the rear of the house, that the Board should be trying to decrease total lot coverage and not allowing it to increase.
As a tax payer, she is also concerned, that the house on First Avenue which is now only a summer rental will become a summer rental and a winter rental, and it has the potential to add 2 children to the school system at a cost of in the vacinity of $15,000. to the town. She feels that to grant these variances would be a departure from the intent of the zoning plan which is to bring non-conforming lots back into conforming, or at

the very least closer to it. When Mr. Henderson was making comments about this being termed a contraction rather than an expansion, its really an internal contraction, it's still being expanded on the out side of the house.

Mr. Burke said when you are talking about use variance, you are talking about the use of the structures. He believes Mr. Henderson was 100% right, because the use of the structures is being reduced. It has noting to do with the foot prints or expansion of the sides of the house. When your talking use variance it's the actual use of the structures, what the structures are being used for, and any time you eliminate 3 bedrooms in 2 structures, it is a reduction of a use of those structures.

Mrs. VanStolk asked Ms. Breunig what she would like to see done there? Ms. Breunig said she would like to see less lot coverage and not more lot coverage. She would prefer it would be built within the zoning codes. Mr. Henderson asked Ms.Breunig if her house conforms to all zoning in Manasquan? Ms. Breunig answered no it doesn't. Mr. Henderson said, so you want a double standard, you want us to adhere to it but you don't want to. Mr. Henderson said you want yours, but you don't want any one else to have it. Mr. Henderson asked her to identify her property on the map. She said her property is 2 north of the Cramer property.
The width of the property is 23x30. She said she is a sub-divided lot, the back belongs to American Timber Co.. She does not conform to the side yard set backs, Mr. Henderson asked her if she had to rebuild her house would you rebuild according to the side yard set backs. She could not answer him.

Benedette O'Grady. 1695 Glendola Rd., Wall, N. J.came forward and was sworn in by Mr. Byrnes.
She agrees with her husband John O'Grady and is concerned about the walk way up to the beachfront which every one uses. There is no other walkway as there is no room on the north side of us and the south side of the Graf's. She feels there is only room for one person to walk.

Mr. Burke suggested to Mr.Gassner, if your adding less than a foot on to that now, but your looking to move it 16 inches to the north, what if you left that south wall right were it is,and then just add it on the left to the north, then your not going 16 inches to the walkway. Mr. Henderson said it would be alright what ever the Board wants.

Mr. Burke stated if the Board grants approval to this application tonight, he is going to ask the Board to require that this problem be straighten out and before we read a resolution we

have an answer from you as to whether there is an easement or not and who owns that piece of property. Mr. Henderson said he has no problem with that. Mr. Henderson said he has a survey preparedby Thomas Stuart, which shows a walkway and it does not show an easement. Mr. Henderson will get to the bottom of it before the next meeting, and give you the correct information. If necessary he will submit a revised survey on its location.

Mary Cramer, 267 Beachfront, came forward and was sworn in by Mr. Byrnes. On the subject of the alley, Mrs. Cramer said one owner owned the O'Grady's property and the property in question. They built a four car garage on O'Grady's property making this zig zag which makes the back of the property different from others. She stated on the first survey they came down and they split the concrete walkway, and she wanted more than that, as she wanted more for her 3 parking spaces. She called the people who did the survey (Birdsall) telling them that she would like to have the whole alleyway,(which she bought for $5,000,) but she had to get Mr. Neary's permission, which he signed, and she sent it to Birdsall and they sent her the revised map which is the one here tonight. The O'Grady property only has an overhang on that walkway..
Mr. Byrnes told Mr. Henderson that if there is an easement, your clients are bound by it. Mr. Graf, said there will be access to their neighbors, and also to themselves. They will not close or block off that walkway, if their application is approved.

Mrs. Walsh moved to close the public hearing on this application, seconded by Mrs. VanStolk, followed by the following vote: "YES"- R.Brittle, E.Lyons, P.Walsh, J.Burke, J.VanStolk, N.Hood and J. Miller.

MR. & Mrs. Graf testified they have no intention of ever enclosing the front porch and using it as living space.

Mrs. Graf stated they have lived in Manasquan a long time and they love it, children went through the school system and they always wanted to live on the beach. They would just like to build a house on the beach conforming with every thing the town wants it to look like and what they want it to look like and hopefully live there for ever, and she hopes the Board will grant their application.
Mr. Graf said they certainly appreciate the efforts the Board has put forward and it is not appreciated by most, until you come here and see the hours that you people have to spend listening to the differences of opinions, it certainly has given them a new appreciation as to what public service is all about.

Mrs. Walsh moved for a favorable resolution noting the change in the location of the structure on First Avenue property as

agreed to by the applicants, and clarification of the easement, seconded by J.VanStolk, followed by the following vote: "YES"- R.Brittle, E.Lyons, P.Walsh, J.Burke, J.VanStolk, and J.Miller. "NO" - N.Hood.

Mr. Byrnes in addressing Mr. Henderson, said you will be submitting a revised set of plans showing there was an error in the measurements of the bedrooms in the proposed First Avenue house - they should be 10' by 10' not 10' by 11', revised plans also as to Mr. Brittle's comments showing the location and size of all doors and windows. In addition Mr. Henderson will address the easement issue and in the revised plans, will show the shift as previously set forth in the record, from 10 inches to 16 inches to the North.

A motion to adjourn at 10:15 p.m. was made by J.Miller, seconded by J.VanStolk, followed by the following vote: "YES"- R.Brittle, E.Lyons, P.Walsh, J.Burke, J.VanStolk, N.Hood and J.Miller.

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
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COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - FEBRUARY 21, 1996
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J..

The Manasquan zoning Board of Adjustment held their regular meeting on February 21, 1996 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, opened the meeting at 7:30 p.m.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: R. Brittle, J.VanSchoick, J.Burke, J.VanStolk and J. Miller.

A motion was made to approve the minutes, seconded and motion was carried by the following vote; "YES" - R. Brittle, J.Burke, J.VanStolk, J. Miller. ABSTAIN - J.VanSchoick.

EXTENSION 13-95 Donald Horn, 8 Riverside Drive.
A motion to approve an extension for 9 months was made by J.VanStolk seconded by J.VanSchoick, followed by the following vote; "YES" - R.Brittle, J. VanSchoick, J.Burke, J.VanStolk and J. Miller.

APPLICATION - 4-96 - Patrick & Barbara Quinlan -574 Pike Avenue

Mr. Byrnes marked the Boards file as A-1 to A8.
Owner wishes to construct a two story addition on top of existing one story dewlling. R-3 Zone.
This application is denied for the following reasons: 107-27 Front Setback, 25 Ft. required, 16 Ft. proposed. Side Yard setback -5 Ft. required, 3.6 Ft. proposed. Maximum Height (stories) - 2½ stories maximum allowed, 3 stories proposed. Maximum Lot Coverage - 50% maximum permitted, 50.2% proposed. And any other variances the Board may deem necessary. Flood Zone A-5, Structure complied. Hardship Variance.

Barbara Ann Quinlan, 76 Morris Court, Morgan, N.J. and Patrick Quinlan, 76 Morris Court, Morgan, N. J. were sworn in by Mr. Byrnes. Mr. Quinlan testified he has drawn the plans, and they are not changing any of the foundation or covering any more of the lot. The house and property was purchased by the Quinlans in 1992. Mr. Quinlan testified he would like to make this change to the house, as it is too small, and eventually they are going to move here full time. On completion this will not be his permanent residence at this time. Mr. Quinlan testified it will be a rental in the summer time. Mrs. Quinlan testified they come down 9 months on weekends. The Quinlan's testifed they bought the house with the intentions of making it bigger. They tesified they are not improving it to sell. Mrs. Quinlan testified her husband wants to move here, but she is having trouble moving. The house has 2 bedrooms now and they are

proposing 4 bedrooms. The reason for the bedroom on the first floor is for their parents. The reason for the bathroom on the top floor is that when they retire down here it would be nice to have a bath up there. Mr. Quinlan testified there would not be a bedroom up there, the heating unit will be up there.There will be a deck on the front of the attic and one on the back. There is no entry to the second floor from the ground.
The second floor consists of 3 bedrooms and a bath, washer and dryer and water heater, deck on the front and access to the attic.
The first floor will consist of a living room, kitchen, bedroom, bathroom and enclosed porch will be part of the living room.
Mr. Burke stated all the survey's done by American Timber were wrong as they did not take into consideration the steps on the houses.
Mr. & Mrs. Quinlan amended their application to change the front setback from 16 ft. to 15½ ft.

A motion to close the public meeting was made by Mr. Brittle, seconded by Mrs. VanStolk, followed by the following vote: "YES" - R.Brittle, J.VanSchoick, J.Burke, J.VanStolk and J.Miller.

Mr. Quinlan testified this application if approved would be pleasing to the neighborhood, it would benefit them when they move to Manasquan. He also testified it would increase ratables and be a more improved neighborhood. It will not block air or light to his neighbors. Mr. Quinlan also testified it will not increase traffic or affect off street parking in any way. Parking is in the back which comes off Timber Lane.

Mrs. VanStolk stated the bath on the 3rd. floor makes her nervous, as there will be a lot more people in there being it's a rental. Mr. Burke has negative feelings about it, if you were moving in this house upon completion, he would have no problem with it, but your basically expanding a rental unit in the town. Mr. Burke stated the reason for granting a Hardship Variance can not be only for the personal need of the applicant, there must be a benefit to the town. Mr. Burke said expanding a rental unit is not for the benefit of the town.

Mr. Burke stated we can either vote on this tonight after what you've heard here or if the Board agrees, we can hold you over to next month when there are 7 members present, which will give you time to think it over and see if you want to amend your application in any way. Once the Board votes on this application, if you are turned down, you cannot come back before us with the same application, ever again. Any application you

come back with before the Board at a future date, must be substantially different.
The Board agreed to give them the option to come back next month. with a new drawing of the attic.
Mr. Quinlin asked the Board if they had any suggestions as to what they would like to see him do.
Mr. Burke, Mr. Miller and Mrs. VanStolk said it would be a big help if they totally eliminated any possible habitable area in the attic, and turn it over to pure storage. Mr. Burke said he can't guarantee him anything, but it would be a big plus.
Mr. & Mrs. Quinlan waived the time limit. There was some discussion as to whether this is a 2½ story or 3 story house. Some of the Board members thought it was 3 stories.

Mr. Byrnes read the definition of a 2½ story. " 1/2 story is defined as a story of which 2 exterior sides meet a sloping roof not more than 2 ft. above the floor of such story", which makes it a 2½ story house.

This application will be carried to the next meeting which will be March 20, 1996. They do not have to re-notice.

APPLICATION - 5-96 - Paul & Lucille Carsillo - 3 Pickell Alley.
Mr. Byrnes marked the Boards file as A -1 to A -10.
Owner has enclosed a 5 Ft. by 5 Ft. front porch and constructed a 16 Ft. by 17 Ft. deck at the rear of the house. R-3 Zone.
This application has been denied for the following reasons: 107-27 - Front setback - 25 Ft. required, 15 Ft. proposed. Rear setback - 20 Ft. required, 13 ft. proposed. Side setback - 5 Ft. required, 4.9 ft. existing. Maximum Building Coverage- 35% maximum allowed, 36% proposed. Maximum Lot Coverage - 50% maximum allowed, 53% proposed. 107-23.3 - Curb Cut - 12 ft. maximum allowed, 50 ft. proposed, 26 feet existing. And any other variances the Board may deem necessary. A-5 Flood Zone -not applicable. Hardship Variance. Block 169.01 Lot 54.

Lucille Carsillo, 11 Roosevelt Ave., East Hanover, N. J., and Paul Carsillo, 11 Roosevelt Ave., East Hanover, N. J. were sworn in by Mr. Byrnes.
Mr. Carsillo testified he bought the house from his Aunt who purchased the house in 1950. Mr. Carsillo purchased the house and land on October 12, 1995.
The front of the house faces Pickell Alley. They are proposing a deck on the rear yard. The enclosed entrance way on the front is complete. They are proposing s 20 Ft. curb cut.
Application was amended to include a 20 Ft. curb cut.

A motion to close the public hearing on this application was made by Mr.VanSchoick, seconded by Mrs. VanStolk, followed by the following vote:"YES" - R.Brittle, J.VanSchoick, J.Burke, J.VanStolk and J.Miller.

Mr. Carsillo testified he is beautifying the neighborhood, as he is not going to rent, it will be kept nice all the time. Mr. Carsillo testified he will never rent the house out and it will not effect the air or light to his neighbors, or increase the traffic in any way. No site inspection was required.

A motion was made for an approval of the amended application by J.VanStolk, seconded by J.VanSchoick, followed by the following vote: "YES"- R.Brittle, J.VanSchoick, J.Burke, J.VanStolk and J.Miller.

Being there was a violation on this application (work being done without a permit), the Board has decided to refer it back to the building inspector,as to what violation should be taken.

RESOLUTION - 25-95 - Thomas & Jean Mountford - 393 Beachfront
The resolution of denial was read by Mr. Byrnes.
A motion to memorialize the resolution was made by J.VanStolk, seconded by J.Burke, followed by the following vote: "YES" J.VanStolk and J.Burke.

RESOLUTION - 2-96 - Joseph Bossone - 46 Ridge Avenue
Mr. Byrnes read the resolution.
A motion to approve the resolution was made by J. VanStolk, seconded by J.Burke, followed by the following vote: "YES" R.Brittle, J.VanSchoick, J.Burke, J.VanStolk and J.Miller.

A motion to approve the minutes of the special meeting of January 24, 1996 with a correction on page 10 was made by J. VanStolk, seconded by J.Miller, followed by the following vote: "YES" - R.Brittle, J.VanSchoick, J.Burke, J.VanStolk and J. Miller.

RESOLUTION - 3-96 - Rudy & Michele Graf - 267 Beachfront
268 First Avenue
The resolution was read by Mr. Byrnes.
A motion to approve the favorable resolution was made by J.Miller, seconded by J.VanStolk, followed by the following vote: "YES"- R.Brittle, J.Burke, J.VanStolk and J. Miller.

There was some discussion on Ordinance to supplement Chapter 107 to permit the repair, alteration, enlargement or extension of certain nonconforminmg buildings or existing conforming buildings on nonconforming lots.

A motion to adjourn the meeting at 10:15 p. m. was made by Mr. Miller, seconded by Mr. Brittle, followed by the following vote: "YES" - R.Brittle, J.VanSchoick, J.Burke, J.VanStolk and J.Miller.

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MARCH 20, 1996 MEETING AGENDA

On Wednesday, March 20, 1996, 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 - 4-96 - (Cont.) Patrick & Barbara Quinlan
574 Pike Avenue

APPLICATION - 6-96 - Brian & Susan Stepowany - 295 Beachfront

APPLICATION - 7-96 - Michael C. Bauer - 18 Allen Avenue

RESOLUTION - 5-96 - Paul & Lucille Carsillo - 3 Pickell Alley

OLD / NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
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MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - MARCH 20, 1996
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held its monthly meeting on March 20, 1996 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, NJ. Board Chairman John Burke called the meeting to order at 7 p.m.

Roll Call : Present - Board Members Robert Brittle, Edward Lyons, John Burke, Joanne VanStolk, Noel Hood and James Miller.

Absent - Board Members Margaret Kazenmayer, Patricia Walsh and James VanSchoick.

(Record reflects Mrs. Walsh arrived at 7:10 p.m.)

Mr. Burke noted that Councilman William Schmeling was in attendance and requested a motion for the Board to enter into executive session to discuss Zoning Board matters with Councilman Schmeling. A motion was made, seconded and unanimously carried to enter into executive session at 7:05 p.m.

At 7:30 p.m. a motion was made, seconded and unanimously carried to enter the regular session of the meeting. Chairman Burke called the meeting to order and stated this was an Open Public Meeting held in accordance with the Open Public Meetings Act and publsihed accordint to law. He asked all present to join in the Salute to the Flag.

Roll Call : Present - Board Members Brittle, Lyons, Walsh, Burke, VanStolk, Hood and Miller.

Absent - Board Members Kazenmayer and VanSchoick.

Mrs. VanStolk moved that the minutes of the February 21, 1996 Board meeting be approved as submited by the Board Secretary; motion seconded and passed by the following vote: "Yes" Board Members Brittle, Lyons, Burke, VanStolk, Hood and Miller. "Abstain" Mrs. Walsh. (Record reflects that Mr. Lyons and Mr. Hood listened to the February 21, 1996 meeting tapes and were thus eligible to vote).

APPLICATION 4-96 - (cont.) - Patrick and Barbara Quinlan-574 Pike Avenue - Mr. Burke recognized the applicants, Mr. and

Mrs. Quinlan. The applicants introduced engineer William Kurtz, whom they wished to have testify on their behalf.

A motion was made, seconded and unanimously carried to reopen the case so testimony could be taken from Mr. Kurtz. Board Attorney William Byrnes swore in Mr. Kurtz and marked the new and amended submissions submitted by the applicants, who had requested relief so they could construct a two-story addition onto their home. The permit was denied under Section 107-27 of the Code of the Borough of Manasquan. At the last meeting the Board had requested new drawings of the attic. Mr. Kurtz offered testimony on these drawings as well as setbacks and other issues pertinent to the project.

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

A motion was made by Mr. Hood for a favorable resolution. Motion seconded and carried by the following vote: "Yes" Board Members Brittle, Lyons, Burke, Hood and Miller. "No" Board Member VanStolk. "Abstain" Board Member Walsh.

Mr. Byrnes explained to the applicants that the resolution would be memorialized at the next meeting and noted the procedure they would need to follow to get their building permit.

APPLICATION 6-96 - Brian and Susan Stepowany - 295 Beachfront - The Board Chairman recognized the applicants, who were seeking relief so they might construct a 21' x 10' deck to the rear of their Beachfront house.

Construction Official Albert P. Ratz Jr. denied the building permit under the following sections of the Code of the Borough of Manasquan: 107-11 - Not a permitted use as there are two houses on one lot; 107-27 - Lot Frontage (30 feet required, 26.25 feet existing), Front Setback (Beachfront - 15 feet required, 13.4 feet existing. First Avenue - 10 feet required, 0 feet existing), Sideyard Setback (north - 5 feet required, 1.5 feet proposed and existing. South - 5 feet required, 2.3 feet proposed and existing), Maximum Building Coverage (35 % maximum allowed, 58.2 % proposed) and Maximum Lot Coverage (50% maximum allowed, 65.8% proposed); 107-36.A.(4) - Off-Street Parking (four spaces required, none shown); and 10782.A.(4) - Non-conforming uses may not be enlarged without approval from

the Board of Adjustment. The property is zoned R-4 and is in a V-6 Flood; it is noted the owner must comply with flood regulations. A use variance was requested.

Mr. Byrnes marked the file and swore in the applicants and their builder. The applicants used submitted pictures of the property supplemented with written and oral explanations to address each denial issue. It was stated that the present situation is a safety hazard and they set forth the reasons they felt the new deck and stairs would be beneficial, including easier access to the house.

Questions were raised over the setbacks (front vs. rear and as to the distance between the two houses as well as whether steps had been included in calculations) and parking spaces (it was offered that there are two spaces as such in the garage on the property). The applicants agreed to amend their application to address these adjustments. Mr. Burke also suggested amending the plans to remove the steps as shown and moving them. The Beachfront porch issue (enclosing of the porch) was also discussed.

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

The Board continued to discuss the case with the applicants and professional. They indicated they did not feel a site inspection was necessary.

A motion was made by Mrs. VanStolk for a favorable resolution upon submission of new plans showing the changes in the stairs and bannisters as discussed during testimony; motion seconded by Mrs. Walsh and caried by the following vote: "Yes" Board Members Brittle, Lyons, Walsh, Burke, VanStolk, Hood and Miller. "No" none.

Mr. Byrnes explained to the applicants the procedure in which the Board would memorialize the resolution at the next meeting and by which they would get their building permit.

<u>APPLICATION 7-96</u> - Michael C. Bauer - 18 Allen Avenue - Mr. and Mrs. Bauer were sworn in to offer testimony. The applicants sought relief so they might construct additions to their existing home. This project would include the removal of an existing garage and existing one story section, construction of a new

one story addition in the rear of the house, renovation and roof extension of the existing front porch, construction of a new walk and driveway, construction of a new second story addition at the right side of the house (area for new garage, which would have an overhang, and dining room on first floor, bedroom on second floor) and construction of a new deck in the rear of the house.

Construction Official Ratz denied the permit under Section 107-27 of the Code of the Borough of Manasquan - front yard setback - 25 required, 21.1 feet existing. He noted, however, that all new construction would comply with the current zoning and that the property was not in a flood zone. A hardship variance was being requested.

The applicants and Board discussed the case and submissions, with the applicants offering photographs for the Board's consideration. The Board requested further information about the stairs; upon discussion, the application was amended to state there would be a front yard setback of approximately 20 feet to take into account how far the stairs would be into the setback.

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

The Board continued to discuss the case with the applicants. They indicated they did not feel a site inspection was necessary.

A motion was made and seconded to approve a favorable resolution; motion carried by the following vote: "Yes" Board Members Brittle, Lyons, Walsh, Burke, VanStolk, Hood and Miller. "No" none.

Mr. Byrnes explained to the applicants that the resolution would be memorialized at the next meeting and noted the procedure they would need to follow to get their building permit.

<u>RESOLUTION</u> <u>5-96</u> - Paul and Lucille Carsillo - 3 Pickell Alley - Mr. Byrnes read the favorable resolution for the record. Mr. Brittle moved to memorialize; motion seconded and carried by the folowing vote: "Yes" Board Members Brittle, Burke, Hood and Miller. "No" none. "Abstain" Board Members Lyons, Walsh and Hood.

OLD AND NEWS BUSINESS - Correspondance, coming seminars and payments of bills were discussed. It was noted Mr. Burke and Mr. Miller were planning to attend seminars that week regarding Board of Adjustment issues. There being no further business, a motion was made, seconded and carried unanimously to adjourn at approximately 10 p.m.

Respectfully submitted,

Sharon Bogie

Sharon Bogie for
Marie Applegate, Board Secretary
4/8/96

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

908-223-0544
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COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
APRIL 17, 1996 MEETING AGENDA

On Wednesday, April 17, 1996, 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 Avneue, Manasquan, N. J..

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 8-96 - Eltz Holtz - 23 First Avenue

APPLICATION - 9-96 - Thomas & Jean Mountford - 393 Beachfront

RESOLUTION - 4-96 - Patrick & Barbara Quinlan - 574 Pike Ave.

RESOLUTION - 6-96 - Brian & Susan Stepowany - 295 Beachfront

RESOLUTION - 7-96 - Michael C. Bauer - 18 Allen Avenue

OLD / NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

EXTENSION - 17-95 - George & Cynthia Dempsey - 551 Pike Ave.

CLOSE-OUT - 27-95 - Dr.Ira & Susan Schulman - 47 Beachfrpmt

CLOSE-OUT - 29-95 - Campbell/Crowell - 138 Main Street

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

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JOHN L. WINTERSTELLA
Mayor

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - APRIL 17, 1996
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N.J.

The Manasquan Zoning Board of Adjustment held their regular meeting on April 17, 1996 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N.J..

Chirman John Burke called the meeting to order at 7:30 p.m. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He alked all in attendance to join in the Salute to the Flag.

ROLL CALL - PRESENT - Board Members - Robert Brittle, Margaret Kazenmayer, Edward Lyons, John Burke Joanne VanStolk, Noel Hood, James Miller.

ABSENT - Patricia Walsh.

Board Chiairman Mr. Burke stated the first order of business is a very painful order of business tonight. James VanSchoick one of our members who had been on the Board for 17 years, passed away last week. He wrote a letter of resignation to the Board but it was not accepted by the Mayor, as it actually came after he died, but he says some interesting things and Mr. Burke would like to have it read into the minutes.
Mrs. Kazenmayer read the letter dated April 2, 1996.

Mayor John Winterstella
Borough of Manasquan Town Council
Board of Adjustments
Manasquan, New Jersey 08736

Subject: My Resignation from the Board of Adjustment

"Dear Mayor, Council and Board Members,

"It is with great sadness, that I resign from my position on the Board of Adjustment, but for health reasons, it is time for me to retire. I am happy to have served the Borough of Manasquan for 17 years as a member of the Board of Adjustments. It was a great honor to have been chosen for the position, and to watch the town grow and change.

In closing, as you have heard me say many times before, a rule is a rule, however, it is necessary to evaluate each circumstance for its own merit to determine if it is for the betterment of the town. The work that we do is very important, and I wish the Board all the best in future decisions.

Sincerely,

James P. VanSchoick, Jr."

Mr. Burke stated Jim did not only serve on this Board, but he was a member of the Borough Council for a 3 year term in the late 50's, he served 6 years on the Board of Education, he was chairman for a year, so he put a lot of work into this time, so he will really be missed. Mr. Burke asked for a moment of silence.

Mr. Miller moved that the minutes of the April 17, 1996 Board meeting be approved as submitted by the Board Secretary; motion seconded and passed by the following vote: "YES" - R.Brittle, E.Lyons, J.Burke, F.VanStolk, N.Hood and J. Miller. ABSTAIN M. Kazenmayer.

APPLICATION - 8-96- William Eltzholtz - 23 First Avenue

The Board Chairman recognized the applicants, who were seeking relief to construct a 15' x 26' deck to the rear of their dwelling.

Construction Official Albert P. Ratz,Jr. denied the building permit under the following sections of the Code of the Borough of Manasquan: 107-27 - Lot Area - 5,000 sq. ft. required, 3,750 sq. ft. existing. Frontage - 50 ft. required, 37.5 ft. existing. Maximum Building coverage - 30% maximum allowed, 33% existing. Maximum Lot Coverage - 45% maximum allowed, 59% existing. A-5 flood zone not applicable, R-2 Zone.

Mr. Byrnes marked the Boards file A-1 to A-10. Chairman J.Burke excused himself as he resides within 200 ft. of the applicant, and turned the meeting over to Mr. Brittle.

Mr. William Eltzholtz, 21 Laning Road, Vernona, N.J.and Steven Schmidt, 15 Eastham Rd. Pt. Pleasant were sworn in by Mr. Byrnes.

Mr. Schmidt, the builder explained just what they were going to do. They are going out 15 feet from the back of the house, not to exceed either side of the house, the steps in side the deck, so they will not protrude out-side of the perimeter of the house. They are using 2.8 wolmanized joists for the deck joists and 5/4 x 6 wolmanized decking board on it and 2x2 risers for the spindals and 2x6 rail on it, everything to be screwed and anchored with clips.

After discussions with the Board a motion to close the public hearing was made by J. Miller, seconded by N. Hood, followed by the following vote: "YES" - R. Brittle, M. Kazenmayer, E. Lyons, J.VanStolk, N. Hood and J. Miller.

Mr. Byrnes stated that in reviewing the application our construction official omitted the fact that the front yard

setback of the house is 17 Ft. from the front property line, in an R-2 Zone 25 feet is needed. With the applicants permission Mr. Byrne will amend the application to include that variance as well.

A motion was made by J. Miller for a favorable resolution, seconded by E.Lyons, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, J.VanStolk, N.Hood and J. Miller.

Mr. Byrnes explained to the applicant that the resolution would be memorialized at the next meeting and noted the procedure they need to follow to get their building permit.

Record reflects- Chairman Mr. Burke returned to the Board at 8.01 P.M..

APPLICATION - 9-96 -Thomas & Jean Mountford, 939 Beachfront. The Board Chairman recognized the applicants, who are seeking relief so they might construct a front porch and change pitch of roof on the house.

Construction Official Albert P. Ratz denied the building permit under the following sections of the Code of the Borough of Manasquan: 107-27 Sideyard setback - 5 feet required, .05 feet existing (North), 4.6 feet existing (south). Maximum Building Coverage - 35% permitted, 43.4% existing. Maximum Lot Coverage 50% permitted, 56% existing. V-6 Flood Zone not applicable, R-4 Zone. A hardship variance was being requested.

Mr. Byrnes marked the file as A-1 to A-12 and swore in Mrs. Mountford, 393 Beachfront and her builder William Holzapfel, 44 Ridge Avenue, Manasquan, N.J.

Mr. Burke stated the Mountfords appeared before this Board in 1995, application 20-95, initially heard on 12/13/95, it was continuted to 1/17//96, the application was not approved by the Board and the resolution to deny the application was read on 2/21/96. The first thing to determine on this application is whether Res Judicata comes into effect. The Mountfords are coming to us with a second application, on half of the same site. It is for a building similiar if not identical to what was on the original application to do with the beachfront house. Res Judicata requires that there be a substantial difference in the application to bring an application back before the Board of Adjustment.

Mr. Byrnes after explaining Res Judicata, stated "the Board may have to vote twice tonight. After the Board has heard the testimony from the applicant, they must decide whether of not

this doctrine is applicable. If they find that this application is substantially different from the first application, then this doctrine will not apply, and you will then vote as to whether or not to appprove the application. However if you find that res judicata does apply, then there will be no vote on the merits, because it will be precluded by the doctrine of res judicata".

Mrs. Mountford testified, that on the first application they were going for a Use Variance. The main application was to build an apartment above the existing garage. They are no longer going for that, they are going for improvements on the front house and staying within the foot prints of the house, to replace rotting wood and porch. They are going from a Use Variance to strictly a Hardship Variance. The beachfront house and garage are owned by the applicant, but not the property, which is owned by American Timber.

Mrs. Kazenmayer thinks there is a substantial difference, and res judicata does not apply. Mr. Miller also agrees there is a substantial difference.

A motion that Res Judicata does not come into effect on this application was made by R. Brittle, seconded by J.Miller, followed the the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, J.Burke, J.VanStolk and J.Miller. "NO" - N. Hood.

Mrs. Moundford testified the only thing they are planing to do is booster up the porch and instead of putting screens back, they are putting combination screens and windows, staying within the perimiter of the houseand making the roof symmetrical on one side to give them head room.

Mr. Holzapfel testified there will be no expansion of the building coverage, they are only working on the roof. He also testified there will be no expansion of the lot coverage.
The side yard set-backs and back set-backs will not change.
The shower in back is enclosed and will stay there.

A motion to close the public hearing on the application was made by M.Kazenmayer, seconded by N.Hood, followed by the following vote: "YES" - R.Brittle, M. Kazenmayer, E.Lyons, J.Burke, J.VanStolk, N.Hood and J.Miller.

Mrs. Mountford testified it will enhance the neighborhood, will not effect the light or flow of air to the neighbors. She testifed they have more parking space then needed.
Mrs. Mountford testified the area under the house is only for storage, and will never be rented out.

A motion for a favorable resolution was made by R.Brittle, seconded by J.Miller followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, J.Burke, J.VanStolk, N.Hood and J. Miller.

RESOLUTION - 4-96 - Patrick & Barbara Quinlan -574 Pike Avenue
The resolution was read by Mr. Byrnes. A motion to approve the resolution was made by R.Brittle, seconded by E.Lyons followed by the following vote: "YES" -R.Brittle, E. Lyons, J.Burke, N.Hood and J.Miller.

RESOLUTION - 6-96 - Brian & Susan Stepowany -295 Beachfront
Mr. Byrnes read the resolution. The plans were received and were marked as A-8A. A motion to approve the resolution was made by J.VanStolk, seconded by N.Hood, followed by the following vote: "YES"- R.Brittle, E.Lyons, J.Burke, J.VanStolk, N.Hood and J.Miller.

RESOLUTION - 7-96 - Michael C. Bauer - 18 Allen Avenue
The resolution was read by Mr. Byrnes.
A motion for a favorable resolution was made by E. Lyons seconded by Mr. Miller, followed by the following vote: YES" R. Brittle, E.Lyons, J.Burke, J.VanStolk, N.Hood and J. Miller.

OLD / NEW BUSINESS

Request for an extension for George & Cynthia Dempsey, 17-95 - 551 Pike Avenue was granted with a motion for approval from M.Kazenmayer, seconded by J.VanStolk, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, J.Burke, J.VanStolk, N. Hood and J. Miller.

APPLICATION - 27-95 - Dr. Ira & Susan Schulman - 47 Beachfront
A motion to close this application without prejudice was made by M. Kazenmayer, seconded by J.VanStolk, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, J.Burke, J.VanStolk, N. Hood and J. Miller.

APPLICATION - 29-95 - Campbell/Crowell - 138 Main Street
A motion to close this application without prejudice was made by J.VanStolk, seconded by M. Kazenmayer, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, J.Burke, J.VanStolk, N. Hood and J.Miller.

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

Mr. Burke stated J. Miller has gone into the internet and has gotten vidios, audios and books for Boards of Adjustment and will start a library up stairs for all Board members.

A motion to adjourn the meeting was made at 9:40 p.m. and unanimously carried.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
MAY 15, 1996 MEETING AGENDA

On Wednesday, May 15, 1996, the Zoning Board of Adjustment of the Borough of Manasquan, will hold their regular meeting at 7:30 p.m. in Manasquan Boroough Hall, 15 Taylor Avenue, Manasquan, N. J..

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 10-96 - Edward & Joanne Tellone - 116 Church St.

APPLICATION - 11-96 - Harold & Audrey Musgrave - 46 Pearce Ave.

RESOLUTION - 8-96 - William Eltzholtz - 23 First Avenue

RESOLUTION - 9-96 - Thomas & Jean Mountford - 393 Beachfront

OLD / NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - MAY 15, 1996
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on May 15, 1996 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke called the meeting to order at 7:30 p.m.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: PRESENT - R.Brittle, E.Lyons, J.Burke, J.VanStolk, N. Hood and J. Miller. ABSENT - M.Kazenmayer and P. Walsh.

Mr. Byrnes swore in a new Board Member - Ronald Lloyd
Mr. Noel Hood is now a full voting member of the Board, Mr. James Miller is first alternate and Mr. Lloyd is second alternate.

A motion to approve the minutes of April 17, 1996 was made by J.VanStolk, seconded by N.Hood, followed by the following vote: "YES" - R.Brittle, E. Lyons, J.Burke, J.VanStolk, N.Hood and J. Miller.

APPLICATION - 10-96 - Edward & Joanne Tellone - 116 Church Street Owner wishes to construct two-story addition and deck to existing dwelling. The building permit was denied for the following reasons: 107-27-Lot Frontage - 50 ft. required, 48.83 feet existing. Front Setback -25 feet required, 21.03 feet existing. Side Setback- corner - 15 feet required, 7.51 feet existing and proposed. Side setback - corner - detached garage - 15 feet required, 5.8 feet existing. R-2 Zone, not a flood zone. Hardship variance.

Mr. Byrnes marked the file as A-1 to A-14. Edward Tellone, 116 Church Street, was sworn in by Mr. Byrnes.
Mr. Burke questioned Mr. Tellone on the steps leading from the front porch. He stated the steps weren't taken into consideration when the survey was made, so Mr. Tellone's front set back will be 18.03 feet instead of 21.03. Mr. Byrnes amended the application to read 18.03 on the front setback, as requested by Mr. Tellone.

Mr. Tellone testified that they would like another child and they need another bedroom. He testified they are going to expand the kitchen, remove the deck on the back and make it a family room and the bedroom will be built above. The new deck will be on the side. He testified it will not obstruct air or light to his neighbors. Mr. Tellone purchased the land and house in 1993.

A motion to close the public hearing was made by Mr. Hood, seconded by Mr. Brittle followed by the following vote: "YES"- R.Brittle, E.Lyons, J.Burke, J.VanStolk, N.Hood, J.Miller and R. Lloyd.

Mr. Tellone testified the new addition will be more aesthetically pleasing. He stated it will increase the value of his property and the neighborhood.

Mr. Brittle moved for a favorable resolution, seconded by Mrs. VanStolk, followed by the following vote: "YES" - R.Brittle, E.Lyons, J. Burke, J.VanStolk, N. Hood, J.Miller and R.Lloyd.

APPLICATION - 11-96 - Harold & Audrey Musgrave - 46 Pearce Ave.
Mr. Phil Brash, son-in-law and his wife Laura who is Audrey Musgrave's daughter came forward and stated they are going to be moving in and taking over the house.

Mr. Byrnes marked the Board's file as A-1 to A-11.
Owner wishes to construct 20'x28' two story addition and relocate existing deck to rear of new addition. Addition will be to rear of existing house. R-2 Zone.
This application is denied for the following reasons:
107-27 - Front Setback, 25 feet required, 16 feet existing to porch. Sideyard setback - 5 feet required, 3.15 feet existing and proposed. And any other variance(s) the Board may deem necessary. Not a flood zone. Hardship variance.

Laura Brash, 1464 Colorado Drive, Toms River and Philip Brash, 1464 Colorado Drive, Toms River, were sworn in by Mr. Byrnes.
Mrs. Musgrave was not able to be here tonight, so the Brash's who are going to take over the house and live there came in.
Mrs. Musgrave owns the house and Laura Brash is her daughter.
There being a technical deficiency with the stairs the numbers will be amended to 13 ft. from 17'on the front set-back.
Mr. Burke stated on the side yard set-back they are 1.75' instead of 3.15 due to the chimney. They will also amend the footage on the side yard setback.

Mr. Brash testified Mrs. Musgrave doesn't like living alone, so with her wishes they would like to add a 20'x28' addition to the rear of the house and move to Manasquan, to be with her.
It won't effect air light or ventilation and it will be aesthetically pleasing to the neighborhood. It won't effect street traffic, should add value to the neighbors and certainly to this lot. They will live together as a family. They testified there will only be one kitchen and never turn it into a 2 family.

Mr. Brash testified downstairs there is a living room, kitchen dining room, bedroom and bath. Upstairs there are 3 bedrooms. The addition will add a bedroom and bath. Mr. Brash testified there will never be an outside entrance added to the back addition.

Mr. Hood stated the house is a nice house and is well cared for but he has a problem with the addition with the side yard setback. He stated he would feel better if the addition was moved over to 5 feet from the side line, as there is pleanty of room there to do it. Mr. Hood said he could not support this in the present form. The Brash's testified it will not impair the light or air to the neighbors and it will enhance the neighbors. There is plenty of parking in the driveway. There is an existing 2 car garage and it will not change.

A motion by Mr. Brittle to close the public hearing seconded by Mr. Lyons followed by the following vote: "YES" - Mr.Brittle, E.Lyons, J.Burke, J.VanStolk, N.Hood, J.Miller and R.Lloyd.

Harold Musgrave died in 1989 and title went to Audrey.

Mr. Burke stated if approval is granted he would like a letter from Audrey stating that you are appearing here on her behalf.

Mr. Byrnes said he will put together an affidavit for Audrey to sign and get notorized and return to us before the meeting.

Mr. Miller made a motion for a favorable resoluition, seconded by E. Lyons followed by the following vote: "YES" - R.Brittle, E.Lyons, J.Burke, J.VanStolk, J.Miller and R.Lloyd, "NO" - N. Hood.

RESOLUTION - 8-96 - William Eltzholtz - 23 First Avenue
Mr. Byrnes before reading the resolution stated that he noticed the property owner was listed as W.Eltzholtz but the applicant was Steven Schmidt. The secretary called to verify if W. Eltzholtz was the owner and he was. The secretary notified Mr. Byrnes that the tax book has W. Eltholtz and Richard and Leeann Leonard as the owners. In January 1994 Mr. & Mrs. Eltzholtz had conveyed title in the property to themselves as 50% owners as well as to their daughter and son-in-law as 50% owners. Each of the two couples were tenants in common with a right of survivor-ship. Mrs. Eltzholtz passed away so Mr. Eltzholtz is still 50% owner. Mr. Byrnes had the Leonard's prepare a statement which he read into the record.

" We are 50% owners in the above property. The original application came before the Manasquan Board of Adustment in April, 1996. We have reviewed the paperwork and plans for

the relief being sought within said application. We wish to be joined in the application. We did not realize that our names had to be included on said application. To the best of our knowledge and belief the deed recorded on April 20, 1994 in Book 5305-0117 is the present status of the title.
Signed
LeeAnn Leonard and Richard N. Leonard "
Sworn and Subscribed to me on this 14th day of May, 1996
Mary Ann Martin, Notary Public of New Jersey. Expires 4/23/2001

For the record it was marked as exhibit A-11.

Mr. Byrnes read resolution 8-96. A motion to approve the resolution was made by J. Miller seconded by J.VanStolk, followed the the following vote; "YES" - R.Brittle, E.Lyons, J.VanStolk, N. Hood and J. Miller.

RESOLUTION - 9-96 - Thomas & Jean Mountford - 393 Beachfront.

The resolution was read by Mr. Byrnes. A motion to approve the resolution was made by J.VanStolk, seconded by R.Brittle, followed by the following vote: "YES" - R.Brittle, E.Lyons, J.Burke, J.VanStolk, N.Hood and J. Miller.

OLD / NEW BUSINESS

The Board discused the new Ordinance that is going into effect.

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

Motion to adjourn was made at 9:20 p.m. seconded and unanimously carried.

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

ROLL CALL SHEET - MANASQUAN ZONING BOARD OF ADJUSTMENT

I

Date: May 15, 1996

	For Not	Motion O/C	Compliance with Ord.	Franklin on Hoover	Civic Public meeting on Improvements	Favorable results Improvement Fund Bill for County O/C
Robert Brittle	✓	✓	✓	✓	✓	✓
Margaret Kazenmayer	Absent					
Edward Lyons	✓	✓	✓	✓	✓	✓
Patricia Walsh	Absent					
~~James VanSchoick~~						
John Burke	✓	✓	✓	✓	✓	✓
Joanne Van Stolk	✓	✓	✓	✓	✓	✓
Noel Hood	✓	✓	✓	✓	✓	AB
James Miller	✓	✓	✓	✓	✓	✓
Ronald Lloyd			✓	✓	✓	✓

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

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COUNTY OF MONMOUTH
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MANASQUAN, N.J.

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COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
JUNE 19, 1996 MEETING AGENDA

On Wednesday, June 19, 1996, 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 - 12-96 - John & Benedetta O'Grady - 265 Beachfront

RESOLUTION - 10-96 - Edward & Joanne Tellone - 116 Church St.

RESOLUTION - 11-96 - Harold & Audrey Musgrave - 46 Pearce Ave.

OLd / NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

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MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - JUNE 19, 1996
MANASQUAN BOROUGH HALL, 15 TAYLOR AVNUE, MANASQUAN, N. J.

The ManasquanZoning Board of Adjustment held their regular meeting on June 19, 1996 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke called the meeting to order at 7:30 p.m.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: PRESENT - E.Lyons, P.Walsh, J.Burke, J.VanStolk, N.Hood, J.Miller and R.Lloyd.

A motion to approve the minutes of May 15, 1996 was made by Mrs. VanStolk, seconded by N.Hood, followed by the following vote: E.Lyons, J.Burke, J.VanStolk, N.Hood, J.Miller and R.Lloyd. ABSTAIN - P.Walsh.

APPLICATION - 12-96 - John & Benedetta O'Grady - 265 Beachfront. Attorney Kevin Thomas representing the O'Grady's came forward. Attorney John Fitzpatrick representing the objectors came forward also. Mr. Fitzpatrick stated in order to preserve the record, he has previously discussed these points with Mr. Byrnes and Mr. Thomas and would like them put on record for the Board.
He stated he does not believe that the application as submitted by the applicant is complete. He believes the matter should be carried to the next meeting, for the following reasons.
1. This was the subject of a previous application and the O'Grady's have constructed pilings on their property based upon a variance given by the Board which was over -turned by Judge Lawson. The pilings have not been removed, so the applicant does not come forward here tonight with clean hands as far as the previous construction. More importantly the applicant has not itemized the variances, other than the reference to Mr. Ratz letter. There is no matrix or graf on the plans that one is used to, that shows the existing and proposed for the required variances. Mr. Fitzpatrick is requesting that the Board direct the applicant to come forward with an itemized list seperate from simply the rejection of Mr. Ratz, so they affirmatively will tell the Board, also myself exactly what he's to be looking for when he looks at the plans. Mr. Ratz has looked at them and has only from the stand point of issuing a building permit, he didn't substitute himself as an analyist for variances under the zoning code. Mr. Fitzpatrick feels that as standard, he should get an itemization of what variances are being required often put on the plans by the architect. Mr. Fitzpatrick stated there are no side elevations. He feels there is no material before the Board now upon which an objector could determine whether or not the slopes require variances or not. Mr. Ratz refers only to height variances, but one does not know why or one does not also know if it's the roof slope

that is of material consequence here. He stated this is but one example which happens to be the most pointed example.
Second most pointed example would be the failure to indicate flood zone. This is a wave valosity zone, which means that it is subject to acutual wave velocity passing over here. Without a location of this house relative to the flood zone, this Board cannot make the proper determination for the safety of neighboring properties and cannot make the proper determination as to whether or not this construction will in the future on a 100 year storm cause errosion and damage to neighboring properties. This would be a detriment to neighbors especially to the objectors who Mr. Fitzpatrick is representing and live right next to the applicant. Mr. Fitzpatrick is asking for a direction of the applicant, go back and bring forward more complete plans dealing with the safety of the flood zone and dealing with the other facades, so that they can properly locate in their minds the door and windows, roof slopes. Mr. Fitzpatrick asked that the hearing be posponed until next month so there can be a resolution of these particular issues.
Mr. Kevin Thomas who represents the applicant responded to Mr. Fitzpatrick's comments.
With regard to the pilings on the property, the footings were put on the property by Mr. & Mrs. O'Grady persuant to the prior variance that was granted and subsequently reversed on appeal by Judge Lawson. It is not accurate to say the O'Grady's are here with unclean hands, as a letter was sent to Mr. Ratz by Mr. Byrnes saying the O'Grady's are going toreapply, an application will be coming before the Board and rather than take the pilings out now, lets wait and abide by what the decision is.
With regard to a matrix on the plans as to the specific variance being requested, Mr. Thomas said Mr. Ratz doesn't just review these plans from the perspective of a building official. Mr. Ratz is also zoning code enforcement officer and he reviews them from the perspective of the zoning ordinance, and he sets forth in his review of an application for a building permit his view as the Building Official and the Zoning Officer of why from the Zoning ordinanaces perspective a building permit cannot issue if it cannot issue. Itemized in his denial exactly what the variances are that will be required in order to give the applicant the relief necessary in order to construct or renovate what has been requested.

Mr. Thomas referring to the application form on page 2 information requested of the applicant as to the front, side, rear set backs, the heights, lot coverages, what exists and what is proposed then requests what you set forth what the zone requires. Mr. Thomas stated the information for which variances are being sought, in details, is right in the application.
Mr. Thomas stated on Mr. Ratz's Denial he has on the very bottom of the denial, V-6 Flood Zone Structure must comply. The

applicants architect knows that and will comply. This house is going from a masonry foundation to pilings. As it relates to the requirements of the Flood Hazardous ordinance the applicants intend to comply with the ordinance.

Mr. Fitzpatrick feels the Board cannot make a decision as the plans do not show the right information. Mr. Fitzpatrick has a problem with the undermining of the neighbors foundation for the lack of information, the sand would erode. A V-6 zone is a very serious zone to wave velocities.

Mr. Burke stated this is a complete rebuilding of the building and this falls into the relm of where a full site plan would be required.

Mr. Fitzpatrick stated this particular lot will be essentially commercial use, because it has 4 apartments, if it would be approved. It has commercial use in the rear of 2 apartments and 2 apartments in the front essentially a 4 family dwelling. A 4 family existing on a single lot puts one into a multiple dwelling act, it is considered commercial. Mr. Fitzpatrick stated this particular application is inching over the line to commercial use. He believes the ordinance does not exempt this application from a site-plan. This is not a one family house.

There was a discussion between lawyers Thomas and Fitzpatrick on site-plan approval.

Mr. Byrnes Board Attorney stated the first issue discussed was the old pilings in the ground. Mr. Fitzpatrick says the applicant come forward with unclean hands because there still there. Mr. Thomas points out that they were put in persuant to a prior resolution granted by this Board and when that resolution was appealed the pilings were left in place being that the applicants were coming back with a new application, so therefore Mr. Byrnes does not feel on that issue that there were any unclean hands by the applicant.
As far as the notice is incomplete, the N. J. Statue in regard to contents of notice, states that notice must contain the following information - date, time and place of hearing, nature of metters to be considered, identification of the property proposed for development by street address if any or by reference to lot and block numbers as shown on the currecnt tax map and location, and times available to be seen.
Referring to the public notice, Mr. Byrnes stated it was noticed alright. On the site-plan - Mr. Ratz, Construction Official has reviewed this and has not made a requirement for a site-plan. Mr. Byrnes stated the Board is free to make their own determination if they would like to have one and that can be done tonight.
Mr. Byrnes said the last argument was that the application itself

was incomplete because it did not set forth a detailed list of the variances sought. The maximum Lot Coverage on the denial is different from the application. Mr. Byrnes said that will have to be clarified which number is correct and which number is the existing coverage. Mr. Thomas clarified this.

Mr. Fitzpatrick stated when you demolish a pre-existing non-conforming use it is no longer grandfathered in, this application is for a demolition totally new construction, your ordinance mandates site-plan.

Mr. Burke stated if we are going to start this case, we should have every bit of information that we need tonight. All the Board members would like to see all elevations. Mr. Miller would like to see all architectural, an easterly, westerly, southerly and north elevation of the proposed site, also suggests that they have a proper plot plan (107-70 article 14 site plan details). Mrs. Walsh is concerned with the plans in terms of compliance with the zoning requirements in the beachfront area. She would like to see that building supper imposed on the plans. Mrs. VanStolk would like to see flood elevation certificate and distances between the structures. Mr. Burke would like to see distances between the structures. Mr. Hood would like to see the elevation of the apartment downstairs, also proof that the apartment predates the zoning ordinance.

Ronald A. Sebring, Architect stated not only will they comply with the Federal Standards, but they will comply with all the requirements as set forth in the construction code, when it comes to flood hazard.

Mr. Thomas said he would comply with paragraphs # 1 thru # 27 of (107-73). Mr. Burke stated they want all measurements of the exterior and interior.

Mr. Byrnes marked the following exhibits as A-1-Notice of Appeal and Variance Application, A-2-Denial of Permit, A-3-Affidavit of Service on Adjoining Property owners, A-4-Public Notice -Exhibit A, A-5-Affidavit of Publication, A-6-Exhibit C - List of Property Owners within 200 Ft. also utilities, A-7-Plan of Survey by Charles O'Malley. Mr. Fitzpatrick had no objection to the file being marked. Mr. Thomas stated the applicant waived all time periods.

A motion to continue this application to the July 17, 1996 meeting was made by P. Walsh, seconded by E.Lyons, followed by the following vote: "YES" - E. Lyons, P.Walsh, J.Burke, J.VanStolk, N.Hood, J.Miller and R. Lloyd.

A motion for a 5 minute recess was made at 9:25 p.m., seconded

and unanimously carried.

The Board returned from recess at 9:30 p.m. with the following ROLL Call: E.Lyons, P.Walsh, J.Burke, J.VanStolk, N.Hood, J.Miller, R.Lloyd.

RESOLUTION - 10-96 Edward & Joanne Tellone - 116 Church St.
The resolution was read by Mr. Byrnes. A motion to approve the resolution was made by J.Miller, seconded by E.Lyons, followed by the following vote: "YES" - E.Lyons, J.Burke, J. VanStolk, N.Hood, J.Miller and R.Lloyd.

RESOLUTION - 11-96 - Harold & Audrey Musgrave - 46 Pearce Ave.
Before Mr. Byrnes read the resolution, for the record his office prepared an affidavit for Audrey Musgrave to sign, authorizing her son-in-law and daughter to appear on her behalf at the meeting of May 15, 1996.
A motion to approve the resolution, with a correction, was made by E.Lyon seconded by J. Miller, followed by the following vote: "YES"- E.Lyons, J.Burke, J.VanStolk, J.Miller and R. Lloyd.

Mrs. Walsh questioned application 9-96 - Thomas & Jean Mountford, the deck on the front of the house, also the whole roof was taken off. Mr. Burke said he spoke to Mr. Ratz and it had to be done because it was all rotten when they started.

The following cases who do not have to come before the board due to the ordinance change will be refunded their money less 10%

Theresa Reichey - 420 East Main St.	Case 16-96
Linda Werdann - 25 Ocean Avenue	Case 13-96
Lemmu & Elsa Davern - 85 Virginia Avenue	-Case 14-96

The Board agreed to transfer $600.00 less 25% on John and Benedetta O'Grady, from Case # 1-96 to Case # 12-96 which will be $450.00.

A motion to adjourn the meeting at 10:20 p.m. was made by P.Walsh seconded by N. Hood followed by the following vote: "YES" E.Lyons, P. Walsh, J.Burke, J.VanStolk, N. Hood, J.Miller, R.Lloyd.

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
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COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
JULY 17,1996 MEETING AGENDA

On Wednesday, July 17, 1996, 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 - 12-96 - John & Benedetta O'Grady - 265 Beachfront

APPLICATION -15-96 - Lazar & Karlson - 231-231½ Second Avenue

APPLICATION - 17-96 - Anna Engel - 64 North Farragut Ave.

OLD / NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

SPECIAL MEETING REQUEST - Stephen & Madeline Clark -30 Virginia Avenue

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
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Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - July 17, 1996
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Baord of Adjustment held their regualr meeting on July 17, 1996 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke called the meeting to order at 7:30 p.m.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: PRESENT - R. Brittle, M.Kazenmayer, P.Walsh, J.Burke, J.VanStolk, J.Miller, N. Hood and R. Lloyd. ABSENT - E.Lyons.

A motion to approve the minutes of June 19, 1996 was made by Mrs. Walsh, seconded by Mr. Brittle, followed by the following vote: R.Brittle, M. Kazenmayer, P.Walsh, J.Burke, J.VanStolk, J.Miller, N. Hood and R. Lloyd.

REQUESTING A SPECIAL MEETING - Stephen & Madeline Clark - 30 Virginia Ave..
The Board decided to have a special meeting at 6:30 P.M. on August 21, 1996, before the regular meeting.

A motion to have the special meeting at 6:30 p.m. on August 21, 1996 was made by M.Kazenmayer, seconded by R. Lloyd, followed by the following vote: "YES"- R. Brittle, M.Kazenmayer, P. Walsh, J.Burke, J.VanStolk, J.Miller, N.Hood, and R.Lloyd.

For the record certification was received from M.Kazenmayer and R.Brittle that they listened to the minutes of the June 19, 1996 meeting and are therefore able to vote tonight.

Mr. Miller made a motion to set a time limit of 11:30 p.m. on tonights meeting, seconded by Mrs. Walsh, followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, P. Walsh, J. Burke, J.Van Stolk, J. Miller, N. Hood and R. Lloyd.

APPLICATION - 12-96 -John & Benedetta O'Grady - 265 Beachfront.

Mr. Byrnes the Board Attorney, stated we received some additional exhibits from the applicant. The Board had put together a list of matters that they wanted included in the site plan. Mr. Byrnes asked that the Board review that list to make sure everything has been included.

Mrs. Walsh's concern on the requested waivers was with the building construction within 300 feet. She would like to know the distance between the existing structures to the North and South, and to the West.

A motion to grant the waiver requests on Page 4 of the new plans which were submitted to the Board and marked A-8 and the notations not applicable also on the same page, 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, J.Miller, N.Hood and R.Lloyd.

Mr. Byrnes marked exhibits just received for identification purposes, the last exhibit from last month was A-7, so A-8 will be the 4 page site plan from Ronald Sebring, Architect Planner dated 7/2/96, A-9 is a series of hand drawn sketches consisting of 2 pages of 264-266 First Avenue west view. We also have a point of survey from Charles O'Malley, which was marked A-7A which replaces A-7 marked last month. A-10 confirms the computer map of the area.

Kevin Thomas came forward as the attorney representing the applicant. The application concerns Block 181 lot 14 which is 265 Beachfront and 265-266 First Avenue. Mr. Byrnes swore in the following witnesses - Connie Wombough, Broker Owner of the Harry M Lane Agency, 2040 Highway 35, Wall, N. J., Bernedetta O'Grady, 1695 Glendola Road, Wall, N.J., Ronald Sebring, Architect Planner, 2329 Hwy. 34, Manasquan, John O'Grady, 1695 Glendola Rd. Wall, N. J., Carl Hexamer, 9230 W. Baltic Dr., Lakewood, Co. and 267 First Avenue, Manasquan.

Mr. Byrnes stated this is application 12-96. This is property located at 265 Beachfront and 266 First Avenue. Owner proposes to demolish existing two-family dwelling and construct new two-family dwelling on a lot which contains two structures and four dwellings. R-4 Zone

This application is denied for the following reasons.
107-11 Two family dwellings and four residential units are not a permitted use. 107-27 Front Setback - No yard less than 10 Ft. required, Existing First Ave. setback is 0 feet. Front Setback - aggregate - 30 ft. required, 17 ft. proposed. (NOTE: 107-33 permits an "open terrace" to project into front yard setback provided that the un-occupied portion of the front yard has a depth of not less than 10 feet.)
Side Setback - 5 feet required. 266 First Ave. - existing north -1.7 Ft. existing south - 0.9 ft.. 265 Beachfront - proposed south - 3 ft.. Height - Proposed structure does not comply with note (f) of Schedule I of Zoning Schedule of Bulk and Coverage Controls. Maximum Building Coverage - 35% maximum allowed, 58.4% proposed. Maximum Lot Coverage - 50% maximum allowed, 63.5% proposed. 107-36.A. - Off Street Parking - (Minimum parking space 9x19) - 8 spaces required, 3 spaces in existing garage. And any other variances the Board may deem necessary.V-6 Flood Zone -Structure must comply,-Use Variance.

File was marked as A-1 Notice of Appeal and Variance Form, A-2 - Denial of Permit by Construction Official Albert P.Ratz,Jr.. A-3 Affidavit of Service, A-4 Public Notice Exhibit A, A-5 Affidavit of Publication, A-6 List of Property Owners within 200 Ft. Exhibit C, A-7 Survey by Charles O'Malley, A-8 Plans by Ronald A. Sebring, Architect Planner dated 7/2/96, A-9 10-pages of plans by John O'Grady, A-11 -Letter from Kevin B.Thomas with a two page drawing depicting the north and east-west elevations of the proposed renovation as well as a single page reflecting a proposed floor plan of the structure as renovated.

Mr. Heximer testified he lives in Colorado his winter residence and at 267 First Avenue in the summer. His residence was purchased by his parents in the winter of 1947-48. He testified he has spent summers at 267 First Avenue since 1948, he was 12 years old. He testified he was familiar with the O'Grady property. He testified the apartment at 265 was there in 1948 and was there a long time before. He testified Natalie Henry owned the house back in 1948.
Thomas J. Coan, 81 Curtis Avenue, came forward and asked Mr. Heximer if he was ever there in the winter. Mr.Heximer said he cannot remember if he was ever there in the winter and he did not know if there was heat in the apartment in question.

Mr. O'Grady, 1695 Glendola Rd., Wall, N. J. testified he has resided at that address over 8 years. He is the owner with his wife Benedetta of 256 Beachfront and 267 First Avenue. They aquired the property and the land in June of 1992.
Mr. Thomas in showing Mr. O'Grady A-7A and A-10, asked him to explain just where the property is located on the exhibits.
Mr. O'Grady testified it is located between the Ocean and the boardwalk up on the ocean and First Avenue between Briell Road and Pompano. He described the neighborhood as basically bungalows, some multi story and some single story, all on small lots that drop down hill from the beachfront to first avenue.
Except for a few, the largest lot is between 30 and 40 ft. frontage up on the beach. They are basically all residential and at this point most are rented, a few are permanent residence. He testified 4 doors away Mrs. Callahan had to rebuild her house as it was damaged by the storm, at 367 the Birds are building a new house, the Sea Breeze Apt. complex built 11 or 12 units on Main St.. Mr O'Grady in discribing the property on Block 14 Lot 181, testified there are 2 structures on the property, down on First Ave. which is 264/266 First Ave. there is a 4 car garage and on top is a duplex, basically one bedroom and a loft, both are basically the same. On the beach is a one story house with an apartment in the basement. The house has 4 small bedrooms an eating area combination living room, a kitchen and bath. The apartment downstairs is a one room which includes a kitchen, sort of a living room it has its own bedroom

and its own bath, the outside area is enclosed with windows but is not heated was originally a porch and we recently put in new windows. In the house on the beachfront the sizes of the bedrooms are 7'4"x 9'5", the others are roughly 9'7"x8'6" all have small closets, basically there is a bed, dresser, and mirror hanging on the wall in each room. There are 4 units on the property, 2 on First Avenue 264 and 266 and a house and an apartment on 265 Beachfront. The utilities are all seperate to each one. There are 4 garage parking places and right behind them are 4 pull up parking spaces from the street. Mr O'Grady testified the parking has been that way as long as he has lived there and before when he rented there. Mr. O'Grady testified access to the Beach from the street, there is one walkway on the south side that runs between our house and 267 beachfront.
The age of the house according to the appraiser is approximately 1928. There were no records in the Boro.

Mr. O'Grady testified a few years ago they wanted to take the house and raise the back half over the apartment area, make a master bedroom, which would reduce the first floor down to 2 bedrooms and raise the front walls about 2 feet. We faced opposition so we decided to take the house down and construct a new with the set backs and put the house on pilings, that was what we presented to the Board. In the meantime because there was opposition to this plan and the other plan by our neighbors, we proposed a high one level structure back in May, it wasn't what we wanted but we tried to please them and that proposal was also turned down by the neighbors. Mr. Thomas said he would like to have a letter marked A-11 for identification. The letter for identification is a letter dated 4/29/96 from Attorney Kevin Thomas to Attorney John Fitzpatrick, it consists of 2 pages and attached to that are two legal size pages, of hand drawn sketches. Mr. O'Grady testified he was advised that they would not accept that plan either.
Mr. Thomas asked Mr.O'Grady, with that plan have you done any investigation to determine whether or not you could have completed that renovation without the necessity of having to place the structure on pilings. Mr. O'Grady said they didn't go past that stage because their concern was to see if they were going to be willing to even discus it.
Evidence marked A-9 Mr.O'Grady testified, the first page 264-266 First Avenue is the First Avenue view of the duplex with the four garages under it. What's not on your drawing which I added later, the garage width starting from left to right, the left one is 8'3"x20, the next 8'7"x20, the next 8'8½"x20 and the last is 8'2½"x20, Page 2 is a back view of the east view of the back yard, consists of a porch, the entrance way, outside a deck, page 3 is the southern view, the door and window on the bottom, the garage is 20' back and then through that door is a storage area, basically used on 1 side for tools and

on the other side for chairs and linen storage. The next page is the North side, the floor plan and the plan you see is for 264 First Avenue and if you were to walk in to the other side they are basically the same set up. This house was upgraded the electric,and walls in the winter of 1993. The next is 265 Beachfront front view, the current house right now there is a concrete deck, the windows on the botton is the back which were replaced with sealed windows. A-9 was prepared by Mr.O'Grady. Mr. O'Grady testified all 4 units are now rented for the summer, and has been a rental since it was purchased by them and was rented back to 1980.

Mr. O'Grady is proposing a 2 story house, the first floor would consist of a kitchen living room, dining room, bath and laundry room and 2 bedrooms in the rear. The second floor will consist of a master bedroom, dressing area, master bath and a deck.
There will be a cat walk coming up the front that will go to a deck outside on the front and off to oneside on the left will be a loft about 9x19'. The building will have a basement apartment which is there now and a full basement. They propose to air-condition. The proposal is to completely demolish the structure that is there now and put the new structure on pilings.

Mr. Fitzpatrick, attorney for the neighbor, came forward and asked Mr. O'Grady when you purchased the house on the beachfront, you understood the Borough of Manasquan had zoning requirements and zoning ordinance. Mr. O'Grady said he honestly didn't know.
He testified to Mr. Fitzpatrick that he uses the house in June and September usually on weekends. Mr. Fitzpatrick wanted to know if he gave any thought in instructing his architect in complying with the Boro's ordinances. Mr. O'Grady said he did.
Mr. Fitzpatrick said being your violating both front set-back and theaggregate requirement of 30 ft. combined front and rear, so Mr.Fitzpatrick said it strikes him that they can move their house back then they can move within the requirements of the Borough's set back. Mr. O'Grady testified he didn't think they could.
Mr. O'Grady testified the compressors for the air conditioners are in the north rear. Mr. Fitzpatrick stated the compressors are located near the neighors bedrooms. Mr. O'Grady said he wasn't aware of that and actually that is where their kitchen is not their bedrooms. Mr. Fitzpatrick stated you are locating those condensors between the two houses, are you aware that would create an enhancement of the noise almost like an echo chamber. Mr.O'Grady testified he was not aware of that.
Mr. Fitpatrick said he sees on the plans for your house you have put no windows on the side of your house where the compressor units are located. Mr. O'Grady said there are only two windows on that side, the bedroom and bathroom windows.
Mr. O'Grady said they didn't put any windows on that side, as

the neighbors said they could look right in their house.

Mr. Thomas said he wanted to make it clear for the record, that you can go up 35 ft. in Manasquan. Mr. Fitzpatrick said he wanted to make it clear for the record that Manasquan has a roof ordinance that restricts you going up 35 ft. you must start your roof and come in on a step purpose, so your not going up 35 ft. in a legal manner.

Connie Wombough came forward to testify. She owns the Harry Lane Agency, Wall, N. J., for 6½ years. She has been involved in Real Estate Sales in Monmouth County for 13½ years. She is qualified as a Real Estate witness. She has seen the plans and is familiar with what the applicant wants to do. She testified she did not do a CMA on the property.

Ronald Sebring - 2329 Hwy. 34, Manasquan - registered Architect - Planner, came forward as a witness. He is licensed by the State of N. J., State of Florida and Pennsylvania. Registered Architect in N.J. since 1976 and licensed planner in N. J. since 1977, graduate from Drexel University. He was qualifited as a witness. Mr. Hood wanted to know if this is the first ocean front house he has done. Mr. Sebring has done ocean front houses before, the first in Manasquan, but he has done some in Spring Lake, Sea Girt and Bay Head, and very familiar with ocean front construction since 1985, all major construction at Island Beach State Park. He stated he is familiar with FEMA regulations and the firm from Manasquan. The Board accepts Mr. Sebring as an expert witness in the field of Architecture and professional Planner.
Mr. Sebring testified the plans marked A-8 were prepared under his supervision. Mr. Thomas said there was an inaccuracy inthe plans as to the height indicated as 23'4". Mr. Sebring said the dimension of the line going across horizontally is correct at 21 ft. what is incorrect is the notation that it is 23'4", it should be 21 ft. He testified the angle back height of the envelope has been raised from 17'6" to 21'. He is familiar with the structure. It is an older structure and unsafe in the coastal zone. He is also familiar withthe apartment in the structure. Mr. Sebring referenced his page 3 marked A-3 as the property currently owned by the O'Grady's which has 2 structures, towards the First Ave. side is a 2 story structure containing a garage on the first floor level, 2 apartments on the second level. The shaded blue color is the outline of the new structure which we are proposing, underneath some dotted lines, the longer dotted line which runs up the side of the property and across the front and back down, is the envelope of the existing structure that's on the property that this new structure is going to be placed. The existing garage on the north west corner is .1 ft. off of the right of way line of First Avenue, the south westerly side is .2 ft. off of the line. Along the north

westerly corner is 1.7' in from the property line and the southerly side is 1.1' in. Moving towards the easterly side of the garage, that structure is 1.8' in from the property line on the north and .9' in from the property line on the south. The garage is 26.96' away from the existing garage to the existing house. The existing house to the north property line at the closest point is 2.1'.
The proposed new dwelling is going to be 5.16' off that property line at the rear and 5.98' off the property line in front. The Borough ordinance requires a 5' set back, that whole set back line is respected and the structure is built within the requirements of the zoning ordinance. On the south side the distance at the westerly side of the house to the property line is 2.3 ft., the proposal is to construct that at 3 ft., so we are increasing the set back line. The front set back line on the east side of the property line is 2.5' and we are proposing 3'. The house is made parallel to the southerly line of the property. On the east end all set backs are respected. The requirement on the front is 15' and we are right at that line.
The 15' setback line is the second floor covered deck. The wooden deck constructed at grade can be 10' back from the front set back line. The basement meets the floor hazard elevation. The basement apartment is supported on a grade beam which spans from pile cap to pile cap and that pile cap is at or above the flood hazard elevation. Mr. Hood questioned Mr. Sebring about the elevation.
Mr. Sebring said the air condition condensors could be slid back maybe 10 or 12 ft. and be behind the adjoining house on the north.

A motion for a 5 minute recess was made by Mr. Brittle, seconded by Mr. Miller and unanimously carried at 10:00 p.m..

Board returned at 10:10 p.m. from break with the following roll call: R.Brittle, M.Kazenmayer, P.Walsh J.Burke, J.VanStolk, J.Miller, N.Hood and R.Lloyd.

APPLICATION-15-96 Lazar & Karlson and APPLICATION 17-96 Anna Engel due to be heard tonight, will not be able to be heard tonight. Mr. Byrnes told the applicants before we adjourn tonight, he will mark the files so they do not have to renotice. They have waived the time limit and will be heard on August 21, 1996.

Mr. Fitzpatrick cross examined Mr. Sebring on the following issues: setbacks, building heights, dimensions of exterior and interior of the structure, Basement apartment, air condition condensors. Cross examination reflected areas of testimony Mr. Sebring had offered under questioning from Mr. Thomas. Mr. Sebring could not give him the ceiling height of the basement apartment. Mr. Sebring testified he cannot tell whether the

basement is going to be below grad or above grade. He did testify the ceiling of the basement is 5' above where the building is measured from. Mr. Sebring testified the structure is only 2 stories even though Mr. Fitzsimmons insists it is 3 stories. Mr. Sebring testified according to your scenario, using the definition without having the opportunity to review additional portions of the zoning ordinance, I cannot venture to say we are proposing a 3 story building. Apparently Mr. Ratz doesn't believe we are proposing a 3 story building, as it is not referenced in his letter of rejection and he is the Zoning Officer. Mr. Fitzsimmons said "so no one has applied for a variance from the 2½ story restriction under the law."
Mr. Sebring testified grade level is at 15.125 ft.
Mr. Burke asked Mr. Sebring, using your calculations you just stated, does the basement part of this proposed structure, is that entirely above grade plain. Mr. Sebring testified no, grade plain is that elevation 15.125 Ft. The finished basement floor is at elevation 12'4", approximately 3 ft. below grade plain.
Mr. Burke and Mr. Miller had concerns about the basement apartment being another level.

Mr. Byrnes in addressing Mr. Sebring said you have already told us that the height of the buildings eastern elevation is concerned along the beachfront- now using that line what is the height of the ceiling of the basement apartment. Mr. Sebring testified he couldn't give the exact, but it is over 5 ft.
Measuring it from the front, the height of the basement has to be the same, it is approximately 6 or 8 inches. Mr. Byrnes asked Mr. Sebring as an architech is it possible to lower the ceiling in the basement apaartment and bring it under that 5 ft. requirement and still maintain the aesthetics of the apartment as well as the requirement of the building codes? Mr. Sebring testified yes. Mr. Byrnes said if they put in a dropped ceiling, this will no longer be deemed a story. Mr. Sebring testified this would be correct.

Mrs. Walsh asked Mr.Sebring being he testified he knew the Borough ordinances - Footnote F - requires that the vertical plain of the wall at the set back line on the north, south and westerly sides of the property need slope. Mr. Sebring said he respects what you are saying and this line is measured at the set back line, and the set back line would be 10 ft. in from First Avenue. Mr. Thomas said the westerly side of the structure is no where near that rear yard set back line. Mr. Sebring testified they are 50 ft. to the set back line.

A motion was made for a site inspection on September 7, 1996 at 9:00 A.M.,by Mrs. Walsh, seconded by Mr. Miller followed by the following vote: "YES" - R. Brittle, M.Kazenmayer, P.Walsh, J.Burke, J.VanStolk, J.Miller, N. Hood and R.Lloyd

A motion was made to hold an extra meeting to try and ajudicate this case in it's entirety on Wednesday September 11, 1996 at 6:30 p.m. by Mr. Miller, seconded and followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, P. Walsh, J. Burke, J.VanStolk, J.Miller, N.Hood and R.Lloyd.

Mr. Byrnes said the extra meeting to dispose of this matter hopefully, will be held on Wednesday Sept. 11, 1996 at 6:30 P.M.. Mr. Byrnes asked Mr. Thomas if he agreed to waive any and all time limitation requirements on behalf of your client to the end of that meeting. Mr. Byrnes asked Mr. Fitzpatrick if he agreed that Mr. Thomas does not have to send out any additional notices other than a legal notice in the paper for this extra meeting, Both agreed.

Any old and new business will be taken up at the next meeting on August 21, after the special and before the regular.

A motion to adjourn the meeting was made at 11:55 P.M. seconded and unanimously carried.

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
AUGUST 21, 1996 MEETING AGENDA

On Wednesday, August 21, 1996, 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 - 15-96 - Lazar & Karlson - 231-231½ Second Ave.

APPLICATION - 17-96 - Anna Engel - 64 North Farragut Avenue

APPLICATION - 18-96 - Walter & Michele Ritchie - 13 Central Avenue

APPLICATION - 19-96 - Marshall & Janice Blore - 522 Brielle Road

OLD / NEW BUSINESS

EXTENSION REQUEST - Shiloh Baptist Church -44 Union Avenue

RECORD RETENTION

(Work session will be conductred immediately after the regular meeting).

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
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JOHN L. WINTERSTELLA
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Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

AUGUST 21, 1996 SPECIAL MEETING

On Wednesday, August 21, 1996, the Zoning Board of Adjustment of the Borough of Manasquan, will hold a Special Meeting at 6:30 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 22-96 - Stephen & Madeline Clark - 30 Virginia Avenue

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

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Municipal Clerk

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - AUGUST 21, 1996
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on August 21, 1996 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke called the meeting to order at 7:30 p.m.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to joinin the Salute to the Flag.

ROLL CALL: PRESENT - R.Brittle, M.Kazenmayer, E.Lyons. P.Walsh, J.Burke, J.Miller, N.Hood and R.Lloyd.

A motion was made by M.Kazenmayer to approve the minutes of July 17, 1996 seconded by N.Hood and followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, P.,Walsh, J.Burke, J.Miller, N.Hood and R. Lloyd.

APPLICATION 15-96 - Lazar & Karlson - 231-231½ Second Avenue
For the record Mrs. Walsh is stepping down from the application as she lives within 200 Ft. of applicant.
Mr. Byrnes Board Attorney, marked the file as A-1 thru A-9 which included the list of exhibits.
Owner wishes to construct deck 19' x 6" and exterior stairs on the rear two-family dwelling on a lot with another single family dwelling. R-3 Zone. Application was denied for the following reasons: 107-10 - One family dwelling permitted per lot. Two structures with three dwelling units. Not a permitted use. 107-27 - Lot Area - 3,400 sq. ft. required, 2,500 sq. ft. existing. Frontage - 40 ft. required, 25 feet existing. Front Setback - (front building) 25 ft. required, 6.96 ft. existing. Side Setback - front building - 5 ft. required, 2.24 ft. existing. rear building - 2.98 ft. existing and proposed (south) 2.96 ft. existing and proposed (north). Rear Setback - 20 ft. required, 2.86 ft. existing. Maximum Building Coverage 35% permitted, 44% proposed. 107-36.A. - Off street Parking - six spaces required, no spaces of legal size (9x19) existing. A-5 Flood Zone - work must comply. and any other variance the board may deem necessary. Use Variance. Block 177 Lot 54.

Jonathan Lazar - 231 Second Avenue was sworn in by Mr. Byrnes. Chairman Mr. Burke told Mr. Lazar he will need a new survey showing the brick porch and steps, if this case is approved tonight. Photographs submitted by Mr. Lazar were marked A-10 and A-11.
Mr. Lazar testified on exhibit A-11 is a photo where he lives all year round and the deck he proposes, will be off the rear of the building. He proposes to knock out the front steps to the upstairs apt. and have them go off the deck in the rear to enter the apt. which will be the main entrance. Up-stairs has two bedrooms a kitchen and bathroom and it will stay the

same. Mr. Miller suggested instead of coming straight out with the steps and cutting down on the space between the houses, you could have an intermediate landing and you would only be infringing 3 ft. instead of 6 ft. Mrs. Kazenmayer asked Mr. Lazar how it would be beneficial to the neighborhood. Mr. Lazar testified the neighbors are all fixing up their properties and he believes this will make his property more aesthetically pleasing.
He testified it will not block air or light to neighbors and will definitely increase the value of his property.
T.J.Coan, 81 Curtis Avenue came forward and asked Mr. Lazar what the building coverage is before adding the deck. Mr. Lazar said it was 35%. Mr. Coan said he is concerned about the non-conforming use of the property. He stated the use variance is being taken very lightly and there has been no imput from professional planners.
Mrs. Kazenmayer agreed the deck makes the non-conformities worse. She doesn't see any benefit to any one else but him self and he lacks parking on the site.
Mr. Lyons made a motion to close the public meeting seconded by Mr. Brittle, followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, J.Burke, J. Miller, N.Hood and R.Lloyd.

Mr. Hood has a problem with the application, as they are increasing the non-conforming structure, there are 3 units on this property that is really small, should probably be only 1. He would be in favor if you turn it into a one family home.
Mr. Byrnes stated how it effects your being able to put a deck on is that a legal size off street parking place in the Boro is 9 ft. x 19 ft., your driveway is a little under 8 ft. in width. Mr. Lazarus testified the drive way will hold 5, but his tenants only park 3 which will put them to the back of the front house.
Mrs. Kazenmayer in addressing Mr. Lazarus said she doesn't see any benefit to the expansion for anyone else but yourself. Mr. Miller has a problem with the stairs.
Mr. Burke told Mr. Lazarus, they will give him an option. You have a choice of letting us vote on this tonight or withdrawing your application. Mr. Lazarus said he would continue until next month with modified plans.
Mr. Lazarus said he will amend his application to show the correct front yard set-back. Mr. Lazarus will have his partner at the next meeting. Mr. Lazarus waived the time limit.

A motion to extend this application to September 18, 1996 wa made by J. Miller, seconded by E. Lyons, followed by the following vote: R. Brittle, E.Lyons, J.Burke, J.Miller, N.Hood and R.Lloyd, NO - M.Kazenmayer.

APPLICATION - 17-96 - Anne Engel - 64 N. Farragut Avenue
Mr. Byrnes marked the Boards file as A-1 thru A-10.

Owner proposes to erect a second floor deck, approximately 16 ft. x 26 ft., with a 12 ft. x 12 ft. shed below. R-1 Zone.
This application was denied for the following reasons:
107-27 Sideyard setback - 5 ft. required, 3.0 ft. to wood steps on front deck. Front setback from Cowart Ave. - 25 ft. required, 15 ft. proposed. Building Coverage - 25% maximum allowed, 25.4% proposed. Lot Coverage - 35% maximum allowed, 38.6% proposed. And any other variances the Board may deem necessary. A-5 Flood Zone - owner will comply. Hardship variance.

Mr. Byrnes swore in Anne Engel - 64 North Farragut Avenue.
Martin Engel is her husband, but he is not present.
Mrs. Engel testified they would like to add a deck, basically for having a shed to conseal the garbage cans and lawn items, and will also serve as a car port. She testified her contractor drew the plans. The deck top will be fiberglass, the shed and deck will be wolmanized.
Mrs. Engel testified it will not affect any air or light to her neighbors. She testified just getting the cluter out of the drive way and putting it in a shed is making it nicer looking and it evens the house up makeing it more asethic.

A motion to close the public hearing, was made by P. Walsh, seconded by E.Lyons, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, P. Walsh, J.Burke, J.Miller, N.Hood and R.Lloyd.

Mr. Lloyd and Mr. Hood would like to see it moved over 5 inches to make it conforming. None of the other Board members had any problem with not moving it over 5 inches. Mrs. Engel testified they purchased the property about 1992.

Motion was made by P.Walsh for a favorable resolution on the application as submitted, seconded by J.Miller followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons. P.Walsh, J.Burke, J. Miller. NO - N.Hood.

APPLICATION - 18-96 - Walter & michele Ritchie-13 Central Ave.
The Boards file was marked as A-1 thru A-11.
The house was purchased by Mrs. Ritchie from Mr. Byrnes in 1986.
There is no conflict of interest being the house was purchased from Board Attorney Mr. Byrnes.
Owaner wishes to construct a second floor addition on part of house. R-2 Zone.
Application was denied for the following reasons. 107-27 - Side Yard Setback - 5 ft. required, 2.95 ft. existing and proposed. Rear Setback - 20 ft. required, 7.02 feet existing and proposed. Lot Coverage - 45% maximum allowed, 45.6% existing. Hardship variance. Not a special Flood Hazard Zone.
Michele Ritchie and Walter Ritchie- 13 Central Avenue were sworn in by Mr. Byrnes, also John Gassner, John D. Gassner Builders,

who is the contractor for the applicants.
Mr. Ritchie testified they are looking to modernize their home. Major roof repairs and an additon. They have a daughter 23 yrs. old and 3 boys, ages 2,5,and 6 years old, which started out as foster children, and 2 have now been adopted, and the 3rd a possible adoption. They would like to expand the common lividng area - the floor plan of the existing house has one bedroom that enters off of the kitchen, second off of the living room and the third bedroom is seperated and is off the front of the house. Our college age child will occupy the front portion and the 3 boys and ourselves will occupy the addition.
The bedroom off the kitchen will be turned into a dining room, the one off the living room will occupy a portion of the staircase that is going to expand the living room which is quite small. The addion will be 2 bedrooms a master bedroom, a bathroom and a deck staying in the lines of the structure.
The addition will follow the design of the house, the same siding, windows and roof design. Mr. Ritchie testified it would increase their property value. He testified the addition would not interfere with the neighbors light, air or views.

Mr. Gassner testified the house sits approximately 1450 sq. ft. in a very chopped up mode. Mr. Gassner testified they are planning to take that room that is east of the kitchen area and change to a dining room, take the other bedroom that is to the right of the stairs and turn that into a family room which now jams into the living room. On the second floor they would like to construct 2 child bedrooms approx. 10 ft. x 11.6 ft., one master bedroom with a walk in closet a bathroom and shower. There is a rear entry door onto a fiberglass deck which will be 18 ft. wide by 6'8" out. With all this construction they are going with a total gain of 1 bedroom.
A door was put on the back to get out onto the deck for fire safety reasons. There will be no stairs leading from the deck.
MR. Gassner testified it will not affect air, light to any of the neighbors.

A motion to close the public hearing on this application was made by P. Walsh, seconded by M.Kazenmayer, followed by the followoing vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.Burke, J.Miller, N. Hood and R.Lloyd.

A motion for a favorable resolution wa made by N.Hood, seconded by P.Walsh followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, P. Walsh, J.Burke, J.Miller, N.Hood.

APPLICATION - 1996 - Marshall & Janice Blore - 522 Brielle Rd.
The Board's file was marked as A-1 thru A-10 by Mr. Byrnes.
Janice Blore, 64 Canterbury Rd.,E. Brunswick, N.J. and Marshall Blore, 64 Canterbury Rd. E.Brunswick, N. J. were sworn in.

Owner wishes to construct deck in back of house and porch with roof in front of house. R-3 Zone.
This application is denied for the following reasons:
107-27 Front Setback - 25 feet required, 11 feet proposed. Site Setback - 5 ft. required, 4.8 ft. existing & proposed-front porch. Rear Setback - 20 feet required, 6 ft. proposed - rear deck. Side setback (accessory building) - 5 ft. required, 3.7 ft. existing. 107-23.1.A - Proposed fence will be 7'8" above ground level where maximum 6 ft. is permitted. And any other variance the Board may deem necessary. A-5 Flood Zone: structures must comply. Hardship variance.

Mr. Blore testified he would like to construct a deck in the back yard, basically covering the whole back yard. The front they would like to put a porch on for aesthetic purposes and also sit out on. The houses along that road have front porch on them. Mr. Blore said they are doing it to upgrade the property and also upgrade the area and make it conform with the rest of the houses. The property was purchased in January of 1995 also the land. The elevation of the deck will be 16 inches.
Mr. Blore testified it will not block air or light to neighbors.
Mr. Blore requested the Board to allow him to amend his application on the front yard set-back from 9 ft. to 11 ft. It was granted by the Board. The fence will be 6 ft. and it comes down to 4 ft. It is used only for a summer house.

A motion by M.Kazenmayer to close the public hearing, seconded by P. Walsh, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh. J.Burke, J.Miller N.Hood and R.Lloyd.

Mr. Byrnes stated so the record is clear, the applicant should be asked to withdraw the part of their application where they requested the fence to be 7 ft. 8 inches above ground. If it is withdrawn it need not be mentioned in the resolution and certainly need not be considered by the Board.
Mr. Blore testified he will ask the Board to withdraw the section of denial covering 107-23.1.A the proposed fence will be 7'8" above ground level where maximum 6 ft. is permitted and conform to the zoning regulation of no more than 6 ft. above ground level.

A motion to approve the application for a favorable resolution as is was made by M.Kazenmayer, seconded by J.Miller, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, P. Walsh, J.Burke J.Miller. "NO" - N. Hood.

A 9 month extension was granted to Shiloh Baptist Church, 44 Union Avenue. Mr. Byrne stated when the application for the Shiloh Baptist Church was approved, one of the conditions was

that the matter be reviewed by the Borough Engineer. A new application was submitted with a new proposed easement which Mr. Byrnes passed along to Mr. Fitzsimmons, therefore it is Mr. Byrnes feeling that the delay in this matter is not from any wrong doing or sitting on the hands on the part of the church, but rather trying to comply with the added requirement put on this, but not by the Board. It would be remiss for the Board to do anything but grant the extension.

Mrs. Walsh moved to grant an extension of 9 months seconded by M. Kazenmayer, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.Burke, J.Miller, N.Hood and R.Lloyd.

A special meeting has been granted to Kermit Hassfield for September 18, 1996 at 6:30 P.M. before the regular meeting, motion made by P.Walsh, seconded by J.Miller, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.Burke, J.Miller, N.Hood and R.Lloyd.

A motion was made for a 6 month leave of absence for Board member Joanne Van Stolk, by P.Walsh, seconded by R.Brittle,followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.Burke, J.Miller, N.Hood, R. Lloyd.

On Record Retention and Disposition, the Board will go along with what the State requires us to do.

Mr. Miller suggested all members go to the Board of Adjustemt courses offered.

A motion by M.Kazenmayer,to adapt the same resolution that Wall Township sent to us about the proposed legislation on Land Use Regulatory Requirement, seconded by J.Miller, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, P. Walsh, J.Burke, J.Miller, N. Hood and R. Lloyd.

A motion to adjourn the meeting at 11:10 P.M. was made, seconded and unanimously carried.

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

UGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
SEPTEMBER 18, 1996 MEETING AGENDA

On Wednesday, September 18, 1996 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 - 15-96 - Continued - Lazar & Karlson -231-231½ Second Avenue

APPLICATION - 20-96 - Robert A.Marro,Jr. - 61 Potter Avenue

APPLICATION - 21-96 - Kenneth & Betty Yersin - 18 Newark Ave.

RESOLUTION - 22-96 - Stephen & Madeline Clark - 30 Virginia

RESOLUTION - 17-96 - Anne Engel - 64 North Farragut Avenue

RESOLUTION - 18-96 - Walter & Michele Ritchie - 13 Central Ave.

RESOLUTION - 19-96 - Marshall & Janice Blore - 522 Brielle Rd.

OLD / NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

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COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES - AUGUST 21, 1996
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N.J.

The Manasquan Zoning Board of Adjustment held a special meeting on August 21, 1996 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke called the special meeting to order at 6:30 p.m.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law.He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: - R.Brittle, M.Kazenmayer, E.Lyons, J.Burke, J.Miller, N.Hood and R.Lloyd.

APPLICATION - 22-96 - Stephen & Madeline Clark - 30 Virginia Avenue.
Mr. Byrnes marked the file as A-1 thru A-12. Owner wishes to construct 35' by 20' second floor addition. R-2 Zone. Application denied for the following reason. 107-27 - Front Setback - 25 ft. required, 24 ft. existing. Lot Coverage - 45% maximum allowed, 59.4% proposed. Side setback accessory building - 5 ft. required, 0 Ft. existing. And any other variance the Board may deem necessary. Not a flood zone. Hardship variance.

Madeline Clark, 30 Virginia Ave. and Stephen Joseph Clark, 30 Virginia Ave. were sworn in by Mr. Byrnes. Mr. Clark testified he would like the denial of permit to be amended to read an existing front yard set-back of 22 feet instead of 24 feet. Mr. Clark testified he would like to put a second floor addition on the back of the house. The addition would add a bedroom two baths and a laundry room. He testified the only area they are changing is the overhang.

A motion was made for a 5 minute break to discuss the use of this room with Judge Apostolou, by J.Miller, seconded by M.Kazenmayer, followed by the following vote: "YES"-R.Brittle, M.Kazenmayer, E.Lyons, J.Burke, J.Miller, N.Hood, and R.Lloyd.

For the record Mrs. Walsh arrived at 6:57 p.m.

The Board returned from break at 6:59 with the following ROLL CALL: R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.Burke, J.Miller, N.Hood and R.Lloyd,

Mr. Clark testified when the up stairs is finished, there will be four bedrooms, two baths and a laundry. The survey was done when they bought the house in 1989. Exhibit A-9 was done by the builder and Mr. Clark testified he knew the gazebo porch was not shown on the survey. He tesified they did not show the gazebo porch as he would have to get a new survey.

Mr. Byrnes said the problem can be solved, if the applicant has a new survey made showing the gazebo as it exists and showing the correct setback of that from the property line, in addition a revised drawing of A-9 will also have to be submitted again showing the gazebo that exists in the photograph and not in the blue prints. Again that is only for the front yard set-back which really does not change what they are asking for. Mr. Byrnes stated he needs some guidance as to what he is to put into the resolution if there is a favorable vote. If there is a favorable vote it will be conditional upon submission of those two items.

Mrs. Kazenmayer made a motion to close the public hearing, seconded by Mr. Lloyd, followed by the following vote: "YES" R.Brittle, M. Kazenmayer, R.Lyons, P.Walsh, J.Burke, J.Miller, N.Hood and R.Lloyd.

Mr. Burke stated the applicant is expanding an existing second story to go from basically the front of the house to the rear with a minor increase in the lot coverage. If approval is granted it will be conditioned upon an updated survey primarily showing the true existing porch and front yard set-backs from the property line to the furthest section of the house including stairs towards the front property line.
Mr. Clark testified it would block sunlight on the neighbors porch, but would not block air. It will not increase the flow of traffic. The purpose is to gain another bedroom and bath. It will make the house more pleasing to the neighborhood.

A motion was made by Mr. Hood, seconded by Mr. Lloyd for a favorable resolution with conditions as requested by Mr. Byrnes, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, J.Burke, J.Miller, N.Hood and R.Lloyd.

Mr. Byrnes stated he would not be in his office next week, but would like all the corrections in his office by Labor Day week so he will be able to do the resolution by September 18th meeting.

The special meeting was adjourned at 7:25 p.m. by the following vote: R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.Burke, J.Miller, N.Hood and R.Lloyd.

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
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COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - SEPTEMBER 11, 1996
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on September 11, 1996 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke called the meeting to order at 7:30 p.m.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL:R. Brittle, M.Kazenmayer, E.Lyons, J.Burke, J.VanStolk, J.Miller, N.Hood and R. Lloyd.

APPLICATION - 12-96 - Cont. John & Benedetta O'Grady - 265 Beachfront.

Mr. Byrnes stated there are additional exhibits that have been submitted by the applicant, which were marked - A-12-the affadavit of publication of legal notice that appeared in the Coast Star on 8/29/96, A-13 - is the affadavit of publication of the legal notice as it appeared in the Asbury Park Prss on 8/31/96 both in regard to this meeting, also submitted by Mr. Thomas to the Board Secretary on August 30, 1996 some plans drawn by Ronald Sebring which were readdressing plans taken from plans dated 7/2/96 which were marked A-8 and are now being marked A-8A. Mr. Byrnes marked Mr. Fitzpatrick's letter of 9/4/96 as exhibit OB-1 for objector Brunig which consists of 4 pages. Mr. Thomas's letter of today, will be marked as A-14.

Mr. Byrnes stated that at our last meeting back on July 17, 1996, the applicants architect Mr.Sebring testified both on direct and cross examination. During the course of that testimony, he apparently testified to the effect that he had drawn a proposal for Mr. & Mrs. O'Grady that would be conforming with Manasquan's zoning requirements in regard to placement of a house on the lot. Mr. Fitzpatrick by way of correspondence to Mr. Thomas on 9/3/96 requested a copy of the Architects plans to review. Mr. Thomas by way of correspondence dated 9/4/96 advised Mr. Fitzpatrick that he contacted Mr. Sebrings office, and Mr. Sebring was on vacation, that the person he spoke to in Mr. Sebrings office informed him that no " plans were ever prepared" and that the O'Gradys were not proposing such a structure as described in the letter and therefore given such plans did not exist, they could not be produced.
Later that day Mr. Fitzpatrick faxed to Mr. Byrnes office as well as the Board office, a letter which requested that the Board issue a sopeona for production of this evidence, including paper sketches, diagram, renderings or plans to which Mr. Sebring referred to in his testimony. Mr. Byrnes then contacted Mr. Thomas to inquire as to whether or not he intended to respond in writing to this request. Mr. Thomas indicated that there was no need for a sopeona to be issued that in fact he had no

problem bringing these plans to this meeting, but he objected to them on evidentiary grounds.
Earlier today Mr. Byrnes received a letter from Mr. Thomas, marked A-14, setting forth his legal position as to why these particular drawings are not relevant, and therefore should not be considered by the board. Mr. Byrnes stated that at some point the board will be asked to make a determination as to whether or not the drawings referenced are irrelevant, immaterial or unduely repetitious evidence.
A site inspection took place on Saturday Sept. 7, 1996.

For the record Mr. Lyons did listen to the tapes of the last meeting, so he is able to vote.
For the record Mr. Byrnes stated the secretary will be leaving early and Sharon Bogie will be taking over.
Mr. Miller stated he would like to go on record to take a 5 minute break at about 9:30 p.m..

Mr. Burke stated in the past we have put a time limit on these meetings, as it is not fair to go to 1:00 or 2:00 in the morning,so I would like to set a time limit of approximately 11:00 p.m. tonight, unless both attorney's inform us that they believe the case can be completed with just a little more time added to it. If that is the case, we will go until we complete the case.

A motion by Mr. Lyons to determine at 11:00 whether to continue tonight or whether we will continue at another date, seconded by R.Brittle, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, J.Burke, J.VanStolk, J.Miller, N.Hood and R.Lloyd.

Mr. O'Grady came forward and was questioned by Mr. Thomas.
Mr. O'Grady testified there are 22 2 family structures on the beachfront. He got his information from the tax office. There are 135 structures on the beach front.

For the record, Sharon Bogie took over as secretary at 6:55 p.m..

Mr. Fitzpatrick addressed the evidence he had submitted. Addressing Mr. Fitzpatrick's brief and Mr. Sebring's testimony, Mr. Byrnes asked Mr. Fitzpatrick if an architect could design a home to meet all bulk requirements no matter the configuration. Mr. Thomas commented that it was no so much that one could be built but rather that such plans have not been put before the Board for their consideration.

Mr. Byrnes directed Mr Burke on procedure. He stated the Board must determine whether they would like to see such plans or whether they feel they are irrelevant. He cited New Jersey State Statute on the topic, stating the Board may determine if they feel evidence is "irrelevant, immaterial or repetitious." He also addressed Mr. Thomas' memo/brief regarding issues of evidence relevance and irrelevance. Mr. Byrnes then referred to case law, summing up that if the evidence is "not relevant, you do not need to hear it." Mr. Burke then polled the Board members on the relevance of hearing such testimony and Mr. Thomas, upon questioning from Mr. Burke, said the new plans were "remarkably different" than those submitted. The Board then votwed on the relevance issue, with the Board unanimously agreeing the introduction of new plans was irrelevant.

The Board and attorneys continued discussion on the previously submitted plans. Mr. Fitzpatrick moved that the case could not go on procedurally because he felt the issue of res judicata came into the picture. Mr. Byrnes stated for the record that the O'Gradys had not yet rested their case. Mr. Fitzpatrick continued, stating he felt the case and relief requested was "almost identical" to that which was appealed in Freehold. He then submitted the decision from Superior Court, marked OB-2, and the prior case file, marked OB-3, for consideration. The criteria of res judicata was noted and Mr. Fitzpatrick explained why he felt the application was in his opinion, the same.

"It's deja vu," Mr. Fitzpatrick commented. "You have the legal dicretionary power not to continue."

Mr. Thomas then offered reasons he felt the application was different and did not meet the requirements of res judicata. Among the issues were addition of pilings (safety), changes in the foundation, the cost of the construction and the bulk variances requested.

"It is a very different application," summarized Mr. Thomas.

Mr. Fitzpatrick countered by stating the cost of the construction

had never been testified to, thus making that argument "irrelevant." "The only difference is the means of construction," he stated.

Mr. Byrnes stated he disagreed with both attorneys. He stated that Judge Lawson had set the original decision aside and case law states that if a case is set aside, there is no res judicata. Res juducata does not bar a second application and in his opinion the first decision "did not happen." Mr. Byrnes did feel the individual Board members should put their opinions on the record as to whether they felt their were substantial differences between the two cases. Mr. Lloyd, Mr. Miller, Mrs. VanStolk and Mr. Hood all noted they had not been on the Board during the first case. All members agreed, however, that there were substantial differences between the two cases.

Mr. Fitzpatrick asked for the opportunity to reintroduce the res judicata issue after other testimony.

A motion was made, seconded and unanimously carried for a five minue recess. Upon reconvening the meeting Albert Cerone, certified real estate appraiser, was sworn in to offer testimony. He offered his credentials for the Board's consideration and a report prepared by Mr. Cerone was marked OB-4 for the file. He then offered testimony on the use of the property, property value and other such issues.

Mr. Thomas cross examined Mr. Cerone regarding his expertise as a professional in land use. He stated he had no objection to Mr. Cerone offering testimony if he offers it on such topics as impact and the like.

The report was addressed. Mr. Cerone offered testimony regarding the property and its current use.

Safety factors and ingress/egress for emergency services were discussed. Mr. Cerone suggested that lack of setbacks is a "dangerous technique" and cited precedents, noting other coastal towns and their policies. Density issues were also noted, with Mr. Cerone stating that four families would be on the property, which is located in the R-4 zone, and he felt this was not the direction in which the Borough would want to go. Light and air flow issues were also touched upon by Mr. Cerone.

The photographs submitted in the report were discussed. It was stated they were views form the Bruenig home.

Mr. Thomas cross examined Mr. Cerone regarding his report and the testimony he provided. He asked Mr. Cerone if he felt the application had any positive aspects; as an example he cited the conformity to sideyard setback requirements on the Bruenigs' side. He stated it was "pretty" plan from an aesthetic point of view. Sideyard and safety issues were discussed.

The floor was then opened for the public to question Mr. Cerone. T.J. Coan, 81 Curtis Avenue, asked Mr. Cerone's opinion on certain height and setback situations.

The Board and Mr. Byrnes also questioned Mr. Cerone. Mr. Byrnes asked him about firewalls.

There being no further testimony from Mr. Cerone, Mr. Fitzpatrick, after a five minute recess voted upon unanimously by the Board, called upon Robert Houseal, Brielle, architect, to offer testimony. He was sworn in and offered his qualifications. Mr. Houseal's report on the project was entered into evidence and marked OB-5. Mr. Houseal then addressed the report, which detailed the variances requested by the applicant. Mr. Fitzpatrick stated that Mr. Houseal's testimony "shows the failure of the applicant to justify the variances requested" and that the plans were deficient and show unnecessary variances. Mr. Houseal also indicated he felt the plans could be modified without detriment to the O'Gradys.

At approximately 11 p.m. it was determined that Mr. Houseal had approximately 45 more minutes of testimony planned. After discussion the Board voted unanimously to continue the hearing at another special meeting to be held at 6:30 p.m. on either October 3 or 10, depending on the availability of the persons involved as well as facilities. The Board Secretary would notify all parties as soon as a date was scheduled. There being no further business, the Board voted unanimously to adjourn at 11:30 p.m.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Zoning Board of Adjustment

OUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk
MANASQUAN, N.J.

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT
OCTOBER 16, 1996 MEETING AGENDA

On Wednesday, October 16, 1996, 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 - 20-96 - Cont. Robert Marro, Jr. - 61 Potter Ave.

APPLICATION - 23-96 - Harcourt & Karen Ward - 11-15 Wyckoff

APPLICATION - 24-96 - Richard Hingston - 201 Broad Street

RESOLUTION - 15-96 - Jonathan Lazar & Stefan Karlson
231-231½ Second Avenue

RESOLUTION - 21-96 - Kenneth & Betty Yersin - 18 Newark AVe.

OLD / NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
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COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
SEPTEMBER 18, 1996

The Manasquan Zoning Board of Adjustment held its regular meeting on September 18, 1996, 7:30 p.m., at Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

The meeting was called to order by Board Chairman John Burke, who 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 Robert Brittle, Margaret Kazenmayer, Edward Lyons, Patricia Walsh, Joanne VanStolk, John Burke, Noel Hood, James Miller and Ronald Lloyd.

Absent - none

A motion was made, seconded and carried to approve the regular meeting minutes of 8/21/96 with corrections as noted.

APPLICATION 15-96 (cont.) - Jonathan Lazar and Stefan Karlson - 231-231½ Second Avenue - The Board recognized Mr. Lazar and Mr. Karlson. Mr. Lazar was reminded that he was sworn in at the last meeting. Mr. Byrnes swore in Mr. Karlson to offer testimony. Mrs. Walsh excused herself as she owned property within the 200 feet affected area. Mr. Byrnes offered a review of the issues discussed during the initial hearing on the application. The water meter issue was resolved, stated Mr. Lazar, and an invoice for the work was submitted. Two new exhibits were submitted for the Board's consideration. The first was an amended survey marked A-7a and the second was a revised plan marked A-8a. The differences between these and the ones submitted at the prior meeting were addressed. A letter from Mr. Karlson regarding the preparation of the plans was marked A-11.

T.J. Coan, Curtis Avenue, addressed the Board regarding variance issues involved in the application, which asked relief so the applicants might construct a deck.

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

The Board asked further questions of the applicants. Mr. Byrnes stated the applicants must offer that their proposal offers a beter zoning alternative. Under questioning from Mr. Byrnes, Mr. Karlson offered that the deck will not block the flow of

light and air to neighboring properties and that there will be no change in the interior living area.

A motion was made and seconded to prepare a favorable resolution. The motion was denied by the following vote: "Yes" - Board Members Brittle, Lyons, Burke and Miller; "No" - Board Members Kazenmayer, Hood and Lloyd; "Abstain" Board Member VanStolk. Mr. Byrnes explained to the applicants that because this was a use variance they needed five affirmative votes; there being only four, the application was denied. He then explained their option to appeal the decision if they so chose.

APPLICATION 20-96 - Robert A. Marro, Jr. and Gregory Marro - 61 Potter Avenue - The Board recognized Robert A. Marro, Jr., co-owner of the property with his brother Gregory. Mr. Byrnes swore Mr. Marro in to offer testimony on the application and then marked the file. Evidence included A-1, Notice of Appeal; A-2, Letter of Denial; A-3, copy of the Notice of Hearing; A-4, Affadavit of Proof of Service; A-5, legal notice in the Coast Star; A-6, List of Property Owners and Utilities; A-7, survey; A-8, drawings (seven page set); and A-9, one page drawing of first floor.

The Board and applicant discussed the application, which requested relief so the applicant could construct a second floor dormer. Construction Official Albert P. Ratz, Jr. denied the building permit under Secrtion 107-27 of the Code of the Borough of Manasquan - Lot area 7000 square feet required, 4104.4 square feet existing; Front setback 25 feet required, 16.07 feet existing; Side setback 5 feet required, 3 feet existing; side setback (corner) 15 feet required, 10.05 feet existing; Rear setback 35 feet required, 26 feet existing and proposed; Maximum building coverage 25% allowed, 40% existing; Maximum lot coverage 35% maximum allowed, 49.6% existing. The property is in a R-1 Zone. The property is also in an A-5 flood zone - the dormer will comply. A hardship variance was requested.

Mr. Marro testified that he and his brother bought the home May 27, 1991; each of them owns 50 percent. Mr. Marro also, at the discussion of the Board, amended his application to reflect the 4.6 foot setback from rear yard to garage.

Mr. Marro submitted photographs for the Board's consideration (marked A-10 through A-16) and testified about the project. He also described the existing home and set forth why he was seeking the addition. He then addressed the photographs.

He stated A-16 was the interior of the second floor as you see it going up the stairsHe stated it was an unfinished attic area and gave dimensions. Photo A-15, he stated, was 171 Stockton Lake Boulevard; Mr. Marro proposed this as what the addition should look like. Different perspective views of the existing structure were depicted in the remaining photographs.

After discussion, a motion was made, seconded and carried that the Board would conduct a site inspection on Saturday, September 21. A motion was then made, seconded and unanimously carried to continue the hearing at the October 16, 1996 meeting.

A motion was made, seconded and unanimously carried for a recess at 9 p.m. The Board came back at 9:05 p.m. with all members in attendance.

APPLICATION 21-96 - Kenneth and Betty Yersin - 18 Newark Avenue - The Board recognized Kenneth and Betty Yersin, who were sworn in by Mr. Byrnes. Mr. Byrnes marked the file.

The Board and applicants commenced the hearing on the case, which requested relief so a 23' x 28' addition could be constructed to the rear of the existing house. Construction Official Ratz denied the building permit under Section 107-27 of the Code of the Borough of Manasquan - front yard setback - 25 feet required, 17 feet existing to wood porch. The property is in a R-2 Zone and a hardship variance was requested.

Mr. and Mrs. Yersin both offered testimony on the project, including noting their need for more space. Neighbor Mr. Fisher commented in favor of the application.

There being no further public comment, a motion was made, seconded and unanimously carried to close the public hearing. The Board, after discussion, felt there was no need for site inspection. A motion was made by Mrs. VanStolk for a favorable resolution; motion seconded and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, Walsh, Burke, VanStolk and Hood. "No" none.

The Yersins requested immediate memorialization of their resolution but the Board did not agree to the request.

RESOLUTION 22-96 - Stephen and Madeline Clark - 30 Virginia Avenue - Mr. Byrnes marked the revised drawing and revised survey

for the file. He then read the favorable resolution for the record. It was noted Board Members Walsh and VanStolk were not eligible to vote on the resolution. A motion was made by Mr. Hood memorialize the resolution; motion seconded and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, Burke, Hood, Miller and Lloyd.

RESOLUTION 17-96 - Anne Engel - 64 N. Farragut Avenue - Mr. Byrnes read the favorable resolution for the record. It was noted that Board Members VanStolk, Hood and Lloyd were not eligible to vote. A motion was made by Mr. Miller to memorialize the resolution; motion seconded and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, Walsh, Burke and Miller.

Mr. Hood questioned the directions and wording in the resolution. A motion was made by Mr. Miller tpo rescind the resolution and amend pages one, two and four to clarfy this language; motion seconded and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Walsh, Burke and Miller; "No" Board Member Brittle.

A motion was then made to memorialize the resolution with the changes on pagesone, two and four; motion seconded and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Walsh, Burke and Miller; "No" Board Member Brittle.

RESOLUTION 18-96 - Walter and Michele Ritchie - 13 Central Avenue - Mr. Byrnes read the favorable resolution into the record. Board Members VanStolk and Lloyd were 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, Lyons, Walsh, Burke, Hood and Miller.

RESOLUTION 19-96 - Marshall and Janice Blore - 522 Brielle Road - Mr. Byrnes read the favorable resolution for the record. It was noted Board Members VanStolk, Hood and Lloyd were not eligible to vote. A motion was made by Mrs. Walsh and seconded by Mrs. Kazenmayer to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, Walsh, Burke and Miller.

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

A motion was made by Mr. Miller to grant a request from Mr.

and Mrs. Hopp for a special meeting prior to the Board's regular meeting on October 16, 1996. Motion seconded by Mrs. Kazenmayer and unanimously carried.

There being no further business, the Board voted unanimously to adjourn the meeting at approximately 11:30 p.m.

Respectfully submitted,

Sharon Bogie

(Sharon Bogie for) Marie Applegate
Secretary, Board of Adjustment

10/9/96

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
SEPTEMBER 18, 1996

The Manasquan Zoning Board of Adjustment held a special meeting on September 18, 1996, 6:30 p.m., at Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

The meeting was called to order by Board Chairman John Burke, who 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 Robert Brittle, Margaret Kazenmayer, Edward Lyons, Patricia Walsh, John Burke, Noel Hood, James Miller and Ronald Lloyd.

Absent - Board Member Joanne VanStolk (arrived 6:49 p.m.)

The Board unanimously approved the 8/21/96 special meeting minutes.

APPLICATION 27-96 - Kermit C. Hassfield - 50 Pearce Avenue - Board Attorney William Byrnes marked the file and swore in Mr. Kermit C. Hassfield, applicant, and Thomas Radcliffe, Mr. Hassfield's attorney and nephew. It was noted that prior plans (A-12) were superceded by new plans (A-9 and A-9a). Exhibit A-8a (survey showing new one story addition) was noted. Exhibit A-9a was amended to read "50 Pearce Avenue".

The Board, Board Attorney, applicant and applicant's attorney began to discuss the case, which requested relief so that the owner could construct a 20' x 18' one-story addition to existing two-story dwelling. The building permit was denied by Construction Official Albert P. Ratz, Jr. under Section 107-27 - front setback - 25 feet required, 24.2 feet existing. The property was not in a flood zone and the new construction, he noted, would comply with all setback requirements. A hardship variance was requested. The property is zoned R-2.

The issue of the rear garage structure was discussed. It was noted that it had appeared that an apartment was over the garage. It was stated that Mr. Hassfield would need to state it was his intention to abandon the use of the garage apartment in order for this to be a hardship variance as indicated. The criteria of a use variance vs. a hardship variance were discussed. Mr. Hassfield testified that the apartment would never be occupied in his lifetime, but he was concerned about whether it could be used when it was inherited by his relatives.

He asked if it could be sold as a two-family property. After consultation with his attorney, Mr. Hassfield decided to abandon the use of the apartment. Mr. Byrnes advised Mr. Hassfield that his relatives would not be able to use it as a two-family. Mr. Radcliffe stated he did not want to see the application "burdened" with use variance issues and agreed with hsi uncle's abandonment of the use.

The front yard setback relief was corrected/amended from 17 feet to 17.2 feet. The garage being setback 4.4. feet from the rear yard setback was also added to the application.

Mr. Keefe spoke on behalf of Mr. Hassfield. There being no further public comment, the Board voted unanimously to close the public hearing.

The Board, upon discussion, felt there was no need for a site inspection. A motion was made and seconded for a favorable resolution with an amended letter from Mr. Radcliffe (per original dated 9/13/96 and marked A-9B) with the correct site address. Motion carried by the following vote: "Yes" - Board Members Brittle, Kazenmayer, Lyons, Walsh, Burke, VanStolk and Hood. "No" - none.

A motion was made, seconded and unanimously carried to enter closed session at 7:20 p.m. At 7:25 p.m., the Board entered public session by unanimous vote. Mr. Radcliffe submitted the amended letter. A request was then made by Mr. Radcliffe that, in view of Mr. Hassfield's age, health issues and need for accessibility, the Board memorialize the resolution at this meeting rather than waiting for the next. After discussion, a motion was made, seconded and unanimously carried to immediately memorialize the resolution.

A motion was made, seconded and unanimously carried to close the special meeting at 7:30 p.m.

Respectfully submitted,

Sharon Bogie

(Sharon Bogie for) Marie Applegate
Secretary, Board of Adjustment

10/9/96

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

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Municipal Clerk

ADDENDUM TO REGULAR MEETING AGENDA
MANASQUAN ZONING BOARD OF ADJUSTMENT
SEPTEMBER 18, 1996

Old and New Business - Request for special meeting - Hopp - Perch Avenue

Sharon Bogie / MFA
(Sharon Bogie for) Marie Applegate
Secretary, Board of Adjustment

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MANASQUAN ZONING BOARD OF ADJUSTMENT

SPECIAL MEETING AGENDA

SEPTEMBER 11, 1996 6:30 P.M.

On Wednesday September 11, 1996, the Zoning Board of Adjustment of the Borough of Manasquan, will hold a special meeting at 6:30 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Application - 12-96 - Continued - John & Benedette O'Grady
265 Beachfront

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

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COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

SPECIAL MEETING AGENDA

SEPTEMBER 18, 1996 6:30 P.M.

On Wednesday September 18, 1996, the Zoning Board of Adjustment of the Borough of Manasquan, will hold a special meeting at 6:30 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 27-96 - Kermit C. Hassfield - 50 Pearce Avenue

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk
MANASQUAN, N.J.

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT

SPECIAL MEETING AGENDA

OCTOBER 10, 1996 6:30 P.M.

On Wednesday October 10, 1996, the Zoning Board of Adjustment of the Borough of Manasquan, will hold a special meeting at 6:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 12-96 - John & Benedette O'Grady, 265 Beachfront

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
Incorporated December 30, 1887
908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

SPECIAL MEETING
OCTOBER 16, 9996

The Manasquan Zoning Bpoard of Adjustment held a special meeting on October 16, 1996, at 6:30 p.m., at Manasquan Borough Hall, 15 Taylor Avenue, Manasquanm, N. J..

The meeting was called to order by Board Chairman John Burke, who 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 to stand and salute the flag.

ROLL CALL: Present - Board Members Edward Lyons, Patricia Walsh, John Burke, Joanne VanStolk, James Miller

Absent - Robert Brittle, Margaret Kazenmayer, Noel Hood, Ronald Lloyd.

APPLICATION - 30-96 - Joseph & Joan Hopp - 564 Perch Avenue.
Board Attorney Mr. Byrnes, swore in Joseph & Joan Hopp. Mr. Byrnes marked the file as A-1 thru A-10.. Owner wishes to construct a second floor addition. R-3 Zone, Block186.03 Lot 12.
This application was denied for the following reasons: 107-27 Front setback - 25 ft. required, 14.83 ft. existing and proposed. 107-36 - Off-street parking - 2 spaces required, 0 legal spaces existing. A-5 Flood Zone - structure complies. And any other variance the Board may deem necessary. Hardship variance.

Mr. Hopp testified he would like to add a second floor on as the house is too small for his family. He is going to gut the downstairs, use the out side wall to go up on. They will put one bedroom down, a bath and a half, a kitchen, living room, dining room and 2 bedrooms upstairs and a bath.

Mr. Burke stated one variance has to be changed and one added on. Mr. & Mrs. Hopp stated they will amend the application for the two changes. For Mr. Byrnes information the shower is on the east side of the house.

Mrs. Hopp testified on the pictures they submitted. A-10 is a picture of the house with a flat roof. A-11 also shows a flat roof. A-12 is a picture of the neighbors house. A-13 shows other houses on Perch Avenue, across the street on the north side. A-17 shows the applicants side of Perch Ave.. A-19 looking from the corner of Timber Lane down to Third Ave. on the applicants side of the street. All the houses on the street are in the exact same line.

Mrs. Hopp testified they are going to gut the house, raise the roof for a second floor. There is a circular stairway in the

rear which gives access to the second floor from outside. The second floor will have 3 bedrooms, and a bath. The Hopps testified there will be no cooking up stairs, being there is a sink and cabinets which will be moved from downstairs.

Russell Diana, 563 Perch Avenue, Manasquan came forward and was sworn in by Mr. Byrnes. He testified he is the neighbor directly across the street. He said he feels it is very unfortunate that the Hopps have to come before the Board, if he had applied last year, he wouldn't even be here tonight, as people down the street improved their property very similar to what he is doing and they did not have to go through this.
He said he thinks its because of a glitch in the master plan.
The Hopps are improving their property, which will improve my property and provide a better ratable for Manasquan. The Diana's strongly support the Hopps, who have been good neighbors for 25 years, and have always maintained their property in excellent fashion.

Frank B. Diana, 401 First Ave. came forward and was sworn in by Mr. Byrnes. He testified he is very much in favor of the Board approving this application. It is an improvemnt for the neighborhood, and they have been very good neighbors.

Mark Heinze, 381 First Avenue, came forward and was sworn in by Mr. Byrnes. He stated he is a personal friend of the Hopp's, and he is in favor of this renovation.

Warren Cook, 560 Perch Avenue, came forward and was sworn in by Mr. Byrnes. He testified as a neighbor adjacent to the Hopp property, I am here to support this request on their part. Mr. Cook is on the west side of the Hopp's and has no problem with the location of the chimney.

William J. Buble, 573 Whiting Avenue, was sworn in by Mr. Byrnes. He testified he lives around the block from the Hopp's and he and his wife whole-heartedly approve of what they are trying to do.

Irene Cook, 560 Perch Avenue was sworn in by Mr. Byrnes.
She testified they are very pleased with what the Hopp's are going to do and it will be an improved look on the street.

A motion to close the public hearing was made by Mrs. Walsh, seconded by Mr. Miller, followed by the following vote: "YES"- E.Lyons, P.Walsh, J.Burke, J.VanStolk, and J. Miller. "ABSENT R.Birttle, M. Kazenmayer, N. Hood and R.Lloyd.

Mr. Hopp testified he has owned the building since 1972 and the land since 1990. Two cars can be parked in the driveway.

Mrs. Van Stolk, questioned the size of the one bedroom, sink and cabinets that will be there, in the furture it will be an easy transformation to a second family home, and she would like to see a stipulation put on the deed that it will always remain a single family.
Mrs. Walsh agreed with Mrs. VanStolk and she is concerned about the outside shower, could it be moved around to the back of the house and it would open up the side between the 2 houses.
The Hopps did not see any problem with that.

For the record Mr. Lloyd arrived at 7:25 p.m..
Mrs. VanStolk moved for a favorable resolution with the following conditions; the outside shower which is presently on the East side of the house is to be relocated to the North side of the house, there will be no further expansion of the front yard set-back and the applicants will be required to prepare and file a legal copy of the recorded deed of setting forth the conditions that this will remain a single family residence, seconded by Mrs. Walsh, followed by the following vote: "YES" - E. Lyons, P. Walsh, J.Burke, J.VanStolk, and J. Miller.
Absent: R.Brittle, M.Kazenmayer, N. Hood. Mr. Lloyd was unable to vote.

A motion to adjourn the meeting, was seconded and unanimously carried at 7:35 p.m..

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT
OCTOBER 16, 1996 SPECIAL MEETING AGENDA

On Wednesday October 16, 1996, the Zoning Board of Adjustment of the Borough of Manasquan, will hold a special meeting at 6:30 p.m. in Manasquan Borough Hall, 15 Taylor Avnue Manasquan, N. J..

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 30-96 - Joseph & Joan Hopp - 564 Perch Avenue

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

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COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES - OCTOBER 10, 1996
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

Chairman John Burke called the meeting to order at 7:30 p.m.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute of the Flag.

ROLL CALL: E.Lyons, P.Walsh, J.Burke, J.VanStolk, N.Hood, J.Miller and R.Lloyd. ABSENT: R.Brittle, M.Kazenamyer.

APPLICATION - 12-96 - Cont. John & Benedetta O'Grady
265 Beachfront

Mrs. Walsh listened to the tapes of the Septmber 18, 1996 meeting.
Mr. Thomas stated at the last meeting several changes to the plans had been made by Mr. Sebring and he wanted him to testify what they were.
Mr. Thomas referred to plans marked A-8A which Mr. Sebrings plans were revised 8/8/96. Mr. Thomas asked Mr. Sebring after appearing at the meeting of July 17, 1996, you have made some adjustments to your plans. Mr. Sebring testified yes.
The changes were on sheet 1 and 4, basically on line of ceiling in the lower level and dimensionsfrom the elevation of the boardwalk to 11½ inches. Second the dimensions on the plan from grade to the top of the deck from the beachfront and dimension of 4 foot maximum. Any thing below 4 ft. can project within the front set-back line to a distance of 10 feet from the property line. Mr. Sebring testified, based on the age of the building, he seriously doubts it is done with fire rated material. Mr. Sebring testified the new construction certain areas will be fire rated, the exterior walls wich are 5 ft. or less of the property line, south side will be fire rated.
Mr. Sebring testified the BOCA code requiress that the walls be of 1 hour fire resistant construction. which means these wall have to built with a special material, for safety reasons.

Mr. Fitzpatrick questioned Mr. Sebring about his testimony on the fire rated walls. Mr. Sebring testified the wall assembly would be a fire rated wall. He testified the wall on the south side will be fire rated assembly as it is less than 5 ft. from the property line, the north side will not be as it is more than 5 ft. from the property line, which is 5.98 ft. from the boardwalk. Mr. Sebring testified their design will comply with the New Jersey Uniformed Construction Code. Mr. Fitzpatrick said it could be put on the North wall if you chose to do so. Mr. Sebring answered yes. Mr. Fitzpatrick said if you move the house back to the borough's requirement of a 5 ft. side yard you would be improving the fire safety of this structure, as you wouldn't have to have fire rated construction. Mr. Sebring testified that is incorrect, because it would have to be greater than 5 feet. Mr. Sebring testified he doesn't know what the

criteria would be used to establish the different distance in the code. The ceiling in the basement is constructed of gypsum board, it will be nailed to some wood component or structure.
MR. Sebring testified he established a ceiling height approximately 1 inch below where it would have created a third story of this house. He testified that they demonstarated that the ceiling height would be less than the 5 feet so it would not be counted as a story. Mr. Sebring testified he did not consider the roof slope ordinance on the 8/12/96 revision.
Mr. Fitzpatrick asked Mr. Sebring - on the front of this house over the living & dininroom area is an open space or cathederal celiling. Mr. Sebring testified it has a loft and a walkway that goes up to an exterior front covered deck and there is a portion of the area over the dinning, living room area which has a cathederal ceiling. Mr. Sebring said the ceiling under the loft and the ceiling under the bridge which goes over the covered walkway. The loft is over the kitchen part of the dining room and living room. Above the loft area is the ceiling of the house. Moving to the front of the house toward the side that's on the boadwalk -ceiling of the second floor walkway - 4 ft. wide. There would be a height of 8 ft. in the loft. The walkway provides access to the exterior covered wood deck, testified Mr. Sebring. Mr. Sebring testified they have not applied for a variance to his knowledge for a setback on the beachfront. If you refer to page 3 and 4, what we state here is that the required front set back on the beachfront is 15 feet and our proposal on the beachfront is 15 Ft.. That covered wood deck and porch has the required set back of 15 feet? Mr. Sebring said your right, we are asking for a variance for the combined set backs - we don't have a combined 30 ft. setback. Mr. Fitzpatrick asked Mr. Sebring if he took into consideration that a covered wood deck on the second floor would affect your neighbor to the North. Mr. Sebring testified it would not affect the neighbor to the north and it will not cut down the views of the neighbor to the north.

Mr. Fitzpatrick asked Mr. Sebring, does the soffet area of this application begin above the peak to the house on the north? Mr. Sebring testified he does not know. Going over survey A-7A dated 8/29/95, Mr. Sebring testified no deminsions on the west elevation of the soffet - noe on the east elevation either. Mr. Sebring testified they are going to the building envelope line of 21 ft. and soffet is below that approximately 6 inches. He testified the dimensions they are providing, the 21 ft. is fromt the elevation at the boardwalk. Mr. Thomas objected to the questions by Mr. Fitrzpatrick to Mr. Sebring. Mr. Fitzpatrick asked Mr. Thomas if the house will be on pilings - Mr. Thomas said yes.

Mr. Burke asked Mr. Sebring - does the BOCA code require fire construction in this case, on the east or west walls, if these walls are deemed to be not in compliance with the zoning code?

Mr. Sebring testified no - the requirements in the BOCA code are based on fire seperation distances between houses or property lines. In this case he testified, we have more than 5 feet in the front, that wall did not have to be graded and in the rear, since the fire seperation distance is adaquet, the code did not require it. If there are 2 buildings on one piece of property, you would want to be 10 feet away in order to avoid being in a fire rated situation. Mr. Sebring testified they will comply with the requirements of the uniformed construction code fully with regards to fire rating.

Mr. Hood asked the ceiling height of the basement room. Mr. Sebring testified it would be 7 ft. 7½ inches. He also testified this is not considered a basement by the building code. Zoning code would consder it a basement. According to FEMA, this is not a basement - it's a story. Mr. Sebring read from Means Construction Dictionary - "Ceiling" -" The over head inside lining or finish of a room or area by extension in the over hanging surface used down below". Mr. Sebring testified the air conditioning units will be in the rear of the 2 story frame dwelling. Pilings will start at some point probably 4" above flood hazard elevation, which is listed as from the top of the pilings 11.4". Flor will be a self supporting reinforced concrete slab. He testified the flood hazard elevation is 11, our pilings have to be advanced down 2 ft. which will be 10 ft. below sea level.

T.J.Coan, 81 Curtis Avenue came forward and asked Mr. Sebring- on that south side - is that fire proof? Nr. Sebring testified it is fire rated assembly. Mr.Coan said so, basically it is buying time - is that correct? Mr. Sebring testified yes. Mr. Coan said in your opinion wouldn't it be beneficial building it back 5'1" and not having to do the fire rating? Mr. Sebring said not necessarily. Mr. Coan said the special reasons you stated fo you recxall what they were? Mr. Sebring does not recall what his testimony was. Mr. Sebring testified it would be safer and more aesthetic.

Mrs. Walsh wanted to know where the air condition units are going and what is going to happen with the 2 showers between the 2 structures.? Mr. O'Grady testified the showers will remain and the air conditioner units will be on the north west corner of the back. Mr. O"Grady testified showers will drain in the sand.

Robert Houseal came forward and resumed his testimony on Matrix #F. Mr. Houseal testified he believes this is a 3 story structure. He quoted from the BOCA code, Chapter 5 page 55 of the Boca Code "General Building Limitations". Mr. Fitzpatrick stated in regards to this Matrix H5, and the zoning ordinance together with the Boca code, have you reviewed the Boca code

for a definition of a story. Mr. Houseal testified yes he has. Mr. Thomas objected, as this is a zoning application not a building application. Boca code governs building not zoning. Their not looking to tell you what a story is under your zoning ordinance, their lookin got show you that the Boca code might say that a story under the Boca code is defined differently. Your ordinance is very clear - it says this is a story - there's a definition - there's a definition of a 1/2 story, there's a definition of a basement and there's a definition of a cellar. We're dealing with the zoning ordinance. Sandy Ratz is the official in this town and he makes sure the buildings are built in accordance with the Boca code. Mr. Thomas went on to say Sandy Ratz wears his Building Inspectors hat when he doe it. Sandy Ratz is also the individual who reviews applications for a building permit from a zoning aspect and wears a zoning hat when he does it and he tells you when you need a variance from this board as a zoning matter. For Mr. Houseal and Mr. Fitzpatrick to get up and say "well it may not technically require a variance under the zoning ordinance, ut lets go to the Boca code. It's taking you down a path you shouldn't be going. Mr.Thomas said finding out what the Boca code says is a 3 story building, has nothing to do with the jurisdiction of this board.

Mr. Byrnes stated - Mr. Thomas states that this is the Zoning Board of Adjustment - he is correct - we are here to determine variances not definitions. Mr. Houseal has testified all ready as to what is a story, what is a cellar, what is a basement and what does and does not require variances.

Mr. Houseal read the definition of the Manasquan Code on a story and explained the photos he had. He described his photos and read from the Municipal Land Use Law -NJS 55B-70
Mr. Houseal believes that there is a very real possibility that some time in the future, this property is sold, without a great deal, this 2 unit dwelling can be expanded without any one in the Boro being aware of it, into 2 additional dwellings. The stairs are arranged such that you can have 2 apartments in the basement and by flooring over the open space on the upper floor, you would have 4 units on this property. This is a well designed and well arranged building. Mr. Houseal testified it is a simple matter to slice 2 feet off the width of this building. It is possible to take and slice this building in length and remove 2 feet. It would then put the building in required set-backs.

MR. Thomas questioned Mr. Houseal. In your testimony on the concrete walkway, you said it was going to be removed. Mr. Houseal testified that is right. Mr. Thomas asked Mr. Houseal, assuming the structure proposed by the applicant is built - will that structure be safer than the strucxture this is on the property now? Mr. Houseal testified he does not know how

safe the structure is now. Mr. Thomas asked him if a structure on pilings is safer than a structure not built on piling in an R 4 zone? Mr. Houseal testified a structure on pilings is safer.

T.J.Coan asked Mr. Houseal on the issue of this sidewalk, did Mr.Cerone address this previously and how is the Board going to eliminate these non-conforming uses? Mr Houseal said the ordinance says in article X14 page 107-92 #A2 and A4. Mr. Fitzpatrick would like to move into evidence an article in the Coast Star of 9/29/94, to introduce the pattern that this board has established and the precedent that this has established and the near identical case to this application. While the board recently took a position that each application is different there is a right of equal protection under the law that this board has never passed this type of application before, quoting Mr. Burke.

Mr. Thomas said this may come as a complete surprise, but I object. He said as odd as it may seem he has known the Coast Star to report things inaccurately in the past. He doesn't think an article from a local newspaper qualifies as evidence.

Mr. Byrnes stated he is not familiar with the evidence rule, it's a business recordbeing introduced as such and not by the business that produced it. It's not a recent article, it's over 2 years old dated 9/29/94 and there are at least 4 board members that were not here then. Mr. Byrnes doesn't think it is proper to introduce it into evidence.

A motion was made for a 10 minute recess at 9:05 p.m. by P.Walsh seconded by J.Miller followed by the following vote: "YES"- E.Lyons, P. Walsh, J.Burke, J. VanStolk, N.Hood, J.Miller and R.Lloyd.

The Board returned from recess at 9:15 p.m. with the following roll call: E.Lyons, P.Walsh, J.Burke, N.Hood, J.VanStolk, J.Miller and R.Lloyd

Mr. Fitzpatrick would like to call Mr. Burke as a witness, as he was quoted in the Coast Star.
Mr. Byrnes stated the law tells us that members of the board may themselves, based upon their own personal knowledge testify as to facts which would or might be precedent to the application before it. Mr. Fitzpatrick stated it's the legal consept clearly established, that if over a period of years a board of adjustment is granted or not granted a certain type of variance to all and most applicants coming before it and then denies or grants a similiar application to a particular applicant, that applicant or objecators may show that he is the subject of an unjust or discrimination to the extent that he has been denied equal protection of the law. Mr. Fitzpatrick satate he wants to put

on the record the pattern, the clear pattern established by this Board there is no one better to do it then Mr. Burke who has been the long time chairman and member of this board, can explain tothe board with in his abilities the pattern the clear pattern that has been established in Manasquan.

Mr. Byrnes said this application commenced in June of 1996. There have been hearing on 6/19, 7/17, 9/11 and tonight- matter has been pending for 5 months. That which the objector wishes to bring into evidence has been part of the permanent record of the Borough of Manasquan for years. Any search done by the objector, her attorney or any other professional who have been called her to testify by the objector could have been done in a relatively short time period and that testimony could have been presented earlier. Mr. Burke a last minute witness is not the best source of the evidence the objector wishes to introduce and therefore I do not feel he should testify. If this is somthing that Mr. Fitzpatrick or the objector feels is relevent, he should be given time to introduce it. However, Mr. Burke who has no records in front of him, from any hear, probably could not testify reliably as to somthing that happened a couple of years ago. Mr. Burke will not testify. Mr. Fitpatrick would like it marked as evidence. Mr. Byrnes marked it OB-6.

Mr. Fitzpatrick said it is by-far to say that the chairman of the Zoning Board is not the best source of evidence. In addressing Mr. Byrnes, Mr. Fitzpatrick said your job is to listen us us - you have cut us off a number of times - if you don't want us to talk cut us off again. My third source of my objections is that this is the time to present the objections, this is officially the first day that objectors have presented their case, so to speak. I did start last month, only out of courtesy to the Board because you ran out of the applicants direct case. Now it is the time to call Mr. Burke and it is improper to exclude me from calling that witness.

Mr. Fitzpatrick stated you cannot tell me how to run my case, you cannot tell me not to call Burke to present my evidence, that I should do it some other way. You cannot demand that I do a search if I choose to call Mr. Burke, thats my privilege, I accept. Mr. Byrnes said acception is noted. Mr. Burke will not testify.

Mr. Hood wants to know the square footage of the bldg. going by floor. First floor of the building 1364 sq. ft. of living space, apartment up stairs 600 sq. ft. right now. New building first floor is 1330 sq. ft. 2nd floor 875 sq. ft. basement 600 sq. ft.

Mr. Rudy Graf-267 Beachfront was sworn in by Mr. Byrnes. He thinks what they are goint to do is a good idea. He stated this

weekend three houses burned down on the beach. WE feel it is a good idea that people move to the beach on a permanent basis and make it a family-oriented neighborhood.

Carol Broderick, Parker Avenue was sworn in by Mr. Byrnes.
She also referenced the recent fires. I feel anything that comes before this board that is not in compliance should be turned down. As far as I can see this is a 3 story building.

Motion was made to close the public hearing by E.Lyons, seconded by J.Miller, followed by the following vote: "YES"-E.Lyons, P. Walsh, J.Burke, J.VanStolk, N.Hood, J.Miller and R.Lloyd.

Mr. Burke would like to hear Mrs. Breunig's objections. Mr. Fitzpatrick said you heard it, we have presented her case on her behalf, so you have heard it.

Motion to reopen public hearing was made by J.Miller, seconded by J.VanSTolk, followed by the following vote: "YES" -J.Burke, N.Hood and J. Miller."NO" - E.Lyons, P.Walsh, J.VanStolk,R.Lloyd. Mrs. Breunig cannot be heard.

There was discussion between the board members.
Mr. Hood objected to the increase of the non-conformance of the property and potential to increase in size. Mr. Miller saw the application as gaining things and losing things, as the borough would gain a structure which comes up to code and three dwellings on the property would go to four. Mr. Lyons, R. Lloyd and J.VanStolk voiced concern with the basement apartment. Mrs. VanStolk said she could be "swayed" to approve the application, if the apartment were removed. Mrs. Walsh had problems with the two-family configuration of the house. She felt the height will impede light and air in the neighborhood.

Mr. Byrnes marked all of the items previously marked as exhibits to move into evidence. There was no objections by either Mr. Thomas or Mr. Fitpatrick. Objectors exhibits were marked OB4 to OB 6 into evidence.

Mr. O'Grady testified to the removal of the basement apartment, and it will never be restored to a rental unit or living area and no one will reside there, it will only be used for storage area. If put on the market for sale it will not be listed as a property that contains 4 seperate units. Any successors to you, whether it be through purchase, or inheritance, will be bound by this and will never be able to use it as a 4 family.

A motion was made for a 5 minute recess at 10:50 p.m. by J.Miller, seconded by J.VanStolk, followed by the following vote: "YES"- E.Lyons, P.Walsh, J.Burke, J.VanStolk, N.Hood, J.Miller and R.Lloyd.

The board returned from recess at 10:58 p.m. with the following roll call: E.Lyons, P.Walsh, J.Burke, J.VanStolk, N.Hood, J.Miller and R.Lloyd.

Mr. Thomas made mention to page 3 and 4 on A-8-A. They are willing to set the building back so it will be in line with the Graf house and the Breunig house. If fire rated assembles must be used it will be done on the right wall. Mr. O'Grady would like to be able to keep the shower in the basement area and the 1 outside shower will be removed and the other one will remain with cold water only. The water will drain into the sand not the sewer. The house will be moved back 2 feet further than the plans currently show, so the house is in line with the structures on the north and south.

The proposed house and the existing First Ave. house will now be reduced by 2 feet.

The concrete sidewalk between the 2 building will remain, the air condition condensors are going to be moved to the west side of the house.

Mr. Byrnes stated revised plans are to be submitted.

Mr. Hood moved for a motion for approval with stipulations, seconded by J.Miller, followed by the following vote: "YES"- P. Walsh, J.Burke, J.VanStolk, N.Hood, J.Miller and R.Lloyd.

A motion to adjourn was made at 11:40 p.m. seconded and unanimously approved.

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk
MANASQUAN, N.J.

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

October 15, 1996

MANASQUAN ZONING BOARD OF ADJUSTMENT

ADDENDUM TO AGENDA

OCTOBER 16, 1996

OLD / NEW BUSINESS

APPLICATION - 3-96 - Rudy & Michele Graf - 267 Beachfront
Extenstion of time

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

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JOHN L. WINTERSTELLA, Mayor
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ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - OCTOBER 16, 1996
MANMASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on October 16, 1996 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke called the meeting to order at 7:45 p.m.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: E.Lyons, P. Walsh. J.Burke, J.VanStolk, J.Miller and R.Lloyd. ABSENT - R.Brittle, M.Kazenmayer and N. Hood.

Motion to approve the minutes of September 18, 1996 was made by P.Walsh, seconded by E.Lyons, followed by the following vote: "YES" - E.Lyons, P.Walsh, J.Burke, J.VanStolk, J.Miller and R. Lloyd.

APPLICATION - 20-96 - Cont. Robert Marro,Jr.-61 Potter Ave.
This application started on Sept. 18, 1996 our regular meeting, it was amended to approve set-back of the garage 4.4 ft. north of the property line. It was deemed the front yard of the property is on Lake Avenue. A site inspection was held on September 21, 1996. Mr. Byrnes stated his notes indicate Mr. Marro that you are willing to accept the condition if the Board wishes to put it as a part of an approval that there would be no food preparation or kitchen area on the second floor and the house would not become a two family. Mr. Marro testified that was correct. In reference to a stairway going up into a bedroom, Mr. Byrnes stated in that regard he has in fila an exhibit marked A-17 a short memo from Construction Official MR. Ratz dated 9/26/96 "there is no exception in any building code which prohibits a stairway from going directly into a bedroom".

Mr. Deen VerVort, 67 Potter Avenue, was sworn in by Mr.Byrnes. He testified he would support the project and he thinks it would improve his house, he has no objections. It will not impede any light or air flow to his property.
Mr. Ward Wagner, 56 Potter Avenue was sworn in by Mr. Byrnes. He testified he is supporting the project and it will increase the look of the house. He lives on the south east corner.
Mr. Wally Hingston, 53 Potter Avenue, who lives 3 houses to the south side, testified he would like to see him do this. He has been a good nighbor.

A motion by J. VanStolk to close the public hearing on this application seconded by P.Walsh, followed by the following vote: "YES" - E.Lyons, P. Walsh, J.Burke, J.VanStolk, J.Miller and R.Lloyd.

House was purchased in 1991 also the land. The house is approximately 76 years old.

A motion by E.Lyons, ssconded by J.Miller to approve this application followed by the following vote: "YES"- E.Lyons, P. Walsh, J.Burke, J.VanStolk, J.Miller & R.Lloyd.

APPLICATION - 23-96 Harcourt & Karen Ward -11-15 Wyckoff Ave.
Mr. Byrnes marked the Boards file as A-1 thru A-10C.
Owner wishes to subdivide property which contains one two-family dwelling. R - 2 Zone. Block 95 Lot 11.01.
Application denied for the following reasons:
107-9 -One single family dwelling is permitted. 107-27 - Front Setback -Proposed lot 11.01, 25 feet required, 7.92 feet existing. Side Setback - proposed lot 11.01, 5 feet required, 2.5 feet existing. Rear Setback - accessory structure propossed lot 11.01 - 5 feet required, 2.6 feet existing.
Side Setback - accessory structure proposed lot 11.01, 5 feet required, 0 feet proposed. Maximum Building Coverage - proposed lot 11.01 - 30% maximum permitted, 45.5% proposed. Maximum Lot Coverage - Proposed lot 11.01 - 45% maximum permitted, 58.5% proposed. And any other variance(s) the Board may deem necessary. Property is located in A-5 and B Flood Zones. All new construction must comply. Subdivision involving a Non-Conforming Use.

Kevin Thomas placed himself on record as attorney representing the applicant. There will be no other witnesses other than the applicants.
Harcourt S. Ward and Karen M. Ward were sworn in by Mr. Byrnes.
MR. Thomas asked Mr. Byrnes to mark 3 documents for identificationas as A-10A,A-10B and A-10C.
Mr. Ward testified they closed on the property in March 1996.
There intentions were to build a single family on the lot and keep the 2 family for investment purposes, prior to that they discussed with the owners whether the lot was a buildable lot.
After purchasing the property they made an application for a minor subdivision in April, came before the Planning Board in June, and was told by Mr. Cramer, that he felt it wasn't the juristiction of the Planning Board to hear the application and it should be referred to the Zoning Board of Adjustment.
Mr. Ward testified the neighborhood consists of 2 family and single family homes, which runs from Main St. to Stockton Blvd.
Lot 11.01 is 50 x 100 Ft. has an existing 2 family building on it, built in 1912, masonry building with a solid masonry wall between the buildings right & left halves. Each unit has seperate utililties, water, sewer, electric, telephone. It was used as a two family since 1968. There is an easement on Lot 12 just north of lot 11, immediate to the right, which every one is familiar with. Right now it goes to the back of the commericial structures that run along the railroad track, used

as an access in and out running from Main St to Wyckoff Avenue.
Mr. Thomas stated he has the records of Monmouth County searched and what he has asked the Board to mark as A-10A-10B-10C, are actually the deeds which create the easement over lot 12 in Block 95. The easement is a 12 ft. width along the easterly side of the property from East Main St., which is shown in A10-C. Plans of the new house they propose to build was marked as A-11.
Mr. Byrnes stated if the 2 lots were never officially legally consolidated, then legally they still exist as 2 seperate lots.
If they exist as 2 seperate lots,then there is no reason for this Board to give you a sub-division, because you don't need one.
A motion was made for a site inspection on Saturday November 16, 1996 at 9:00 A.M., seconded, followed by the following vote: "YES"- E.Lyons, P. Walsh, J.Burke, J. VanStolk, J.Miller and R.Lloyd.

Mr.Byrnes stated when this application came before the Planning Board the Engineer made the following comments for the Board's consideration:
1. The existing driveway into the site straddles the proposed subdivision line. The applicant should provide testimony with regard to the future disposition of the driveway. 2. The plans indicate that the existing garage to the rear will be partially removed to eliminate any encroachment onto proposed Lot 11.02. The application should state whether any offset to the proposed side yar lot line will be provided with this demolition. In addition, the timing of the modification should be discussed.
3. During their site inspection they observed deteriorated curb and sidewalk along the applicant's frontage. The Board should consider requiring new curb and sidewalk especially since modification to the existing driveway may be needed and a new driveway to Lot 11.02 will be required. This should be discussed.
4. Two larege shade trees exist along the frontage of proposed Lot 11.02. They recommend the Board direct the applicant to preserve the trees.
Mr. Byrnes beleives the engineers points are well taken and this Board should take them into consideration if necessary.
Mr. Thomas waived the time requirements, so this can be carried over to the November meeting.

A motion was made for a 5 minute recess, seconded and followed by the following vote: "YES" - E.Lyons, P. Walsh J.Burke, J.VanStolk, J.Miller and R.Lloyd.

The Board returned from recess at 9:25 p. m. with the following roll call: E.Lyond, P. Walsh, J.Burke, J.VanStolk, J.Miller and R. Lloyd.

APPLICATION: 24-96 - Richard Hingston - 201 Broad Street.

Mr. Byrnes marked the Board's file as A-1 thru A-11.
Owner wishes to keep roof over front porch. R-2 Zone.
This application is denied for the following reasons.
107-27 - Front Setback - 25 feet required, 22 feet existing.
And any other variance the Board may deem necessar.
Note - Owner is constructing an addition to the rear of the house which is in complete complance with the Zoning Code. The plans submitted showed the front porch to be cut back in compliance with the 25 ft. front yard setback. The owner now wishes to keep the front proch as is. No Certificate of Occupancy will be issued until theis Zoning violation is resolved. Not a flood zone. Hardship Variance.

Maryanne Dieterle Hingston and Richard J. Hingston, 201 Broad St. were sworn in by Mr. Byrnes.
MR. Hingston testified he had a building permit back in December and he had an additional diagram of removing 2 feet from the front porch. The reaseon they went ahead with this, they were under the impression the law was going to be changed back to the way it was, where if you were doing an addition to the rear it didn't affect the front of the house, as long as everyting was conforming. They now feel that by taking 2 feet off the main roof it will detract from the building. Pictures in the file were marked A-12 to A-23. Mrs. Hingston testified A-16 is a picture of the house before the addition. A-13 is after the addition. A-12 and A-13 are pictures of the back of the house before the addition. A-14 is the house after the addition. A-23 is showing the house is in conformance with the other houses on the block. House purchased September 8, 1993, and they own the property also.

A motion was made by J.Miller to close the public hearing seconded by E. Lyons, followed by the following vote: "YES"- E.Lyons, P.Walsh, J.Burke, J.VanStolk, J.Miller and R.Lloyd.

A motion for a favorable resolution was made by J.Miller, seconded by P. Walsh, followed by the following vote: "YES"- E.Lyons, P.Walsh, J.Burke, J.VanStolk, J.Miller and R.Lloyd.

RESOLUTION 15-96 - Jonathan Lazar & Stefan Karlson, 231-231½ Second Avenue.
Mr. Byrnes said a motion was made at the last meeting to grant the application, it was a use and only received 4 affirmative votes therefore it was denied because it did not get the required 5 affirmative votes, therefore in order to approve the resolution tonight, it would require a majority of the 3 people who voted no, 2 of those 3 are not here tonight, Mrs. Kazenmayer and Mr. Hood. The only one here tonight is Mr. Lloyd and he cannot vote twice. We cannot vote tonight. It will be held over to our November meeting or until we have 2 people here that voted no.

APPLICATION - 21-96 - Kenneth & Betty Yersin - 18 Newark Avenue
The resolution was read by Mr. Byrnes. A motion to approve the resolution was made by E.Lyons, seconded by J.VanStolk, followed by the following vote: "YES"- E.Lyons, P.Walsh, J.Burke, J. VanStolk.

A motion to approve all bills was made by J.Miller seconded by R.Lloyd followed by the following vote: "YES"- E.Lyons, P.Walsh, J.Burke, J.VanStolk, J.Miller and R.Lloyd.

APPLICATION - 3-96 - Rudy and Michele Graf - 267 Beachfront
A motion and second to grant Rudy & Michele Graf, of 267 Beachfront an extension was made and unanimously carried.

There being no more business a motion to adjourn at 10:10 p.m. was made and seconded and unanimously carried.

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

Corrected Agenda

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT
NOVEMBER 20, 1996 MEETING AGENDA

On Wednesday November 20, 1996, 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 - 23-96 -Cont. Harcourt & Karen Ward -11-15 Wyckoff

APPLICATION - 25-96 - Terry Scimeca - 84 Curtis Avenue

APPLICATION - 26-96 Donald & Marie Wilderotter-66 Mohegan Rd.

APPLICATION - 29-96 Charles & Sharon O'Malley-76 Marcellus Ave.

RESOLUTION - 15-96 Jonathan Lazar & Stefan Karlson-231 Second

RESOLUTION - 12-96 John & Benedetta O'Grady-265 Beachfront

RESOLUTION - 30-96 Joseph & Joan Hopp - 564 Perch Avenue

RESOLUTION - 24-96 Richard Hingston & Marianne P. Dieterle
201 Broad Street

RESOLUTION - 20-96 Robert Marro, Jr. - 61 Potter Avenue

OLD / NEW BUSINESS

SPECIAL MEETING REQUEST - Maichael & Carmela Parziale
305 Beachfront

APPLICATION - 4-96- Patrick & Barbara Quinlan - 574 Pike Ave.
Request for extinsion of time.

(Work session will be conducted immediately after the regular meeting).

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustmente

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
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RESOLUTION - 15-96 Jonathan Lazar & Stefan Karlson-231 Second

RESOLUTION - 12-96 John & Benedetta O'Grady-265 Beachfront

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RESOLUTION - 20-96 Robert Marro, Jr. - 61 Potter Avenue

OLD / NEW BUSINESS

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305 Beachfront

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(Work session will be conducted immediately after the regular meeting).

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

ADDENDUM TO REGULAR MEETING AGENDA

MANASQUAN ZONING BOARD OF ADJUSTMENT
NOVEMBER 20, 1996

OLD / NEW BUSINESS

APPLICATION - 10-94 - Mark Barrett - 555 East Main St.
Request for extension of time.

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - NOVEMBER 20, 1996
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on November 20, 1996 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke called the meeting to order at 7:30 p.m.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: R.Brittle, M.Kazenmayer, E.Lyons, J.Burke, N.Hood and R. Lloyd. ABSENT - P.Walsh, J.VanStolk, J.Miller

For the record, Mrs. Walsh arrived at 7:35 p.m..

A motion to approve the minutes of September 11, 1996 was made by R.Brittle, seconded by M.Kazenmayer, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.Burke, N.Hood and R.Lloyd.

A motion to approve the minutes of October 16, 1996 special meeting was made by R.Lloyd, seconded by E.Lyons, followed by the following vote:"YES"- R.Brittle, E.Lyons, J.Burke, R.Lloyd. ABSTAIN - M.Kazenmayer, N. Hood.

A motion to approve the minutes of October 16, 1996 regular meeting was made by R.Lloyd, seconded by E.Lyons, followed by the following vote: "YES" - E.Lyons, P.Walsh, J.Burke,R.Lloyd. ABSTAIN: - R.Brittle, M.Kazenmayer, N.Hood.

SPECIAL MEETING REQUEST - Michael & Carmela Parziale-305 Beachfront, Block 185 Lot 2
Attorney Nancy G. Wright, of Bathgate, Wegener and Wolf, put herself on record as representing the applicant.
Ms. Wright stated the Board is aware of the tragic insident that occured in the terms of the fire and obviously these people need to have a home as soon as possible, which is why we are here for a special meeting.
The Board voted to have a special meeting the 9th or 12th, which ever is available. Attorney's and Board members will be notified of the date available.
A motion was made for a special meeting, date to be determined as soon as possible by M.Kazenmayer, seconded by R.Lloyd, followed by the following vote: "YES" -R.Brittle, M.Kazenmayer, E.Lyons, J.Burke, N.Hood, R.Lloyd. ABSTAIN -P.Walsh.

APPLICATION - 23-96 - Cont. Harcourt & Karen Ward - 11-15 Wyckoff
Mr. Byrnes stated he received a letter from Mr. Ward dated November 13, 1996, advising that they have released their attorney Kevin Thomas and that they will proceed without counsel. Mr. Byrnes stated if the Board recalls at the October meeting,

there was a question as to whether or not the lots that are owned by the applicants, are one lot or 2 lots. Mr. Byrnes stated work was done by himself and Valerie Bills of the tax office and subsequently he finished up doing a search over at the County Clerk's office in Freehold and it was his determination that the lots ever since they were dedicated to the Boro back in the early 1900's were 2 lots. They had never been officially combined or consolidated other than by clerical entry back in 1935 or 1936, which a few years later was changed back to 2 lots. He salisited additional opinions from the tax assessor Frank Nelson, from the Planning Board Attorney Geoffrey Cramer because the applicants had originally been before the Planning Board, from our Zoning Official Neil Hamilton and from our Construction Official Albert Ratz and from our Boro Attorney Kenneth Fitzsimmons and asked if any of them disagreed or had any comments to please notify us in writing. Mr. Byrnes said he did not receive any thing from any of those individuals other than Mr. Ward. The only issue Mr. Byrnes felt was remaining was whether or not it would be necessary for a variance to be considered by the Board for the existing garage structure. By way of intstant replay the present garage extends over the 2 lot lines. The building that is being planned for lot 11.02 does not require any variances as it meets all building codes and setback requirements, however variances would have been required along with a minor sub-division if the two lots had ever been consolidated, but they weren't, so in Mr. Byrnes's opinion the only reason the Board would need to consider granting any variance for 11.01 which has the existing structure on it, is if there were going to be any planned improvements to the existing structure, there are none, but the existing garage is going to be partially demolished and the portion that is on 11.02 is going to be removed, leaving only the portion that is on 11.01. Right now there is a 0 set-back for that excessory structure. If it is going to remain at 0 set-back after the other portion was demolished, then a variance would not be needed because in essence for lot 11.01 nothing is going to change, but if a portion of the garage that existed on 11.01 was also going to be demolished and resulting in any type of a set-back up to 4ft.11½ inches that a variance would be required because although less non-conforming it would still be non-conforming. In one of Mr. Ward's letters, he indicated that when they demolish the portion of garage on 11.02, that they are going to demolish up to the property line and leave the structure with a 0 set-back. Mr. Byrnes feels that if Mr. Ward at any point in the future plans any inprovements to the existing structure on 11.01 he would have to come back for a variance at that point.

Mr. Burke said what it comes down to, there is no case here. All that has to be done is have Mr. Ward withdraw his case and request that the application be withdrawn.

T. J. Cowan came forward stateing he read Mr. Byrne's letter

and agrees with him, if the house was a single family home, being the house is not a single family home and is a non-conforming structure, I believe it would come under 45E-68 where these lots have been merged based upon density, driveway being on one property it cannot exist without each other, so I believe a conflict comes in with the existing driveway and garage.

A motion to close the public hearing was made by E.Lyons, seconded by M.Kazenmayer, followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.Burke, N.Hood and R.Lloyd.

A motion to accept the applicants withdrawal was made and seconded followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J. Burke, N.Hood, & R. Lloyd.

APPLICATION - 25-96 - Perry Scimeca - 84 Curtis Avenue
Mr. Byrnes marked the Board's file as A-1 to A-10. The owner wishes to constructa two story addition over existing deck. R2 Zone.
This application is denied for the following reasons: 107-27 - Front Setback - 25 feet required, 16.3 feet existing. And any other variance the Board may deem necessary. A-5 Flood Zone must comply. Hardship Variance.

Mr. Byrnes swore in Lisa Ann Scimeca and Perry Scimeca, 84 Curtis Avenue.
Mr.Byrnes stated he represented the employer of Mr. Scimeca, Mr. Paglia, but it is now concluded. Mr. Scimeca and the Board had no problem with that.
Mr. Scimeca testified they are a growing family in a small house and they are putting on an extra bedroom. The existing kitchen will stay as is and the extension on the east side will be a pantry and then out to the recreation room. The second floor addition will be a master bedroom, closet and bath.

A motion to close the public hearing was made by P.Walsh, seconded by R.Brittle, followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.Burke, N.Hood and R.Lloyd.

Mr. Scimeca testified it will be more aesthetically pleasing to the neighborhood, it will not block air or light to the neighbors and it will be more in conformity to other structures in the neighborhood.

A motion for a favorable resolution was made by N. Hood, seconded by R.Lloyd, followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, J.Burke, N. Hood, P.Walsh, R.Lloyd.

APPLICATION 26-96 - Donald & Marie Wilderotter-66 Mohegan Rd.
The Board's file was marked A-1 to A-10 by Board Attorney Mr. Byrnes.
Owner wishes to construct roof over front porch and construct screened rear porch on new house. R-2 Zone.
This application was denied for the following reasons: 107-27 - Maximum Building Coverage - 30% permitted, 34% proposed.
And nay other variances the Board may deem necessary. Not a flood zone. Hardship Variance.

Mr. Byrnes swore in Alfred J. Sica, Jr., President of Sica Industries Inc., 1938 Rt. 37 East, Toms River, N. J., general contractor for the applicant and Donald Wilderotter, presently South Pearson Rd. Maplewood, N. J.

Mr. Byrnes stated he did represent Dr. & Mrs. Megill quite a few years ago, but the Board had no problem with that.

Mr. Wilderotter testified they are building a roof over the front porch and a back porch. The property was purchased in 1995, and the house is under construction now.
Mrs. Wilderotter has a health problem and needs a screened in porch as she is alergic to bees and wasps.
Mr. Sica testified they received a permit to build a 6' undercover over the front area. They would like to add another couple of feet to that to make it look more attractive. The enclosed back porch is 13' x 13' approximately 170 sq. ft.. The stairs will go down from the center of the house. The front porch is 6'x 13'.

Vivian Rallo, Lakewood Rd. came forward and wanted to know what effect this variance would have on adjacent properties as far as value is concerned. Mr. Sica testified as value, it will have no negitive impact on surrounding values and actually would enchance values and is in conformance with other structures in the neighborhood.

A motion to close the public hearing ws made by E.Lyons, seconded by R.Brittle, followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, E. Lyons, P.Walsh J.Burke, N.Hood and R.Lloyd.

P.Walsh stated this is relatively a new zoning requirement that was adopted by the Planning Board and Mayor and Council the 4% overage she is not comfortable with it. She thinks there is too much porch area.

A motion for a favorable resolution was made by M.Kazenmayer, seconded by R.Brittle, followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, J.Burke, N.Hood, R.Lloyd.
"NO" - P. Walsh.

APPLICATION - 29-96-Charles & Sharon O'Malley-76 Marcellus Ave.
Mr. Byrnes marked the Boards file A-1 to A-9. Block 69-Lot 33
Owner wishes to construct a second floor addition. R-2 Zone.
This application was denied for the following reasons:
107-27 - Front Setback - 25 ft. required, 18 ft. existing.
Maximum Lot Coverage - 45% permitted, 49% existing and proposed.
And any other variance the Board may deem necessary. A-5 Flood Zone. Construction will comply. Hardship Variance

Sharon O'Malley and Charles O'Malley - 76 Marcellus Avenue and Tom Peterson 2110 Castleton Court Allenwood were sworn in by Mr. Byrnes. Mr. Peterson is a licensed Architect in the State of N. J. since 1981, has appeared before numerous Boards in Monmouth and Ocean County.
An update on the survey was marked into record as A-7A.

Mr. O'Malley testified they would like to put a second story on their house, mainly because there is no room upstairs, no storage. In 1993 a new kitchen was put on the house with the thought of putting a second story above it, but at that time couldn't afford it. They are now going to do what they were going to do in 1993. There will be no changes or encroachments. They are not changing the foot print of the house. The front porch is in existing condition, it lines up with every other front porch on the street. A majority of the houses in the neighborhhod were built in the 1880's, all houses set back 25 ft. from the property line and porches are 7 ft. wide. Right now our first floor kitchen is a box on the back of the house with a flat roof and we would just like to finish it, put the bedrooms up above it reconfigure the upstairs a little and give us some storage area. They are taking the asbestos siding off the whole house and disposing of it and replacing with clapboard.

Paul Yuro, 82-84 Marcellus Avenue, neighbor next door, wanted to know the density of the property, how much area they are taking up, as they have the house, a garage, a shed, a pool and it is taking up most of the property. Mr. O'Mally said there is no increase in it, new windows, new siding on the whole house, the garage will stay. The existing building is 28' 6" high.
Paul Yuro was sworn in by Mr. Byrnes. He stated it is a high density area, he likes what he sees, but it is too cluttered.

Richard Wheaton, 86 Marcellus Ave. was sworn in by Mr. Byrnes.
He testified he has been a neighbor for 3 years and he thinks the addition he proposes will aesthetically improve the street and improve the value of the neighborhood. He feels the addition is conforming to the rest of the homes.

A motion to close the public hearing was made by P.Walsh,

seconded by M.Kazenmayer, followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.Burke, N.Hood and R.Lloyd.

Mr. O'Malley purchased the property in March 1990. He testified it will not increase traffic or block air or light to his neighbors.

A motion for a favorable resolution was made by P. Walsh, seconded by N.Hood, followed by the following vote: "YES"- R. Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.Burke, N.Hood, and R.Lloyd.

Mr. Hood certified he listened to the tapes of Ward only.
Mr. Brittle certified he listened to 10/16/96 meeting, also 10/10/96 meeting.

Resolution -15-96-Lazar & Karlson-231-231½ Second Avenue.
The resolution was read by Mr. Byrnes.
A motion for approval was made by N.Hood seconded by R.Lloyd, followed by the following vote: "YES"- M.Kazenmayer, N.Hood and R.Lloyd.

RESOLUTION - 12-96-John & Benedetta O'Grady-265 Beachfront
Mr. Byrnes stated he had hoped the O'Grady case would have come to an end tonight, at least as far as this Board is concerned, but it will not. The applicants were instructed that they were to have supplied a revised set of plans to the Board Secretary, a minimum of 10 days in advance of tonights meeting. They did not do that, the plans were not submitted until the 12th or 13th of the month, they did not meet the 10 days.
Mr. Byrnes received a letter from Mr. Fitzpatrick who represents the objectors, and in his letter he states that Mr. Houseal his architect has reviewed the plans that were submitted and found that in his opinion the plans are not in compliance with the ordinance and they are not in compliance with the discussions that were held before the Board at the September 1996 hearing.
Mr. Fitzpatrick went into details what the deficiencies are and asked that the letter be read into record. Being the letter is quite lengthy, but for identification purposes only, as an objectors exhibit, it was marked as OBJ 7.

Mr. Burke stated on the first page of the revised plans and the old plans, the height to the point of where the roof begins, the old plans have 23.4ft. the architect said he would bring it down to 21ft.. He did bring it down to 21' on the new plans but the building height was 30'9½"on the old plans and it is the same on the new plans. Mr.Burke said the main thing is when Mr. O'Grady asked to have a shower in the back of the house, it now shows that he will be coming in on the side of the house and a full bathroom down there. Mr. Burke said this will have

to be put on the December 18, 1996 agenda first, and have the applicant and his architect here at the meeting.

Mr.Byrnes stated the application as far as the Board is concerned is over, other than voting on the final form. One of the conditions that the Board set for approval, was that a revised set of plans be submitted conforming to the changes discussed and agreed upon. The plans that have been submitted do not reflect those changes. There is no need for additional testimony or hearing or anything else, a letter to the applicants attorney stating the plans have been received, they weren't received in a timely fashion, but they have been reviewed and these are the deficiencies that have been noted and once they have been corrected to the Board's satisfaction, it will be carried over to the Decmber 18, 1996 meeting giving the Board members a chance to review the plans, and discussed at that meeting.

A motion to continue this application to the December 18, 1996 meeting, in the meantime that all board members review the plans, compareing the new to the old and that they will be discussed at the December meeting at which time the board will convey to the applicant their findings and he will be required to correct them by the January 15th meeting, was made by E.Lyons, seconded by P.Walsh followed by the following vote: "YES"- R.Brittle, M.Kazenamayer, E.Lyons, P.Walsh, J.Burke, N.Hood and R.Lloyd.

RESOLUTION - 30-96-Joseph & Joan Hopp, 564 Perch Avenue.
The resolution was read by Mr. Byrnes. A motion to approve was made by E.Lyons, seconded by P. Walsh, followed by the following vote: "YES" - E.Lyons P. Walsh, J.Burke.

RESOLUTION - 24-96-Richard Hingston & Marianne Dieterle
201 Broad Street
Mr. Byrnes read the resolution. A motion to approve was made and seconded, followed by the following vote: "YES"- E.Lyons, P.Walsh, J.Burke and R.Lloyd.

RESOLUTION - 20-96 Robert Marro, Jr. - 61 Potter Avenue
The resolution was read by Mr. Byrnes. A motion to approve was made seconded, followed by the following vote: "YES" - E.Lyons, P.Walsh, J.Burke and R.Lloyd.

OLD/NEW BUSINESS

APPLICATION - 4-96-Patrick & Barbara Quinlan-574 Pike Avenue
A letter was received from Mr. Quinlan requesting an extension of time.
A motion to grant a 9 month extension was made, seconded, followed by the following vote: "YES" R.Brittle, M.Kazenmayer,

E.Lyons, P. Walsh, J. Burke, N.Hood, R.Lloyd.

APPLICATION - 10-94 Mark Barrett - 555 E. Main St.
A motion to grant a 9 month extension was made, seconded, followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, P. Walsh, J.Burke, N.Hood and R.Lloyd.

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

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

ADDENDUM TO REGULAR MEETING AGENDA

MANASQUAN ZONING BOARD OF ADJUSTMENT

DECEMBER 18, 1996

OLD / NEW BUSINESS

APPLICATION - 7-93 - Leggett's - Request for extension of time

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT

DECEMBER 18, 1996 MEETING AGENDA

On Wednesday December 18,. 1996, 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 - 32-96 - Cont. - Michael & Carmela Parziale
305 Beachfront

APPLICATION - 28-96 - James Julian - 14 Main Street

APPLICATION - 31-96 - Robert Scerrato - 373 Beachfront

RESOLUTION - 12-96 - John & Benedetta O'Grady-265 Beachfront

RESOLUTION - 25-96 - Terry Scimeca - 84 Curtis Avenue

RESOLUTION - 26-96 - Donald & Marie Wilderotter-66 Mohegan

RESOLUTION - 29-96 - Charles & Sharon O'Malley-76 Marcellus

OLD/NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES - DECEMBER 9, 1996
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

Thje Manasquan Zoning Board of Adjustment held a special meeting on December 9, 1996 in Manasquan Borough Hall, 15 Taylor Avenue Manasquan, N. J.

Chairman John Burke called the meeting to order at 7:30 P.M.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: R.Brittle, M.Kazenmayer, E.Lyons, J.Burke, N.Hood, J.Miller and R.Lloyd. Absent: P.Walsh and J.VanStolk

A motion was made by J.Miller seconded by E.Lyons, to set a time limit of 11:00 p.m. tonight, followed by the following vote:"YES"- R.Brittle, M.Kazenmayer, E.Lyons, J.Burke, N.Hood, J.Miller and R.Lloyd.

APPLICATION - 32-96 - Michael & Carmela Parziale - 305 Beachfront
Mr. Byrnes marked the Boards's file as A-1 to A-26
Owner wishes to replace fire destroyed one-story, two-family dwelling on a lot with two structures and three dwellings with a new two-story, two-family dwelling.

This application is denied for the following reasons:
107-11 -One single family dwelling is the only permitted use. Not a permitted use. 107-25.A. - No building shall be erecterd for any purpose other than that which is permitted in that district. 107-27 - Front setback from beachfront - 15 ft. required, 2.5 ft. to steps proposed. Front setback from First Avenue - 10 Ft. required, 3.5 ft. existing. Aggregate of front and rear setbacks - 30 ft. required, 15 ft. proposed. Side setback (north)- 5 ft. required, 4.67 ft. proposed. Side setback (south) - 5 ft. required, 4.66 ft. proposed. Side setback (south garage apt.) 5 ft. required, 3.3 ft. existing. Maximum Height Structure does not comply with note (f) on north or south sides. Maximum Building Coverage - 35% permitted, 53.5% proposed. Maximum Lot Coverage - 50% permitted, 56% proposed. 107-30 Only one principal building shall be permitted on each lot. This lot has two. 107-36 - Off-street Parking - 6 spaces required, 2 spaces in garage. V-6 Flood Zone - structure must comply. And any other variances the Board may deem necessary. Use Variance. Addendum to Denial Dated 12/5/96. 107-27 Building Heihgt - 2½ stories allowed, 3 stories proposed.

For the record Nancy Wright, Attorney with Bathgate, Wegener & Wolf is appearing on behalf of the applicant.
The following witnesses were sworn in by Mr. Byrnes.
Carmela N. Parziale, 305 Beachfront, Michael Anthony Parziale,305 Beachfront, Paul G. Amelchenko,Architect, 1924 Rt. 35, Wall, Richard Lee Hovaugh, 185 Harbour Inn Rd., Bayville, N. J..

Ms.Wright would like the original plans marked. For the record Mr. Byrnes marked A-14 the original plans submitted which consist of 3 pages. So the record is clear A-7 revised plans consist of 4 pages.
Ms. Wright submitted a survey, appearing to be a portion of the old tax map from American Timber, which was marked A15.

Ms. Wright stated she would like to perserve all rights of the applicant as it relates to the existing structure that remains in its damaged state on the property, specifically under NJSA 40'55B-70A and B, she wants to make it clear she isn't waiving any rights of the applicant regarding the existing structure and the use variance 70B that is before the Board in preceding with that, stated "We are just perserving our rights under the Land Use Law." Mr. Byrnes said it is so noted.

In terms of the Use Variance that is before the Board and the notice of hearing that was required persuant to the Construction Officials denial - Ms. Wright wanted to clarify it would be from the original plans, not the drawings that are here this evening, but she wants to emphasize the reason they are here. There was a fire on October 6, 1996 that resulted in a severe tragedy to Mrs. Carmela Parziale the owner of this site. She has lived on that property since 1980. They are here through no fault of the property owner and they are here on behalf of the property owner seeking to preserve what the property owner had prior to the fire, specifically to allow the 2 story 2 family dwelling on a lot. The garage that exists there is a one story structure, but the dwelling structure was a 2 story structure.
They are seeking a 2 family dwelling on a lot with 2 structures and 3 dwellings, so Mrs. Parziale has her 3 uses as before the fire on that site.

The Architect revised the plans to address the height requirements and bulk requirements, of the existing ordinance.
Mr. Burke stated from what he's seen knowing the house and from what he sees on the plan, he believes it was not a mistake by Mr. Ratz, it was a one story 2 family house and that this is not correct.

Michael Parziale came forward and testified he is the son of Mrs. Parziale. Mrs. Parziale has owned the property since the mid 1987's. He testified fire damaged the house on the morning of Sunday, October 6, 1996. He is seeking the pre-existing historic use she had before, the 2 story 2 dwelling unit, 2 rental units. On exhibit A-15 (site survey) this is a town survey that the town did a few years ago on the American Timber, and FEMA came in and was proved that it is a two story.
The lot size is 33x140, the location is on Block 185 Lot 2.
Mr. Parziale testified there are a number of units, as the Board is well aware of, with more than one unit per lot, and in fact

there ar 2 to 3 units some times up to 5 units in the surronding area. He testified out of financial necessity (his mother has an "enormous" mortgage to pay off to the American Timber Co, and every summer she has to move out of her house and rent in order to pay this mortgage off. He stated they have had C.O.'s since 1982 3 dwelling units in 2 structures. He testified this house has been in existance since 1945 or prior with the same uses.

Ms. Wright stated Mrs. Parziale is here tonight but she is very emotional and that is why her son is testifying.
Mr. Parziale testified in reference to the various set-backs that they are all in accordance with the existing site conditions.
Mr. Parziale testified, historically, they have 2 cars in the garage and they fit any where from 4 to 5 on the driveway, which gives them 7 car parking since 1982. He testified basically what his mother had is what they want - nothing more.

Photo A-9 hetestified it is a photo taken right after they reconstructed the beach after the storm, a whole new roof structure- beachfront view looking to the house.
Photo A10 - This is again after the storm damage they received, they went in and this shows the attic up stairs.
Photo A-11 - This is the tear off of the roof structure, which shows the 2 story structure.
Photo A-12 - This is the rear of the building from First Ave. looking at the 2 family structure.
Photo A-13 - Again it's from First Avenue looking East toward the back of the house showing the 2 family structure.
Michael Parziale testified they are parking the cars head on partially on the street all within the white line.
The house was purchased in 1982 and the land in 1993.
Another photo Ms. Wright submitted was marked A-16.
Photo A-16 - Michael testified it shows the apron to the telephone pole and from the pole to the right is how the cars are parked. That photo also shows the spaces in addition to the spaces in the garage itself.

Paul G. Amelchenko, 1924 Rt. 35, Wall, N.J., who is a licensed Architect in N. J. for 24 years, practicing in this area under his own for about 21 years. He testified he prepared the drawings for this application, and is familiar with the zoning regulations in this area. Mr. Byrnes asked the Board to accept him as a professional witness.

Mr. Amelchenko testified the plan presented is a 23 foot wide structure which allows for a 5 ft. setback to the north and to the south property line, the first floor living unit is a dining, living, kitchen area, 2 baths and 4 bedrooms. It is accessed by a rear porch the same as the pre-existing unit was and because of the recent fire the Parziales wanted an additional

access stair case to the north side of this unit, extending the 2½ stories. The first floor has a deck 7½ ft. x 23 ft. with the stairs projecting. That floor area is a total of 1672 sq. ft.. The second floor which is a seperate unit is a 1½ story unit on top of the one level unit, which is accessed by a wooden staircase from the rear court yard, it is also accessed from a common staire care to the north. It is a dining, living, kitchen area 2 baths and 2 bedrooms with a deck 8'x23' extending along the ocean front. This level is 1241.9 sq. ft. The half story for the loft area is built over the second level, it is considerably smaller in its width, due to being built within the confines of a slope roof. The rafters and the exterior wall must not be higher than 2 feet, in fact they are setting their wall back which is about 4½ feet at this level and is about 5 feet from the exterior wall. They have allowed for some dormer windows which will be in conformance with the total lineal footage of the building. The ocean side has a sliding glass door and a small deck for a view. This once again is accessed by a stairway from the lower level. It has a full bath and 2 bedrooms. The square footage is 901 sq. ft..
The total square footage is 3,814.9 sq. feet. Mr Parziale testified the pre-existing first floor was 1,939.5 sq. ft., second floor was 1,440 sq. ft. and the attic was 1,440 sq. ft., total 4819.5.

Mr. Burke stated according to Manasquan, the house now is measured from the boardwalk, that is the point of measurement, so evey single house along that beachfront when you walk in to that house that is the first floor. Anything below that is a basement. Our point is that you had a 1½ story house with a full basement and an apartment in that basement, Mr. Parziale testified he has to contradict that becasue the town accepted this survey during the sub-division as a 2 story frame dwelling. It was a two story on the tax map.

Mr. Byrnes read the definition - a basement shall be counted as a story if it's ceiling is more than 5 ft. above the level from which the height of the building is measured or if it is used for business purposes by other than a janitor or domestic servent employed in the same building.

Mr. Parziale testified the definition that he went by was the definition by the Federal Government stateing a 2 story dwelling and according to the survey which was accepted by the Planning Board in Manasquan a few years prior stating it was a 2 story dwelling. He testified he disagrees with the Boards findings.
Mr. Parziale testified in the bottom part, there is a front bedroom 23x15 on the front east side, walking back a large utility room, another room on the west side,there is a bedroom to the south, an eating kitchen to the north with an island, and heading west is a large living room and a bath to the side of that and a bath by the utility room, and another bedroom.

under the rear deck, also under the front deck there is a space probably about 5'deep x 7'wide. Under the rear deck is the extensions which is 24x71'.Photos submitted were marked A-17 to A-25.
Photo A-12 shows the extension under the rear deck.

Mr. Burke in questioning Mr. Amelchenko said looking at the first two pages of the plans, this is the beach front elevation page 2. What you designate on here as first floor plan that is entered from the beachfront, as the property slopes away, that area is going to stay level, are you going to have anything underneath that deck? Mr.Amelchenko testified there will be pilings, a block wall and probably a craw space. The house will be built on floor joists with a crawl space which naturally gets deeper by grade. He testified there is no basement and no living space in the crawl space. He testified, the structure as itself, is designed in accordance with the 15% of lineal footage for dormers, the 30 degree slope, and proposed two dormer roofs, that simply extend out over the beach elevation to the front of the house. Behind the elevation is an entire roof and the street side roof is the 30 degree roof structure which basically squeeses our loft level to inward, which requires dormers along the south and the westerly side to accomodate the house. We have conformed to the 17'6" requirement from the beachfront to the eve and the rate of the roof as it slopes back, and they have retained the house well within the 35' height requirements and the character of the home speaks for itself. All the exterior walls will be fire coated, even the roof will be fire resistant.

For the record Ms. Wright did not receive a copy of the Addendum to Denial Dated 12/5/96.

A motion for a 5 minute break was made, seconded and unanimously carried at 9:05 P.M., due to trouble with the recorder.
The Board returned from break at 9:14 p.m.

Ms. Wright in addressing Mr. Amelchenko stated in terms of the confusion is it your opinion that your plans were misinterpretded by the Construction Official as it relates to the slope and requirements of the architectural regarding the height etc.
Mr. Amelchenko testified that was his guess. If we are exceeding the dormer requirements in Mr. Ratz's estimation, I would be delighted to sit with him, give him the balance of the elevations which I believe would explain our position and we can certainly conform to that area.

Ms. Wright stated if there remains any misunderstanding it's also your position that you could make these plans comply or conform if in fact there is a problem with them as they are prepared. Mr. Amelchenko testified, absolutely, as it would

only be in the area of the dormer configuration.

Mr. Burke stated this poses a problem. We are looking at an official document done by the Boro Official stating that this variance has to apply, and we are hearing testimony that maybe I could convince, but this still stands. If we get to a point in this application where this might be a determining factor, then we're going to have to wait for an official termination from Mr. Ratz before this application can be completed.
We can go on with this application, but this problem might hold us up until another meeting.

Ms. Wright asked whether or not for the record, they expressed a willingness if there is a problem with these plans, and if they state for the record that the applicant would agree, wouldn't it be permissable for the Board to condition any approval that they might grant on conformance with the building note F.

Mr. Burke stated this is a new ordinance and he would be very apprehensive about doing what you said, because we are putting an open ended condition which is a large balloon as to what is going to be done and not done. Normally this Board, if there is a major revision like this, we require drawings, to show exactly what the changes are going to be before we would vote on somthing like that.

Mr. Amelchenko testified he is now proposing the setbacks for the north & south side yard setbacks at 5 ft., so we are not looking for variances on setbacks for the north or south side of the house. The only changes on the plans are going to be on the denial of 12/5/96 marked A-2. He testified there will be 6 dormers. He is conforming to 17'6". The square footage of the deck is 172.5 sq,ft. it is 7½ x23 ft..

William Reynolds - 315 First Avenue was sworn in by Mr. Byrnes.
He questioned the letter dated 11/25 marked as A-3, form sent to the people within 200 ft. Mr. Reynolds asked Michael Parziale if that paragraph describes to you what is taking place here tonight? Mr. Parziale testified yes. Mr. Reynolds said people getting this would think you are going to reconstruct a 2 story structure with a 2 story structure? Mr. Parziale testified he is going to construct a 2½ story structure.
Ms. Wright stated in refering back to the denial that was the purpose for the notice of hearing, we started the hearing along those lines that there was reference to the owner wishes to replace fire destroyed 1 story 2 family dwelling on a lot with 2 structures and 3 dwellings with a new 2 story 2 family dwelling. That was the construction officials proposal as to what was newly proposed and that was the purpose for the initial notice. That together with the plans clearly under these circumstances demonstrated what the applicant was and still

is trying to do.
Mr. Reynolds asked Mr.Parziale if he knew what off street parking is? Mr. Parziale testified yes he does. He testified on the apron 3 ft. from the property lines. Mr. Reynolds asked him when was the last time you parked cars in the garage as a matter of routine? Parziale testified he didn't recall. Mr. Reynolds stated you rented that property during the summer - did your tenants use that garage? Parziale testified no he didn't want them to use it, because he didn't want them to go in. He stated he made them use the apron.
Mr. Byrnes tried to explain to Mr. Reynolds that Mike has on his property 2 legal off street spaces located in the garage. The application that is before the board will need 6 spaces in order to comply with the ordinance. The applicant says he has 2 off-street spaces and is seeking a variance for the other 4. Mr. Reynolds questioned the height of the crawl space, and the flooring. It will be a cement floor and block wall.

Thomas J. Coan, 81 Curtis Avenue was sworn in by Mr. Byrnes.
He asked Mr.Parziale, on the second floor of the house that existed before, how many bedrooms were there? Mr. Parciale testified 3 bedrooms. Mr. Coan said you had already testified there were 3 bedrooms on the first floor. Mr. Parziale stated that is correct. Mr. Coan stated in your previous testimony you and your Mom just want what you had, you had 6 bedrooms and now you'll have 8 bedrooms, and you had 2 stories and now you'll have 2½, is that correct? Parziale testified that is correct. Mr. Coan said in terms of the square footage, I really didn't count that attic, as I didn't think that was space, but according to my calculations it is 435 square feet more than you had before, is that correct? Parziale testified he is not sure as he didn't do that calculation. Mr. Coan asked him if he ever owned a non conforming use before? Ms. Wright wasn't sure it is relavent to this applicant. Mr. Coan stated this is a non conforming use is it not, your Mother bought it in 1982, did you advise her of the risks of owning a nonconforming structure or were you not aware of it? Parziale testified he was not aware of it at the time. Are you aware of the risk now in light of what has happened? Parziale testified that is why we have the Board of Adjustment to address those risks. Were you aware of the zoning in 1982? Pariale said he was not.
Mr. Coan has not more questions for Mr. Pariale.

Ms. Wright called Richard Lee Hovaugh, 185 Harbour Inn Rd. Bayville, N. J. who was sworn in by Mr. Byrnes. Mr. Hovaugh is a professional Planner since 1960 and since 1964 a consulting planner in N. J., has worked in every municipality in Monmouth County over the last 30 years. Licensed professional Planner.
Mr. Byrnes and the Board felt Mr. Hovaugh is a qualified professional planner in regards to this application.

Mr. Hovaugh testified he is familiar with the Manasquan ordinances for this property and he reviewed the Parziale application. When asked by Ms. Wright, if he would state whether of not the application proposed use for the subject property would be compatable with the surronding property in the areas in general. For the record exhibits of photos and area map were marked A-26 which was submitted by Mr. Hovaugh, bearing a date of 9/5/96. Mr. Hovaugh testified on this board are 6 photographs and a section of 3 pages of properties from the Manasquan tax map. There are 3 walks which are between First Avenue & the boardwalk not to sacle as they are photo copies of the tax map. The three photos on the top #1 taken from First Avenue in front of the property looking in a southerly direction # 3 same location in a northerly direction and # 2 being from the walkway, one property north from the subject property, up the center of these lots in a northerly direction. Below are 3 more photos- #4 taken in front of the propertry in a southerly direction, #6 the same in a northerly direction and # 5 taken from the boardwalk in front of property. The photos taken along the walkway show all the properties that have 2 structures, and the height of the structures. There are a total of 75 lots listed within these 3 blocks and of those 75 lots, 57 or 76% have a minimum of 2 dwellings on a lot, 39% have 3 or more dwellings on a lot. Mr. Hovaugh testified the visual aspect would be improved over what previously existed and certainly what remains from the fire. There are 17 out of the 75 that have one dwelling on a lot.

Margaret Friday,327 First Avenue, was sworn in by Mr. Byrnes. She questioned Mr. Hovaugh as to when he made his survey, as she lives there and never saw him. Mr. Hovaugh said he was there from 10 A.M. and worked his way from Riverside Drive and spoke to quite a few people. She said she has lived there for 5 years and that is more people than she has seen on that street.

William Reynolds, 315 First Avenue came forward and asked Mr. Hovaugh, the 3 blocks from Riverside to Whiting to Pompano to Brielle Rd, did you notice any difference in the density in those lots? Mr. Hovaugh said the height on the individual buildings was different.

Thomas J.Coan, 81 Curtis Avenue, asked Mr. Hovaugh when you did your survey, you said you just went around and looked and checked out eadh house, munbers and everything, you really have no basis to know if those were legal units or illegally created units do you? Mr. Hovaugh testified no he doesn't. Mr. Coan said you didn't go to the water & sewer dept. and check for how many water meters were paid for each house to determine how many units were in that house? Mr. Hovaugh testified no he did not. Mr. Coan said his next question deals with the Municipal Land Use Laws. "Item # E -40:55D-2 - Purpose of the act. E- To promote the establishment of appropriate population

densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment". This is a single family zone and your saying that a 3 family unit is going to be beneficial to a single family zone. Mr. Hovaugh testified that is correcrt. T.J.Coan asked how that works. Mr. Hovaugh testified he has described the character of the zone district and it is predominently a zone district when properties are occupied by 3 dwellings or more per property. It is in charateristic of this district at this time. It also happens to be an ocean front location, an opportunity to enjoy that view. T.J. Coan, asked if there is any reason why one family in one home can't enjoy that view. T.J. Coan stated the town fathers wrote that zoning ordinance, they acknowledged that the density was too great. Mr. Hovaugh said 3 is better. T.J.Coan asked why wouldn't they have zoned it 3 family homes then if they felt it was better. Mr. Hovaugh is at a loss to know that. T.J.Coan asked are you familiar with the Manasquan Zoning Ordinance article # 14 on Non-conforming uses. Mr. Hovaugh testified yes he has read it but connot quote it. T.J.Coan said item # 2 - Any non-conforming building which has been destroyed or damaged by fire, explosion, act of God or by a public enemy to the extent of seventy percent (70%) or more of it's assessed valuation shall thereafter conform to the provisions of this chapter. T.J.Coan -so apparently there's one unit on that property, so aparently that property conforms to this chapter, does it not? Mr. Hovaugh technically correct - yes, however somthing still has to be done with the remaining damaged building. T.Coan agreed with that. T.J.Coan said wouldn't the best use of that property be to convert the garage back to a garage and build this as a single family home? Mr. Hovaugh said he doubts that would be economically feasable, given the character to the neighborhood. T.J.Cowan - we understand the land has great value. Mr. Hovaugh said yes it has great value, but it's not a great value for a single family dwelling, your not going to sell a multimillion dollar house at that location. T.J.Coan had no further questions.

Mr. Reynolds came back stating-"Mr. Parziale I like your house and I like you, but I'm against some of the things I see going on down the beach -don't try and sneak somthing else in the basement. I'd like to see a two family residence. No more expansion here".
David Altman of First Avenue also supported the Parziales.
Mrs. Reynolds, 315 First Avenue came forward, was sworn in and compalined about the parking.
Ellen Dana, 365 Beachfront came forward, was sworn in and asked why all of a sudden you can't park with in that white line in the back of your property. She stated these people lost their home due to a fire in the American Timber Co. property, they are here asking to replace what they had, why is it such a big deal for the town to give them back what they had, and of course they are going to better it.

J. T.Coan came forward and stated it is unfortunate what happened, it is a very immotional night, my thing is, it is a very very big request for a multi-family use on the beachfront which is not zoned for it. I believe if it was a very big single family home, or a ten bedroom single family home, that I believe is in conforming, or if the garage apartment was to remian and a modist single family home would be built on the front it would be still require a use variance it would be very understandable to grant it, but I would like to read from an unpublished decision, that I think would answer some questions and shed some light on the enormity of the request here. This is a decision in which Florence & Marie Breunig v. John O'Grady and the Board of Adjustment of Manasquan May 23, 1995.
"While the board may find that improvement on the dwelling would further the municipal land use law, when that improvement is a massive expansion of the dwelling, the board may not make a perfunctory determination that the benefit outweighs the detriment. Without the raequisite balancing, merely improving a dwelling will not satisfy the criteria set forth in N.J.S.A. 40:55D-70(c) (2). Furthermore, plaintiffs correctly note, improving a dwelling, such that the project advances the purposes of the MLUL, does not necessarily require expansion of such dwelling. That's why I get back to what they had and what they started with and what the request is now. I do feel for them and I do feel that somthing should be built on that property but I feel it should be a large single family home giving up the garage apartment or it should be a moderate single family home keeping the garage apartment. He read from the decision of Judge Lawson.
Mr. Morrissey, 19 James Place, feels it should be granted as she has suffered enough.
Sheryl Parziale, 2230 Bridge Ave., Point Pleasant, was sworn in by Mr. Byrnes. She testified she is the daughter of Carmela and just wanted to say, her mother lost a lot, she worked a long time, and lost 3 units and wants her to have the 3 back.

Mr. Parziale testified that this was his mother & fathers dream. I request the board grant Carmela Parziale's dream.

A motion was made to close the public hearing, seconded and followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, J.Burke, N.Hood, J.Miller and R.Lloyd.

There was discussion between the board members N.Hood, J.Miller on what they are requesting. Mr. Burke stated the Boro does have a planner, if the Board would like to hear Mr. Szymanski's version of this property and this application, we can do that. The Board agreed to have Mr. Szymanski do a review of this application.
Mr. Burke stated, the way it looks now, you will not have your 5 votes needed for an approval, unless someone changes their mind.

MR. Lloyd, Mr. Hood and Mrs. Kazenmayer, could not change their minds at this time. Mrs. Kazenmayer feels that it is an excellent idea to hear our planner. She thinks they need to know that. This case is very complex and very emotional.

Ms. Wright said the strict instruction of this ordinance on the property would be unfair to the property owners. Tragedy brought this upon them, they did not seek this. If there was ever a basis for a use variance this is one.

A motion and second was made for a 5 minute recess followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, J.Burke, N.Hood, J.Miller and R.Lloyd.

The Board returned from recess at 11:20 p.m. with the following Roll Call - R.Brittle, M.Kazenmayer, E.Lyons, J.Burke, N.Hood, J.Miller and R.Lloyd.

Ms. Wright, at this time the applicants will continue to the next meeting which will be on December 18, 1996.

A motion was made to continue this application to our regular scheduled meeting on December 18, 1996 and to request Mr. Szymanski our town Planner to be present at that meeting, by J.Miller, seconded and followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, J.Burke, N.Hood, J.Miller and R.Lloyd.
A waiver of time requirements was made by Ms.Wright.

A motion was made to have Mr. Szymanski testify at the December 18, 1996 meeting at the cost of the Board, R.Lloyd, seconded by J.Miller, followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, N.Hood, J.Miller, R.Lloyd."NO"-J.Burke.

A motion to adjourn was made, seconded and unanimously carried at 11:40 P.M.

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT

DECEMBER 9, 1996 SPECIAL MEETING AGENDA

On Monday December 9, 1996, the Zoning Board of Adjustment of the Borough of Manasquam, will hold a special meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

AGENDA

FORMAL ACATION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 32-96 - Michael & Carmela Parziale - 305 Beachfront

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

OATH OF OFFICE

State of New Jersey

ss.

County of Monmouth

I, Ronald Lloyd, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the Authority of the people; and that I will faithfully, impartially and justly perform all the duties of the office of Manasquan Board of Adjustment of the Borough of Manasquan to the best of my ability (So help me God).*

Ronald D Lloyd

Sworn and subscribed to before me this 20th day of August A.D. 1997

P.O. Address 134 Curtis Place

Manasquan, N.J.

William Byrnes, Esq
Attorney at Law State of N.J.

* person taking the oath has the option of including "So help me God," if he so desires.

Chap. 217 P.L. 1971
R.S. 41:1-1 - 41:1-3
No. 143N

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COUNTY OF MONMOUTH
NEW JERSEY 08736

JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

CONSTRUCTION OFFICIAL AND CODE ENFORCEMENT DEPARTMENT

OATH OF OFFICE

State of New Jersey

ss.

County of Monmouth

I, Michael Parzialle, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the Authority of the people; and that I will faithfully, impartially and justly perform all the duties of the office of MANASQUAN BOARD OF ADJUSTMENT of the Borough of Manasquan to the best of my ability (So help me God).*

Michael Parzialle

Sworn and subscribed to before me this 21st day of May, A.D. 1997

P.O. Address 394 First Ave.

Manasquan, New Jersey

William Byrnes, Esq
Attorney at Law, State of N.J.

* person taking the oath has the option of including "So help me God," if he so desires.

Chap. 217 P.L. 1971
R.S. 41:1-1 - 41:1-3
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COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

OATH OF OFFICE

State of New Jersey

ss.

County of Monmouth

I, Marie Applegate, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the Authority of the people; and that I will faithfully, impartially and justly perform all the duties of the office of the Manasquan Board of Adjustment, of the Borough of Manasquan to the best of my ability (So help me God).*

Sworn and subscribed to before me this 7th day of January A.D. 1997

Marie Applegate

P.O. Address: 10 Sims Ave.

Manasquan, N. J.08736

William Bynar, Esq
Attorney at Law
State of N.J.

* person taking the oath has the option of including "So help me God," if he so desires.

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No. 143N

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
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JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

OATH OF OFFICE

State of New Jersey

ss.

County of Monmouth

I, James Miller, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the Authority of the people; and that I will faithfully, impartially and justly perform all the duties of the office of the Manasquan Board of Adjustment, of the Borough of Manasquan to the best of my ability (So help me God).*

James R. Miller

Sworn and subscribed to before me this 7th day of January A.D. 1997

P.O. Address: 21 Pearce Ave..

Manasquan, N. J.08736

William Bynoe, Esq
Attorney at Law
State of N.J.

* person taking the oath has the option of including "So help me God," if he so desires.

Chap. 217 P.L. 1971
R.S. 41:1-1 - 41:1-3
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COUNTY OF MONMOUTH
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COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

OATH OF OFFICE

State of New Jersey

ss.

County of Monmouth

I, Noel Hood, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the Authority of the people; and that I will faithfully, impartially and justly perform all the duties of the office of the Manasquan Board of Adjustment, of the Borough of Manasquan to the best of my ability (So help me God).*

Sworn and subscribed to before me this 7th day of January A.D. 1997

P.O. Address: 161 Beachfront.

Manasquan, N. J.08736

William Byrne, Esq
Attorney at Law
State of New Jersey

* person taking the oath has the option of including "So help me God," if he so desires.

Chap. 217 P.L. 1971
R.S. 41:1-1 - 41:1-3
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COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

OATH OF OFFICE

State of New Jersey

ss.

County of Monmouth

I, Thomas J. Coan, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the Authority of the people; and that I will faithfully, impartially and justly perform all the duties of the office of the Manasquan Board of Adjustment, of the Borough of Manasquan to the best of my ability (So help me God).*

Sworn and subscribed to before me this 7th day of January A.D. 1997

T. J. Coan

P.O. Address: 81 Curtis Ave..

Manasquan, N. J.08736

William Pyne, Esq
Attorney at Law
State of N.J.

* person taking the oath has the option of including "So help me God," if he so desires.

Chap. 217 P.L. 1971
R.S. 41:1-1 - 41:1-3
No. 143N

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
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COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

OATH OF OFFICE

State of New Jersey

ss.

County of Monmouth

I, Joanne Van Stolk, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the Authority of the people; and that I will faithfully, impartially and justly perform all the duties of the office of the Manasquan Board of Adjustment, of the Borough of Manasquan to the best of my ability (So help me God).*

Sworn and subscribed to before me this 7th day of January A.D. 1997

_____

P.O. Address: 440 Cedar Ave..

Manasquan, N. J.08736

_____

* person taking the oath has the option of including "So help me God," if he so desires.

Chap. 217 P.L. 1971
R.S. 41:1-1 - 41:1-3
No. 143N

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ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

1997 BOARD OF ADJUSTMENT - CALENDER
Council Chambers

Wednesday	January 15, 1997
Wednesday	February 19, 1997
Wednesday	March 19, 1997
Thursday	April 17, 1997
Wednesday	May 21, 1997
Wednesday	June 18, 1997
Thursday	July 17, 1997
Wednesday	August 20, 1997
Wednesday	September 17, 1997
Wednesday	October 15, 1997
Wednesday	November 19, 1997
Wednesday	December 17, 1997
Wednesday	January 21, 1998

A G R E E M E N T

THIS AGREEMENT made on the 15th date of January, 1997

BETWEEN THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MANASQUAN, hereinafter designated as "BOARD"

AND William Byrne, an attorney at law of the State of New Jersey

WHEREAS, the Board recognized 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 Byrne, 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 had paid one to the other, the parties AGREE as follows:

1. That William Byron, Esq., be and he is hereby specifically retained to perform all legal services required by the Board.

2. That William Byron, Esq., shall be paid for services rendered at the rate of $105.00 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 Byron, Esq., is no longer the duly appointed attorney for the Board.

IN WITNESS WHEREOF, the parties hereby 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

By: Dave Cupplegate
Secretary

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, 1997, and whose term as Chairman shall terminate at the close of the first regular meeting of the Board held in the month of January, 1998.

YES: T.J.Coan, J.Miller, N.Hood, P.Walsh R.Brittle

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, 1997.

Marie Applegate
MARIE APPLEGATE, 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 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 15, 1997, and who term of Vice-Chairman shall terminate at the close of the first regular meeting of the Board held in the month of January, 1998.

ROLL CALL VOTE:

YES: T.J.Coan, J.Miller, N.Hood, P.Walsh, J.Burke

NO: None

The foregoing is a true copy of the Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 15, 1997.

Marie Applegate

MARIE APPLEGATE, 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 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, or on any other date as determined by the Zoning Board of Adjustment of the Borough of Manasquan, as set forth herein, 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:

YES: T.J.Coan, J. Miller, N.Hood, P.Walsh, R.Brittle, J.Burke

NO: None

MEETING DATES:

Wednesday, February 19, 1997

Wednesday, March 19, 1997

Thursday, April 17, 1997

Wednesday, May 21, 1997

Wednesday, June 18, 1997

Thursday, July 17, 1997

Wednesday, August 20, 1997

Wednesday, September 17, 1997

Wednesday, October 15, 1997

Wednesday, November 19, 1997

Wednesday, December 17, 1997

Wednesday, January 21, 1998

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, 1997.

Marie Applegate

MARIE APPLEGATE, 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:

YES: T.J.Coan, J.Miller, N. Hood, P.Walsh, R.Brittle, J.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 15, 1997.

Marie Applegate

MARIE APPLEGATE, 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

WHEREAS, John Burke offered the following Resolution and moved its adoption, seconded by James Miller; and

WHEREAS, Article 11, Section 3 of Ordinance No. 1006 of the Borough of Manasquan entitle "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 an attorney by the Board of Adjustment of the Borough of Manasquan; and

WHEREAS, the Local Public Contract 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 Zoning 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, 1997, and the same shall

terminate at the close of the first regular meeting of this Board held in the month of January, 1998.

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:

YES: T.J.Coan, J.Miller, N.Hood, P.Walsh, R.Brittle, J.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 organization meeting conducted on January 15, 1997.

Marie Applegate

MARIE APPLEGATE, 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

WHEREAS, James Miller offered the following Resolution and moved its adoption, seconded by Thomas J. Coan; and

WHEREAS, Article 11, Section 2 of Ordinance No. 1006 of the Borough of Manasquan entitled "THE LAND USE PROCEDURES OR 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 Marie Applegate be and is hereby appointed as Secretary of 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, 1997, and the same shall terminate at the close of the first regular meeting of this Board held in the month of January, 1998.

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:

YES: T.J.Coan, J.Miller, N.Hood, P.Walsh, R.Brittle, J.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 organization meeting conducted on January 15, 1997.

Marie Applegate

MARIE APPLEGATE, Secretary to
the Zoning Board of Adjustment
of the Borough of Manasquan

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

SECOND ADDENDUM TO REGULAR MEETING AGENDA

MANASQUAN ZONING BOARD OF ADJUSTMENT

JANUARY 15, 1997

OLD / NEW BUSINESS

APPLICATION - John & Benedetta O'Grady - 303 Beachfront
Request for a special meeting.

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT
JANUARY 15, 1997 MEETING AGENDA

On Wednesday January 15, 1997, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at7:00 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

AGENDA

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 - 32-96 - Cont.- Michael & Carmela Parziale
305 Beachfront

APPLICATION - 28-96 - Jamaes Julian - 14 Main Street

APPLICATION - 1-97 - Frank & Patricia Federici -407 Beachfront

APPLICATION - 2-97 - Thomas Bateman - 169 Lake Avenue

RESOLUTION - 12-96 - John & Benedetta O'Grady -265 Beachfront

RESOLUTION - 31-96 - Robert Scerrato - 373 Beachfront

OLD / NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - DECEMBER 18,1996
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meeting on December 18, 1996 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke called the meeting to order at 7:30 P.M.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.Burke, N.Hood, J.Miller. ABSENT - J.VanStolk, R. Lloyd.

Mr. Burke explained the procedure of the Board of Adjustment to the audience.

APPLICATION - 7-93 -Leggett's - Request for extension of time.
Mr. Hood questioned giving them an extension, as it was a variance passed back in 1993. Mr. Burke said the State had extended all those variances up to the end of this year, which included this one.

Mrs. Walsh was on the Board at the time this case came up and her recolection was that the only alcoholic beverages served on the premises will be provided by waitress service and there will be no bar facility in the new restaurent. If her memory serves her correctly a year later they came before Council asking for a liquor license into this facility. The Council turned them down. Mr. Burke believes the expansion of the liquor license was just to be able to consume alcohol in that area not to serve it in the area. Mrs. Kazenmayer stated if they were seated for dinner they could be served by waitress, otherwise no.
Mr. Byrnes said his recollection is different from Mrs. Walsh's. His recollection is that the application before Mayor and Council was withdrawn and they would still have to repeat that process and start over again.

A motion by Mr. Brittle, seconded by Mr. Miller to extend resolution 7-93 Leggetts, for 9 months from this date, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J. Burke J.Miller. ABSTAIN - N.Hood.

A motion to approve the minutes of November 20, 1996 was made by M.Kazenmayer, seconded by P.Walsh followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J. Burke, N.Hood, J.Miller

A motion to approve the minutes of the special meeting of October 10, 1996 was made by M.Kazenmayer, seconded by J. Miller, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer

E.Lyons, J.Burke, N.Hood and J. Miller. ABSTAIN - P. Walsh.

A motion to approve the minutes of the special meeting of December 9, 1996 was made by J.Miller seconded by E. Lyons, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, P. Walsh, J.Burke N.Hood and J.Miller.

For the record Mrs. Walsh did listen to the tapes of the October 10, 1996 meeting.

For the record, Mr. Ronald Lloyd is no longer a member of this Board, as he has taken a position with the Borough and the town Council has recommended that he not appear on the board any more.

APPLICATION - 32-96 - Cont. Michael & Carmela Parziale-305 Beachfront.
Mr. Byrnes stated we have some new exhibits which have been marked - blue prints on plans of the house at the Dec. 9, 1996 meeting marked A-7, they have now been revised and bear the date of Dec. 12, 1996, accordingly the new set has been marked as exhibit A-7A. In addition there are 3 documents that will be marked as Borough exhibits, B-1 is a memo from construction official Ratz to the board chairman in regards to this application. Ms. Wright received her copy yesterday 12/17/96.
B-2 is a 4 page memorandum from Paul Szymanski Planning Development Consultant dated 12/18/96 to the Zoning Board of Adjustment in regard to the subject property. Ms. Wright testified she received a copy of that just before this meeting began, and wanted to request 5 minutes as she has not had the time to share the contents with the professionals. Exhibit B-3 will be an affadavit from Board member Patricia Walsh, certifiying that she has listened to the tapes of 12/9/96.

Mr. Byrnes has given Ms. Wright permission to go over the exhibit with her professionals and the Board will read over Mr. Szymanski's report. Being Ms. Wright will take a little longer, the Board will continue with the meeting.

RESOLUTION - 25-96 Terry Scimeca - 84 Curtis Avenue
The resolution was read by Mr. Byrnes.
A motion to approve the resolution was made by Mr. Lyons, seconded by Mr. Hood, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E. Lyons, P.Walsh, J.Burke and N. Hood.

The Board returned to Application 32-96 - Parziale.
Ms. Wright put herself on record as attorney for the applicant. She testified exhibit B-1 is a very important and critical document. She stated that the construction official has stated in his memo that in essence the non-conforming use that remains

on that property is such that it may be restored to the same non-conforming use existing before such damage. She stated her understanding would be that a building permit should be issued and that a use variance is not required. She feels it is inappropriate to continue with this tonight.
Mrs. Walsh spoke to Mr. Ratz and he said it was made by visual observation and when she asked him what was used in terms of measurement, dollar value, he had done no calculation. He said normally he has a very complicated formula on which to base the determination. He said he was not able to put the numbers together for tonight. She said based on her conversation with Mr. Ratz, she is very uncomfortable voting on that issue.
Mr. Miller had basically the same conversation with Mr. Ratz and he agrees with Mrs. Walsh. The Board and Ms. Wright agreed they would need more information from Mr. Ratz.

Mr. Byrnes quoted from 107-82 -"any non-conforming building which is destroyed or damaged by fire, explosion, act of God or by public enemy to the extend of (70%) or more of its assessed valuation shall thereafter conform to the provisions of this chapter. Where more than 30% of the assessed value of the building remains after such damage, such structure may be restored to the same nonconforming use as existed before such damage." Total destruction by an accident terminates use. Mr. Ratz states that " his opinion is that at least 30% of the structure damaged by fire is still remaining, and therefore section 107-82 permits the nonconforming use to remain. Mr. Byrnes feels the same as Mrs. Walsh & Mr. Miller.

For the record this application was put off until the January 15, 1997 meeting, motion being made by Mrs. Kazenmayer, seconded by Mrs. Walsh, followed by the following vote: "YES" R.Brittle., M.Kazenmayer, E.Lyons, P. Walsh, J.Burke, N.Hood and J.Miller.

APPLICATION - 28-96 - James Julian - 14 Main St.
A letter from Mr. Julian apologizing that he could not get his notices out on time, requesting to be heard at the January meeting.
A motion by P. Walsh, seconded by M.Kazenmayer was made to continue this application to the January meeting, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J. Burke, N. Hood and J.Miller.

APPLICATION - 31-96 Robert Scerrato - 373 Beachfront.
Mr. Byrnes marked the Boards file as A-1 To A-8. Block 187 Lot 1. R-4 Zone. Owner wishes to construct second floor addition to existing dwelling. Denied for the following reasons:
107-27 Front Setback - 15 Ft. required, 13.5 Ft. existing. Side Setback (South) - 5 ft. required, 2 ft. existing. Corner side setback (North) - 7 ft. required, 1.2 ft. existing. Lot Frontage - 30 Ft. required, 22.9 ft. existing - Beachfront, 18.4 ft. existing First Ave.. Maximum Lot Coverage - 50% maximum, 84%

existing - counting decks, 50% existing - driveway & house. And any other variances the Board may deem necessary. V-6 Flood zone - not applicable. Hardship Variance.
Mr. Robert Scerrato, 373 Beachfront, came forward and was sworn in by Mr. Byrnes.
Mr. Scerrato will amend his application tocorrect the side setback South from 2 ft. to 1.68 ft.and Corner side setback north from 1.2 ft. existing to a minus 1.2 ft. existing. Front yard set back the wood deck is a foot from the property line on the south east corner should be 1 ft. existing not 13.5 ft.

Mr. Scerrato wants to move his existing sliding glass door and sliding window, because after 13 years of trying to find a product that doesn't leak, he has come to the conclusion to install Anderson casements. I am before the Board for a 4 ft. 6 inch extension that will give me 3 seperate casements and no more sliding glass door or sliding window, and he hopes no more leaks. He wil put the door around to the south side.

A motion to close the public hearing was made by M.Kazenmayer, seconded by P. Walsh, followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.Burke N.Hood, and J.Miller.

A motion for a favorable resolution was made by M.Kazenmayer sceconded by J.Miller, followed by the following vote: "YES"
R. Brittle, M.Kazenamayer, E.Lyons, P. Walsh, J.Burke, N.Hood and J. Miller.

RESOLUTION - 12-96 John & Benedetta O'Grady -265 Beachfront
For the record Kevin Thomas, Attorney for the applicant came forward. The plans which were to be submitted to the Board 10 days before the meeting, were not received, in regards to the basement area and the shower. It will be cleared up before the final plans are received. Mr. Thomas testified the height of the building shall comply with the ordinance in effect at the time the building permit is pulled. Revised plans submitted were marked into evidence as A-8B - 4 pages dated 11/12/96, by Ronald Sebring. Mr. Thomas's letter of 11/25/96 was marked as A-14.
New plans will be submitted to show the bath in the basement has been removed and there will be no apartment down there.
A final vote will take place at the January 15, 1997 meeting providing final plans are submitted to the Board 10 days prior to the meeting date.

A motion was made to continue this application to the January 15, 1997 meeting by Mr. Brittle, seconded by Mr. Miller, followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.Burke, N.Hood and J. Miller.

A motion for a 5 minute recess at 9:40 p.m. was made by P.Walsh, seconded by J.Miller, followed by the following vote: "YES"- R.Brittle, M. Kazenmayer, P.Walsh, J.Burke. J.Miller. "NO"- E.Lyons, N.Hood.

The Board returned from recess at 9:45, with the following roll call: R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.Burke, N.Hood and J. Miller.

RESOLUTION - 26-96 - Donald & Marie Wilderotter - 66 Mohegan
The resolution was read by Mr. Byrnes.
A motion was made by M. Kazenmayer for a favorable resolution, seconded by R.Brittle, followed by the following vote: "YES"- R.Brittle, M.Kazenmayer, E.Lyons, J.Burke and N.Hood.

RESOLUTION - 29-96 - Charles & Sharon O'Malley - 76 Marcellus
Mr. Byrnes read the resolution.
A motion for a favorable resolution was made by P.Walsh, seconded by M.Kazenmayer, followed by the folling vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.Burke, and N.Hood.

The Budget was approved by the Board, with the changes made by Mr. Burke.

A motion was made to go into executive session without employees by Mr. hood, seconded by P.Walsh, followed by the following vote: "YES" - R.Brittle, M.Kazenmayer, E.Lyons, P.Walsh, J.Burke,. N.Hood and J.Miller.

The Board was back from executive session at 11:05 p.m. with a vote of 7 to 0.

A motion to adjourn at 11:05 p.m. was made and unanimously carried.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

ADDENDUM TO REGULAR MEETING AGENDA

MANASQUAN ZONING BOARD OF ADJUSTMENT

JANUARY 15, 1997

OLD / NEW BUSINESS

APPLICATION - 8-97 - Gertrude Rossetti - 50 First Avenue
Request for a special meeting.

Yours truly,

Marie Applegate

Marie Applegate, Secretaru
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

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - JANUARY 15, 1997
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held their regular meting on January 15, 1997 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke called the meeting to order at 7:05 P.M.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: J. Miller, N.Hood, P. Walsh R.Brittle, J.Burke
ABSENT: J.Van Stolk, M.Kazenmayer, E.Lyons.

A motion to approve the minutes of December 18, 1996 was made by J.Miller, seconded by P.Walsh and unanimously carried.

Mr. Byrnes swore in new members and members that had to be reappointed. Members sworn in were Noel Hood, James Miller, and new member Thomas J. Coan.

Nominations were open for Chairman. J. Miller nominated John Burke for Chairman, seconded by P. Walsh. A motion to close nominations was made by P.Walsh seconded by J. Miller, followed by the following vote: "YES" T.Coan, J.Miller, N.Hood, P.Walsh, J.Brittle.
ROll Call vote for the nomination and election of Mr. Burke for Chairman "YES"- T. Coan, J.Miller, P.Walsh R.Brittle.
Resolution was read by Mr. Byrnes.

Nominations were open for Vice Chairman. N. Hood nominated Robert Brittle for Vice Chairman, seconded by J.Burke. A motion to close nominations was made by P. Walsh seconded by J.Miller. followed by the following vote: "YES"- T. Coan, J.Miller, N.Hood P. Walsh, J.Burke.
Roll Call vote for the nomination and election of Mr. Brittle for Vice President "YES" - T.Coan, J.Miller, N.Hood, P.Walsh and J.Burke. Resolution B was read for the record by Mr.Byrnes.

Resolution C - The setting of the official meeting dates for the year. It was read into the record by Mr. Byrnes. A motion to approve was made by J.Miller, seconded by P.Walsh, followed by the following vote: "YES"- T.Coan, J.Miller, N.Hood, P.Walsh, R.Brittle and J.Burke.

RESOLUTION D - The setting of the Official Newspapers. It was read into the record by Mr. Byrnes. A motion to approve was made by P.Walsh, seconded by T.Coan, followed by the following vote: "YES" - T.Coan, J.Miller, N. Hood, P. Walsh, R.Brittle, J.Burke.

RESOLUTION E - The appointment of Board of Adjustment Attorney. Mr. Burke made a motion to appoint Mr. William Byrnes as Board Attorney, seconded by J.Miller, followed by the following vote: "YES" - T.Coan, J.Miller, N.Hood, P.Walsh, R.Brittle and J.Burke. The Resolution was read into record by Mr. Byrnes.
A motion to approve was made by J. Miller, seconded by R.Brittle, followed by the following vote: "YES" - T.Coan, J.Miller, N.Hood, P.Walsh, R.Brittle, J.Burke.

RESOLUTION F - Appointment of Secretary to Board of Adjustment. A motion to nominate was made by J.Miller, seconded by T.Coan, followed by the following vote: "YES" - T.Coan, J.Miller, N.Hood, P.Walsh, R.Brittle, J.Burke. Resolution was read into reacord by Mr. Byrnes. The Oath of Office was administered to Marie Applegate by Mr. Byrnes.

Mr. J.Miller made a motion that the meeting be terminated tonight between 11:00 and 11:30 P.M.. seconded by P.Walsh, followed by the following vote: "YES" T.Coan, J.Miller, N. Hood, P. Walsh, R.Brittle and J.Burke.

APPLICATION - 32-96 - Cont. Michael & Carmela Parziale - 305 Beachfront. Nancy Wright put herself on record as attorney for the applicant.
Mr. Byrnes stated when we were last here in December, there was a request by the applicants that they be allowed to continue the matter under application in regard to the possibility that perhaps they would be allowed to rebuild the partially destroyed house, which is under the law, if the construction was less than 70% destroyed, it could be reconstructed back to it's former configuration. The Building Official Mr. Ratz had issued a one page letter in which he concluded that the house in fact does not qualify for being rebuilt. Two of the board members had spoken to Mr. Ratz and he indicated to both of them that he had not had time to put together the mathematical calculations that he normally utilizes in these types of cases. Mr. Byrnes stated that he then wrote to Mr. Ratz and requested that he do that. Subsequently, I received a telephone call from the Boro Attorney Ken Fitzsimmons, who advised me that his office had been contacted and that it was his understanding that the applicants wished to seek the issuance of a building permit for the original construction to be rebuilt, and that a meeting was scheduled with Mr. Ratz, Mr. Fitzsimmons, the applicants and their attorney Nancy Wright. That meeting took place this week, involving Mr. Ratz, Mr. Parziale and Mr. Amelchenko.
As a result of that meeting, Mr. Byrnes stated he received a telephone call from Ms. Wright, advising that a problem had arisen in that although Mr. Ratz had previously concluded that the house could be rebuilt, there were now two different but not unrelated issues. The first being that he indicated he would need approximately 2 more weeks to finish up his

calculations as to the square footage of the house, which the Board and I had requested and secondly, that there was now an issue as to what the square footage of the first floor would be. Apparently when the house was built it was 500 and some and with additions that were put on showed a different numnber, but the tax records show the original. Ms. Wright suggested that her client might be interested in a special meeting, in order to get this matter wrapped up. At the moment we have before us the original application which calls for construction of a larger house then existed at the time of the fire.
This morning Mr. Byrnes received a call from Ms Wright who advisedhim that she had gotten a letter from Mr. Ratz and that the 2 weeks of calculations that he needed to get done he had gotten done. The letter basically speaks for itself. There is at least 30% remaining and therefore it can be restored to the same non-conforming use as existed before the damage. Mr. Ratz also brought up another issue which was discussed before, that whether or not the house must conform to the V-6 flood zone requirements. There was a question as to whether or not the house must be constructed on pilings.

Mr. Byrnes stated in talking to Ms.Wright this afternoon it was my understanding that her client wishes to proceed not with the original application for a larger house that existed, but for an interpretation of Mr. Ratz's position as to, one, whether or not any variances are required to rebuild the structure and two, if so what are they?

Ms.Wright stated they want to go with an interpretation tonight, not with the original application and not with a use variance, seeking only an interpretation, but my understanding of what that interpretation would be, would be the Board after reviewing the Boro records and hearing more testimony and discussion of proposed plans would make an interpretation of what constituted the equivalent of rebuilding the same structure upon which the building permit could be issued.

Mr. Byrnes stated the original house calls for a house with living quaraters on 3 seperate levels, that was amended during the original testimony, to make the upper top most level just storage, no living area up there. Then there is the application for a building permit which Mr. Ratz has not issued yet, and there is an issue as to whether or not the structure needs to go on pilings.

Mr. Parziale testified they are going for a 2 story structure basically what's in the square footage that's been set by the Board, it's not a larger house square footage wise, it's acutally less by our calculations, and we are willing to testify to that fact and demonstrate that it is less square footage then we acutally had prior to the partial destruction of the house.

We want to straighten this out so my Mother can be made whole again. We need an interpretation here tonight so we can go forward with this.
Mr. Miller asked Mr. Amelchenko if the plans are the same plans that were issued to this Board? Mr. Amelchenko testified they are an evaluation of those very same plans, in fact they are with a red line overlay of those very same documents that the Board has in it's possession for the purposes of discussion.
The red line is what we believe may be proposed based on the square footage and based on the documents. It is an evaluation of those very same documents used as the base plans. It eventually will be a different set of plans.

Mr. Byrnes asked Mr.Amelchenko the following question. You have just stated that these are the plans that your client wants to build. Mr. Amelchenko answered yes. Ten minutes ago when Mr. Miller asked you the same question and your answer was we believe they may some day be those plans. Mr. Amelchenko testified they would like to build these documents exactly as they are before you now, exhibit A-7A.

Mr. Parziale was sworn in at a prior meeting and he testified that all the testimony he has given here tonight is true to the best of his ability. Mr. Amelchenko and Mrs. Parziale answered yes to the same question.

Mr. Byrnes stated this is not to be an interpretation of Mr. Ratz's letter to the extent as to what can and what can not be built, but rather we are dealing only with the original application of a 3 level, 2 family house to replace the structure that was destroyed in the October fire.
We heard testimony on that before hand from Mr. Parziale, Mr. Amelchenko also Mrs. Parziale, as well as several citizens, and Mr. Hobaugh who was the professional planner for the applicant.

Ms. Wright questioned Mr. Coan's attendance at the table.
Mr. Byrnes fells that there is a possibility, Mr. Coan, that your participation in this would in some way taint the application process, and he will ask that Mr. Coan not participate in this application.

Mr. Burke stated, so basically, what we want to do tonight is hear testimony from you, including the testimony from December, or youcan discontinue that testimony from December, basically proving to us that what your asking to build conforms with what was there before and that you can legally rebuild that structure, and that is what Mr. Ratz is asking us to tell him, that he can give you a building permit to go ahead and do it.

Mrs. Walsh is concerned that A-7A plans have no detail as to the use of the structure on the property, that there is also

no detail as to the lower basement area, the parking area, some elevations, how the building fits into the building envelope and the front yard setback on the beach side. Mr. Hood would like to see the elevation on the existing basement area. He feels it is an expansion of a one family house. Mr. Burke agrees with Mrs. Walsh. He is very leary of the third area and he still has a lot of reservations about whether this is an expansion or not. Mr. Brittle agrees with Mrs. Walsh. Mr. Miller agrees with Mrs. Walsh.

A motion to continue this application to February 20, 1997 at 7:30 P.M., was made by James Miller seconded by R.Brittle, followed by the following vote: "YES" J.Miller, N. Hood, P. Walsh, R. Brittle, J.Burke.

A motion for a five minute recess at 9:10 p.m. was made by J. Miller, seconded by P.Walsh, and unanimously carried.

Board returned from recess at 9:20 p.m. with the following roll call: T.Coan, J. Miller, N.Hood, P. Walsh, R.Brittle, J.Burke

APPLICATION - 28-96 - James Julian - 14 Main Street
Mr. Byrnes marked the boards file as A-1 to A-9. Owner wishes to remove existing garage apartment from detached garage and make this garage conforming, demolish 10x16 detached garage # 2, and construct new detached single family dwelling in rear yard. R-2 Zone.
This application is denied for the following reasons: 107-9 - R-2 zone- One Family Residential Zone. Two detached single family homes on one lot is not a permitted use. 107-27 - Sideyard set back for accessory building - 5 Feet required, 2.84 Feet existing. Any any variance the Board may deem necessary. Use Variance. Not a flood zone.
James Edward Julian - 14 Main Street, James Russell Julian 14½ Main St. were sworn in by Mr. Byrnes.
James R. Julian testified he lives in the front house and his son James R. lives in the garage apartment. He has been living back there for 7 years referring to photo A-7A, which is a very small building. The building is in such bad shape, they would like to take the building down and replace with another building which would meet code requirements. They were before the board in 1989 to expand the property but let it lapse as they didn't have the money. The application will be amended to leave the frame garage with a 2.13 and a 1.59 side yard set back on that building. The living area now is 450 sq. ft. the new will be 936 sq. Ft..
Mr. Burke stated this is a use variance and the board cannot grant an application only on the merits that it is going to be good for you and the consideration of the town. Mr. Julian testified it will be an improvement to the neighborhood, and will not block the flow of air or light. The building will be safer and more in conformity.

A motion to close the public hearing was made by P. Walsh, seconded by T.Coan, followed by the following vote: "YES"- T.Coan, J.Miller, N. Hood, P.Walsh, R.Brittle, J.Burke
Motion for a site inspection on Saturday January 18, 1997 at 9:00 a.m was made by P.Walsh, seconded by T.Coan, followed by the following vote: "YES" - T.Coan, J. Miller, N.Hood, P.Walsh, R.Brittle, J.Burke.
The applicants waived their time limits.

APPLICATION - 1-97 Frank & Patricia Federici - 407 Beachfront.
Mr. Byrnes marked the boards file A-1 to A-11. Owner wishes to construct 16' x 16' deck in front of beachfront house on a lot with two houses. R-4 Zone.
This application is denied for the following reasons:
107-11 - Not a permitted use - two houses on one lot. 107-27 - Front setback from First Ave. - 10 ft. required, 0.9 ft. existing. Side sebacks - Beachfront - 5 ft. required, 3.4 ft. (south) existing, 2.5 ft.+/- (north) existing. First Ave. 5 ft. required, 1.7 ft. (north existing. Aggregate front and rear setbacks, 30 ft. required, 17.39 ft. proposed. 107-36.A Off Street Parking - 4 spaces required, 2 spaces provided. V-6 Flood Zone - construction must comply. And any other variances the Baord may deem necessary. Use Variance.

Patricia Federici - 407 Beachfront, Frank Federici, 407 Beachfront and James Wishbow, 199 Paint Island Spring Rd., Freehold, N. J., were sworn in as witnesses. Mr. Wishbow is the contractor from Wishbow Contracting.
The applicant proposed to build a deck on the front of the beach front house. Mr. Wishbow testified the house is 20 ft. wide and the deck is 16 ft. wide, and the steps will not extend past the line of the house. The elevation of the deck is under 30 inches, and the railing is much lower than code requires.
The deck will be dropped 4 inches below the door. The top of the deck from the concrete will be about 22 inches. Taking into consideration the steps, the deck will be 18ft. 8in. wide and the front will be 17 inches. The application will be amended to cover the new dimensions.
Laurie Brandon, 412 First Avenue, came forward was sworn in by Mr. Byrnes. She testified she approved what they are doing and hopes the Board grants them the variance.
Tom Tallon, 413 Beachfront was sworn in by Mr. Byrnes. He testified he would like to see this granted, as these people always do right when they build. He stated more and more people are building higher, so they can see what is going on down by the water. He stated there is no such thing as a standard line on the Manasquan beach.

A motion to close the public hearing was made by P. Walsh, seconded by N.Hood, followed by the following vote: "YES"- T.Coan, J.Miller, N. Hood, P.Walsh, R.Brittle, J. Burke

A motion for a favorable resolution was made by P. Walsh, seconded by N.Hood followed by the following vote: "YES" - T.Coan, J.Miller, N.Hood, P.Walsh, R.Brittle, J.Burke

APPLICATION - 2-97 - Thomas Bateman, 169 Lake Avenue.
The Boards file was marked at A-1 to A 10. Owner wishes to demolish existing one-story dwelling and construct new two-story dwelling. R-1 Zone. This application is denied for the following reasons: 107-27 - Lot Area - 7000 sq. ft. minimum, 3334.5 sq. ft. existing. Rear Yard Setback - 35 ft. required, 20 ft. proposed., Front Yard Setback - 25 ft. required, 21 ft. proposed. And any other variances the Board may deem necessary. A-5 Flood Zone - New structure must comply. Hardship variance.

Kenneth Fortier placed his appearance on record as Attorney representing the applicant. Thomas Robert Bateman,1610 Marigold Ave., was sworn in by Mr. Byrnes.
Mr. Fortier testifed his client is a contract purchaser of the property whichhas a single family one story bungalow on it, he wishes to demolish and build a new house. Mr. Bateman testified A-12 is the existing property, which was one of the original fishing shacks from Pompano Beach. It sits right on the ground, A-11 is the rear of the house with a shower enclosure. He testified he would like to remove it and build a 2 story single family home which he will live in. He testified he is trying to stay within the footprint of 20x32. He has shown the plans to everyone in the neighborhood and they are all very pleased. The driveway is on the left of the house and room for 2 cars to park. The roof on the front is just over the front steps.

A motion to close the public hearing was made by T.Coan, seconded by J. Miller and followed by the following vote: "YES" T.Coan, J.Miller, N. Hood, P. Walsh, R.Brittle, J. Burke.

A motion for a favorable resolution was made by P. Walsh, seconded by N. Hood, followed by the following vote: "YES" T.Coan, J. Miller, N. Hood, P.Walsh, R.Brittle, J.Burke.

RESOLUTION - 31-96 - Robert Scerrato - 373 Beachfront.
The resolution was read by Mr. Byrnes. A motion for a favorable resolution was made by N.Hood, seconded by P.Walsh, followed by the following vote: "YES" J.Miller, N.Hood, P. Walsh, R.Brittle, J.Burke.

RESOLUTION - 12-96 - John & Benedetta O'Grady -265 Beachfront
The resolution was read by Mr. Byrnes. A motion to approve this resolution was made by J.Miller, seconded by P. Walsh, followed by the following vote: "YES" J.Miller, N. Hood, P.Walsh and J.Burke.

The corrected plans for O'Grady from Mr. Sebring dated 12/31/96 that have made the revisions discussed at the prior meeting. The original revised plans were marked A-8B so these will be marked as A-8C. The fax received from Mr. Fitzpatrick today was marked as objectors exhibit 8 for ID only, which concludes this application.

APPLICATION- 6-97 - John & Benedetta O'Grady, 303 Beachfront
Request for a special meeting.

Mr. Thomas who represents the O'Grady's was present. He stated American Timber has put these people on short leash and told them if they get this all done by the middle of April they have a deal, if not there is no deal. The 2 zoning variances being sought are a single family structure that is being proposed for the house, building and lot coverage variance, a side yard set back variance.

The Board graanted a meeting for the O'Grady's for March 19, 1997.

APPLICATION - 8-97 - Gertrude Rossetti - 50 First Avenue
Reguest for a special meeting.

The Board granted a special meeting February 19, 1997 at 6:30 P.M. for the applicant. Motion was made by J.Miller to start the Febuary meeting at 6:30 p.m. seconded by R.Brittle, followed by the following vote: "YES"- T.Coan, J.Miller, N.Hood, P.Walsh, R.Brittle, J.Burke.

There being no more business, a motion to adjourn was made by J.Miller, seconded by R.Brittle followed by the following vote: "YES" - T.Coan, J.Miller, N. Hood, P. Walsh, R.Brittle, J.Burke

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT

FEBRUARY 19, 1997 MEETING AGENDA

On Wednesday February 19, 1997 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 - 3-97 - James Hope - 579 Brielle Road

APPLICATION - 4-97 - Richard & Patricia Dunne - 458 Long Ave.

RESOLUTION - 1-97 - Frank & Patricia Federici- 407 Beachfront

RESOLUTION - 2-97 - Thomas Bateman - 169 Lake Avenue

OLD / NEW BUSINESS

APPLICATION - 23-96 - Harcourt & Karen Ward -11-15 Wyckoff Ave.
Request for special meeting

(Work session will be conducted immediately after the regular meeting).

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT

FEBRUARY 19, 1997 - 6:30 P.M. -SPECIAL MEETING AGENDA

On Wednesday February 19, 1997 the Zoning Board of Adjustment of the Borough of Manasquan, will hold a special meeting at 6:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 5-97 - Gertrude Rossetti - 50 First Avenue

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT

FEBRUARY 20, 1997 - 7:30 P.M. - SPECIAL MEETING AGENDA

On Thursday February 20, 1997, 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 - 32-96 - Continuation - Michael & Carmela Parziale
305 Beachfront

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES FEBRUARY 19, 1997

The Manasquan Zoning Board of Adjustment held their regular meeting on February 19,1997 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke called the meeting to order at 7:35 P.M.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: T.J.Coan, J. Miller, P. Walsh, R.Brittle, E.Lyons, J.Burke. ABSENT - N.Hood, J.VanStolk, M.Kazenmayer.

A motion to approve the minutes of January 15, 1997 was made by P.Walsh, seconded by R.Brittle followed by the following vote:"YES" T.JCoan, J.Miller, P. Walsh, R.Brittle, E.Lyons, J.Burke.

APPLICATION - 3-97 - James Hope - 579 Brielle Road.
Mr. Byrnes marked the Board's file as A-1 to A-9.
Owaner wishes to install heat in a dwelling with no heat. The lot has two houses, neither has any heat. R-5 Zone.
This application was denied for the following reasons:
107-12 - Two houses on one lot is a non-conforming use and the installation of heat is an expansion of this non-conforming use by expanding the time it is being used. A-5 Flood Zone. If approved the unit must be avove the base flood elevation.
Use Variance. Block 182.01 Lot 1.579.

James A. Hope, 560 Salmon Avenue, was sworn in by Mr. Byrnes. Mr. Hope testified, he bought some properties in the spring of last year and he was remodeling them. He testified he received the permits from Sandy Ratz, they put the heat and central air in,but never had the permit put through, and when Mr. Allen went in for the plumbing permit, he was told by Mr. Ratz you can't do that as it is nonconforming use.
Pictures submitted were marked A-10-11-12. Mr. Hope testified A-10 is when he tore the front off, A-11 before he started on it and A-12 is after the completion. Mr. Hope testified all the other houses have heat in the front and back. He testified American Timber owns the land. The houses and land around Mr. Hope are all privately owned.

Mr. Byrnes stated the denial given by Mr. Ratz is insufficient.In the R-5 Zone the minimum lot requirements are 2700 sq. ft. and according to this survey it is 2452 sq. ft. existing. 40 Ft. frontage is required, this shows 25 ft., a 10 ft. front yard setback is required, this shows 4.. The sideyard setback is 5 ft. this appears to have an overhang on both sides. Rear yard set back of 20 ft., counting the rear house it looks less than 1 ft.. The denial permit is silent as to building coverage

or lot coverage. If these are free existing things and you are here asking for a use variance, all of these issues have to be addressed. The only one I don't have a question on is the heighth.

Mr. Burke said this whole application has to be revised. We can sit here tonight and go through every thing list by list and have it amended, or we can have Mr. Ratz re-do it and that would require coming back next month.

Mr. Byrnes said it has to go back to Mr. Ratz for a new denial. You do not have to renotice your neighbors, there is no additional work for you, but you have to come back in March. Mr. Hope testified the heating unit is in the attic and the air condition is on the back deck.

Mr. Walsh would like to see the certified flood elevation, because before she votes on it she would like to see it meets all the flood elevation.

Mr. Coan's concern is where the condensor is located. Mr. Burke stated what the board needs by the March meeting is copies of the sub-division map, showing your property and where the air conditioner is located. Mr. Hope waived the time limit.

A motion for a site inspection at 9:30 a.m., Saturday February 22, 1997 was made by T.J.Coan, seconded by E.Lyons, followed by the following: "YES"- T.J.Coan, J.Miller, P.Walsh, R.Brittle, E.Lyons, J.Burke.

APPLICATION - 4-97 - Richard & Patricia Dunne - 458 Long Avenue.
The Boards file was marked as A-1 to A-9.
Owner wishes to construct a second floor addition to existing one-family dwelling. R-3 Zone.
This application was denied for the following reasons:
107-27 - Front Setback - 25 ft. required, 19.95 ft. existing.
Side Setback - 5 ft. required, 3.3 ft. existing & proposed.
A-5 Flood Zone - addition will comply. And any other variance(s) the Board may deem necessary. HARDSHIP VARIANCE.

Patricia A. Dunne,458 Long Avenue, Richard Dunne, 458 Long Ave, and John Gassner, Gassner Builders, Union Ave. builder for the applicant, were sworn in by Mr. Byrnes.

Mr. Richard Dunne is a councilman in the Borough for the last 3 years, and Mrs. Dunne is a member of the Planning Board and the Manasquan Environmental Commission.

Mr. Burke told Mr. Gassner, if the addition is not expanding any of the non-conformities on the house and is less than 25% of the first floor square footage, you do not need a variance

then Sandy Ratz can give you a permit for it.
Photo's entered into evidence were marked A-10. Mr. Dunne testified they have been living in this house for the past 14 years and have had property in Manasquan for over 30 years, we still have Pat's parents house on Rogers Ave. for over 50 years. Our house is redwood tongue and groove and he hopes to carrry it out in this new addition. The reason they are putting on the addition is because of the grand children which will be 6. There are 2 bedrooms upstairs and 2 down, the 1 upstairs bedroom is small and is used as an office by Mr. Dunne. They are looking to expand the house to add 2 bedrooms and a bath upstairs, which will fill out the first floor roof in the front of the house.
This expansion will be relatively small, will not block any views or light from the neighbors.
Mr. Dunne testified this house having a flat roof and no basement it has no storage, so by putting on a slope roof, it will give us some storage space and from the design point of view it gives a nicer look. and flat roofs are a bad headache.

Mr. Gassner testified the existing house has a kitchen, 2 bedrooms, a full bath, living room and a dining family room addition on the back of the house. The house is hard vertical green red wood, which is very expensive and they are staying right in style with the house. They are going to replace on the west side some of which has buckled off approximately 200 ft. of siding just because of the condition. Mr. Gassner stated they are taking 37 inches of the existing bedroom on the south side and creating a hall way down the center on the addition and taking away the closet from the master bedroom and constructing 2 closets in the existing master bedroom and then there will be a center hall walk in closet, with a window to add to the appearance of the front of the house. There will be a new electrical service to the second floor, there will be an new heat unit in the attic area. They are installing fire egress windows to the front bedroom or office to qualify to code. All new windows will be fire egress windows. There will be AC battery operated smoke detectors throughout the house.
There will be a sky lite in the hall way.

Mr. Dunne said the house was built in 1959. He testified it will be an asset to the neighborhood, and will not block air or light to the neighbors.

A motion to close the public hearing on this application was made by P.Walsh, seconded by R.Brittle, followed by the following vote: "YES" - T.J.Coan, J.Miller, P.Walsh, R.Brittle, E.Lyons and J.Burke.

The being no problems from the Board, a motion to approve a favorable resolution by R.Brittle, seconded by T.J.Coan, followed

by the following vote: "YES"- T.J.Coan, J.Miller, P.Walsh, R.Brittle, E.Lyons and J.Burke.

A motion to go into executive session at 9:10 p.m.by E.Lyons,, seconded by P. Walsh, followed by the following: "YES" T.J.Coan, J.Miller, P. Walsh, R.Brittle, E.Lyons, J.Burke.

The Board returned from executive session at 9:55 p.m. with the following roll call: T.J.Coan, J.Miller, P.Walsh, R.Brittle,. E.Lyons and J.Burke.

OLD / NEW BUSINESS

Request for a special meeting by Mr. & Mrs. Ward - 11-15 Wyckoff Avenue to reopen application 23-96.
A motion was made for a special meeting to reopen application 23-96 on Wednesday March 12, 1997 at 7:00 P.M., was made by E.Lyons, seconded by J.Miller followed by the following: "YES" T.J.Coan, J.Miller, P.Walsh, R.Brittle, E.Lyons, J.Burke.

RESOLUTION - 1-97 - Frank & Patricia Federicci -407 Beachfront.
The resolution was read by Mr. Byrnes.
A motion to approve the resolution was made by R.Brittle, seconded by P.Walsh, followed by the following vote: "YES" - T.J.Coan, J.Miller, P.Walsh. R.Brittle, J.Burke.

RESOLUTION 2-97 - Thomas Bateman - 169 Lake Avenue.
Mr. Byrnes read the resolution.
A motion to approve the resolution wa made by J.Miller, seconded by P.Walsh, followed by the following vote: "YES" - T.J.Coan J.Miller, P. Walsh, R.Brittle, J.Burke.

There being no further business, a motion to adjourn was made by P.Walsh, seconded by J.Miller and unanimously carried.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN, N.J.

MANASQUAN ZONING BOARD OF ADJUSTMENT

MARCH 19, 1997 MEETING AGENDA

On Wednesday March 19, 1997, 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 - 3-97 - Cont. James Hope - 579 Brielle Road

APPLICATION - 5-97 - Cont. Gertrude Rossetti - 50 First Ave.

APPLICATION - 6-97 - John & Benedetta O'Grady -303 Beachfront

APPLICATION - 7-97 - Myrna Tietz - 397 First Avenue

RESOLUTION - 4-97 Richard & Patricia Dunne - 458 Long Avenue

RESOLUTION - 23-96 -Harcourt & Karen Ward - 11-15 Wyckoff Ave.

OLD / NEW BUSINESS

(Work session will be conducted immediately after the regular meting).

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTENT
SPECIAL MEETING MINUTES - FEBRUARY 19, 1997
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held a special meeting on February 19, 1997 in Manasquan Borough Hall, 15 Taylor Avenue Manasquan, N. J..

Vice Chairman Robert Brittle called the meeting to order at 6:30 P.M.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: T.Coan, J.Miller, P. Walsh, R.Brittle, E.Lyons, J. Burke.

Chairman John Burke excused himself, as he resides within 200 ft. of the applicant.

APPLICATION - 5-97 - Gertrude Rossetti - 50 First Avenue
Mr. Byrnes marked the file as A-1 to A-17.
Block 165, Lot 19.01. Owner wishes to change roof at front of rear of a two-family dwelling match main roof and remove interior bearing wall. R-2 Zone. This application is Denied for the following reasons: 107-27 - Lot Area - 2100 Sq. ft. required, 1875 sq. ft. existing. Frontage - 30 feet required, 25 ft. existing. Front Setback - 10 ft. required, 1.0 ft. existing to steps, 7.2 ft. to structure existing/proposed. Side Setback - 5 ft. rquired,0.42 ft. north side existing/proposed,1.54 ft. south side existing/proposed. Rear Setback - 29 ft. required, 17 ft. to steps existing. Maximum Building Coverage - 35 % maximum allowed, 44.2 % existing. Maximum Lot Coverage - 50% allowed, 53% existing.

The following witnesses were sworn in by Mr. Byrnes. Gertrude Rossetti, 702 North Avenue, Westfield, N. J. , Dolores Twaddell, 69 Beachfront, Gordon Twaddell, 69 Beachfront, Manasquan, John Milligan, 2908 Garfield St. Wall, N. J.
For the record Mr. Byrnes knows the Twaddells and a few years ago he represented them in a real estate matter but there is no conflict.
He stated the Board has requested an amendment to your application, on the south side set back changing it from 2.98 ft. to 1.54 ft.. Mrs. Rossetti agreed it was alright to amend.

Mr. Twaddell testified they would like to extend the roof line over the front and back and fill out the porch areas to maximize the living space in the floor areas. They are not changing the foot print of the house. The house is 80 years old and Mrs. Rossetti would like to make it a winter home. The building will be resided. It is not heated at present, only temporarily.
There is a two car garage and an apartment behind it. Mrs. Roasetti has owned the house since 1942 and has never been

rented. Mr. Twaddell testified the whole basement floor is half garage and half apartment. They pay 2 water and sewer. They are 2 seperate dwellings, with 2 kitchens. The 2 areas will not be connected in any way.
Mr. Byrnes stated this is noting that Mrs.Rossetti has done but this application has come before us as a Hardship Variance and it should be a Use Variance, because of the existence of 2 seperate dwelling areas on the property, and even though one has never been rented out and the other has been used by family and only in warm weather, does not negate the fact that there are 2 seperate living areas. Under our ordinances this is classified as a 2 family. In the R 5 zone 2 family structures are not allowed, so therefore, this is a violation of the use.

Mr. Byrnes stated the difference between a Hardship variance and a use variance, voting wise - is that there are 5 members here tonight eligable to vote, a hardship variance you would need only 3 of the 5, on a use variance you must have all 5. If one person votes no then the application is defeated.

Mr. Byrnes stated this can be remedied by Mr. Ratz issuing a new denial and it being published in the paper. He also suggested the Board have a site inspection.

Mr. Coan wants to make sure the applicant is clear on the higher criteria involved in the use variance, in terms of making the proofs for the use variance. It is a different criteria than what they came in for, also he feels that they should be advised that if they do abandon the use they can just continue tonight and get this resolved tonight.
Mr. Twaddell said in order to do that they would have to abandon the kitchen? Mrs. Twaddell testified it is absolutly out of the question. Mrs. Rossetti was excused from being at next months meeting.

Mr. Miller made a motion for a site inspection for Saturday February 22, 1997 at 9:00 A.M. seconded by P. Walsh, followed by the following vote: "YES"- T.J.Coan, J.Miller, P.Walsh, R.Brittle, E.Lyons.

Mr. Coan suggested that some one be there to let them in as he would like to see the ground floor apartment, as it is a use variance. Mr. Milligan said he would be there to let them in. Mr. Twaddell testified they would waiver the time limit.

Mr. Coan doesn't think the applicants are clear on our own Article 1 -Purpose of Zoning, item # 12, which instructs the Board to provide for the gradual elimination of non-permorming uses of land building construction, so it is the obligation of the Board to provide for the gradual elimination through applications much like your own, so it is right here in our own zoning book,it's not anything from the state or any

thing else. That area was zoned for single family use.

Mr. Byrnes asked Mr. Twaddell to get together with Mr. Ratz so he's aware of this problem. He is also advising Mr. Brittle to get to see Mr. Ratz to advise him of the problem and request that he issue an amended letter of denial including the use variances we are talking about.

Mr. Byrnes also asked Mr. Twaddell to publish a new legal notice in the Coast Star and provide our Board secretary with a new affadavit of publication because there is a different wording for a use variance. He believes that will cure the technical defects other than do you wish to amend your application to include the use variance for 2 dwellings on the propety.

MR. Coan stated the requirements for a use variance are much more stringent than the hardship variance that you originaly applied for, there are a number of proofs that have to be made, and he hopes that you realize that. Mr. Twaddell said he does not realize that.

Mr. Byrnes told Mr. Twaddell that he could contact his office sometime the next week or so and he will go over with you what the additional requirements are so that you can be prepared in March. I won't be giving you legal advise, I will just be giving you what those requirements are.

Records show the Chairman has returned and a motion to close the special meeting was made by J.Miller, seconded by P. Walsh and unanimously carried.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT

ADDENDUM TO AGENDA
MARCH 12, 1997 SPECIAL MEETING

RESOLUTION 32-96 - Carmela and Michael Parziale - 305 Beachfront

EXECUTIVE SESSION

M. Applegate
Marie Applegate, Secretary
Zoning Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

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COUNTY OF MONMOUTH
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JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT

MARCH 12, 1997 - 7:00 P.M. - SPECIAL MEETING AGENDA

On Wednesday March 12, 1997, the Zoning Board of Adjustment of the Borough of Manasquan, will hold a special meeting at 7:00 P.M. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 23-96 - Harcourt & Karen Ward - 11-15 Wyckoff Avenue

Yours truly,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
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Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES - THURSDAY FEBRUARY 20, 1997
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

The Manasquan Zoning Board of Adjustment held a special meeting on February 20, 1997 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J.

Chairman John Burke, called the meeting to order at 7:30 P.M. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: J. Miller, P.Walsh, R.Brittle, E.Lyons and J.Burke.
ABSENT : T.Coan, N.Hood, J.VanStolk and M. Kazenmayer.

Mr. Byrnes stated there are 5 Board members here tonight. Mr. Lyons did listen to the tapes and is eligable to vote.
Mr. Coan was excused from the meeting.

An additional exhibit was received, which is a set of plans from the applicants architect Mr. Amelchenko consisting of 3 pages, dated 6/6/97, marked as A-7B. These are the plans we will be dealing with tonight and nothing else.

APPLICATION - 32-96 - Michael & Carmela Parziale - 305 Beachfront.
Ms. Nancy Wright representing the applicant came forward.
Mr. Byrnes asked Ms. Wright, the new plans received, last time you were here we marked A-7A Mr. Amelchenko's plans dated 12/12/96 and your client testified " this is the house that we want to construct", now we have a new set of plans. What is the difference? Ms. Wright said the differnece is that there is more detail in connection with the plans, specifically at the last meeting at the very end there were areas that specific members indicated that they wanted to see addressed, dealing with elevations, the upper storage area and the lower area.

Mr. Albert P. Ratz, Borough Construction Official was sworn in as a witness by Mr. Byrnes.

Nancy G. Wright, Bathgate, Wegener & Wolf, put herself on record as the attorney for the applicant, Carmela and Michael Parziale.
Ms. Wright stated the last meeting was continued based on Mr. Ratz's letter of 1/15/97, which in essence indicated that before any building permit can be issued on this property, he wanted the Board to review the plans that might be subject to such a permit. The plans are not identical to the pre-existing structure, and that was the reaseon for coming back.

Mr. Amelchenko testified the plans before the Board represents the first floor and second floor and a lower level basement or garage area, which accommodates the parking of 2 vehicels.
The second floor area consists of 1,599.42 sq. ft. of living

area. The first floor as proposed represents a total square footage of 1,369.42 square feet of total living area. The combined square footage of both floors is 2,968.84 square feet of total living area. Before the fire the preexisting square footage of the structure was 3,200.58 square feet. Subtracting our square footage from the pre-existing indicating a lesser square footage of 231.74 sq. feet of total living area.

Mr. Parziale for the record confirmed that, that was the square footage of the pre-existing structure.

Mr. Burke stated, testimony that was given earlier gave a first floor of 1,636 sq. ft. a basement of 576 sq. ft. and a storage area of 924 sq. ft. for a total of 3,136 sq. ft.. Mr. Amelchenko stated Mr. Ratz gave them the 3,136 and Mr. Parziale will be addressing a smallpertinance that in his estimation was not calculated and he will be presenting that to the Board tonight for their findings.
Ms. Wright said the understanding is that the total square footage that your still stating is still less than the total square footage of Mr. Ratz, the 2,968.84 sq. feet. Mr. Amelchenko testified yes. He testified the variance to the front steps still exist, the set back from first Avenue, 10 ft. were required and there is still a 3.5 ft. existing set back remaining. Theaggregate of the front and rear setback 30 ft. required and the 15 ft. proposed is still remaining. The side set back to the north, 5 ft. were required, 4.67 ft. were proposed, Mr. Amelchenkc testified that, that set back to the north is going to be eliminated by these plans. The side set back to the south where 5 ft. were required and 4.66 ft. were proposed, that side set back will not be eliminated by these plans, as testified by Mr. Amelchenko. The side setback which deals with the garage apartment of 5 ft. required, 3.3 ft. existing is remaining. The height complys with the existing ordinance. The maximum building coverage, 35% permitted, Mr. Amelchenko testified they are now more in compliance by 7% by elimination of the side yard set back. The maximum lot coverage, there is a reduction in that by approximately 7%.
The plan also eliminates the variance for parking. He also testified, the plans comply with the building code and the flood elevation, which were factors in determining the reconfiguration of the structure.

Mr. Amelchenko testified that on the plans, section page A3, the attic storage,is accessed solely by pull down stairs, the center portion of the attic under the ridge area, is a total distance of 8 feet, its approximately a 45 degree angle and the width is 18½ ft.. The only dormer facility that is indicated on the northerly elevation, the head height there under that gable roof is approximately a shade less than 6 feet, and could not accommodate a living space.

Mr. Burke said he would like to hear from Mr. Pariale about the 70 square feet. Mr. Parziale testified he went out and measured to the inch, which will show all the jogs and it will come out closer to the 3200 sq. ft. than what this is saying.
Ms. Wright stated in terms of the area underneath, is that an area that is heated or in any way used for living area as it is proposed, Mr. Parziale and Mr. Amelchenko testified that it is not.

Mr. Byrnes defined living area in any structure is that used for residential purposes exclussive of basements, and or cellars, unimproved attics, open porches, exterior balconys, breezeways, open spaces, garages or other similar extensions.

John Burke was concerned with the question of whether the proposal should be considered a restoration or a rebuilding project. You say you are restoring the original structure, but right now there exists 42 % of the existing building, 58% of the building was destroyed as determined by Boro Construction Official, Mr. Ratz. If the structure was not in a flood zone, Mr. Parziale could simply get a building permit because you would be building on the 48% that is sitting there. This building is not going to be built on the 48% that remains. The 48% because of the Federal Law of putting this house on pilings, your going to have to remove that 48%. Now there is 100% of the building gone, and your building a complete new building. Now this is the quantry that we are in, which superseeds what - in other words, where does the State Law come in and where does the Borough Ordinance on restoring the building leave off? This is what Mr. Ratz has asked the Board to determine. Ma. Wright clarified the intent of the state statue and said the plans follow that intent. "The intent of the application and the statute deals with partial destruction and the rights set forth in that. Any non-conforming use or structure existing at the time of passage, of an ordinance be continued on a lot or building so occupied. Such structure may be restored or repaired in the event of partial destruction." She quoted from NJFA 4055B-68 Partial destruction.
Ms. Wright said the legislative policy was drafted to protect a use or structure which pre-existed from a change in the zoning law or a new restriction. The property owners rights are not abandoned or dissolved when you have a partial destruction. We need to look at the intent and purpose of the statute, to prevent these people from rebuilding, that is clearly contrary to the purpose of the Municipal Land Use Law and totally contrary to the purpose and intent of the statute. The alternative is - to try and go out there and rebuild, utilizing that structure and doing it in a way that in essence creates a building that's not as safe and not as aesthetically pleasing or reduce some variances piople are complaining about. What's the rationale? In essence you're punishing these people, when the fact is

they're trying to do something better and safer for themselves and the community whish is safer, aesthetically more pleasing and reduces variances. They have their rights. They're telling you they're going to build in accordance with the codes. I don't know what more you could ask. These people are not here by choice. These people are here out of absolute necessity, out of an emergency and out of a need. I respectfully submit to this board this is the absolute, best, most reasonable, fairest and only interpretation of laws applicable in this case to this property, are to let them rebuild by plan."

Mr. Byrnes said he does not disagree with any of the legal arguments made, in fact I agree with a great deal of them, but the problem I forsee is with the Federal Flood Zone requirements and they are quite clear in what they say, that if a structure in a flood zone suffers substantial damage to the extent that the cost to repair or restore exceeds 50% of the market value of the structure at the time the damage was incurred, then when the structure is restored or rebuilt, it must comply with all flood zone regulations.

Mr. Byrnes quoted under 44 code of Federal Regulations 59.1 - any reconstruction, rehabilitation, addition or other improvement of a structure at a cost of which equals or exceeds 50% of the market value of the structure, before the start of the construction improvement, this term includes structures that have incurred substantial damage regardless of the value of the actual cost of repair work performed.
Mr. Byrnes stated it is considered a substantial improvement and termed a reconstruction even if the structure must be completely destroyed, since the old foundation has a residual value, it really does not matter what is referred to a new construction or substantial improvement, because in either case the structure will have to be elevated to or above the elevation of the base flood and other applicable program requirements.

Mrs. Walsh feel it is a construction of a new structure. Mr. Lyons feels it's restoring to the existing conditions. Mr. Brittle feels that the Federal Law supercedes, you have to destroy to rebuild. Mr. Burke agrees with Mr. Lyons. The restoration is to the use not to the physical property of the building.

MR. Ratz put a value to what was remaining at $ 37,000., based on a square foot valuation and the materials that were used in the structure there now. Function of the heating and plumbing does not go into the calculation, not in the zoning but it does in the building.

Mrs. Walsh stated she feels they have given Mr. Ratz's determination and given our extensive discussion, she would agree on the continuation of the use, if there were no expansion.

Mr. Miller, Mr. Lyons, Mr. Britton all concur.
A motion to determine what Mr. Ratz has asked us to determine, that being as to whether the applicant may replace the non-conforming use of the structure in a new structure, which is higher than the physical structure which existed prior to the fire of October 5, 1996, was made by Mr. Miller, seconded by Mr. Lyons, followed by the following vote: "YES"- J.Miller, P. Walsh, R.Brittle, E.Lyons and J.Burke.

Mr. Burke stated Mr. Ratz's comment according to the zoning regulation that you can replace the use. The use was 500 to 600 ft. square apartment and a 1636 square foot apartment making a total of approximately 2212 sq. ft. of living area in 2 apartments. Mr. Burke asked Mr. Ratz if he is looking for 2 apartments that equal pre-existing total or are you looking for 2 apartments that are approximately the same size individually? Mr. Ratz stated that is what he is looking for from the Board. He stated this is the first situation he has had of this kind.

MR. Ratz in December measured the apartment in the basement and he measured the main body of the apartment was about 576 sq. feet, there was a little bump out which was then being used as a bed room that's about 120 sq. ft. the remainder of the basement about 210 sq. ft. was used as a stairway, workshop area and mechanical plant, and there was another section of 14.6 x 21 ft., which was accessed to a stairway to the second floor, which was a recreation room and was part of the second floor, which was 21x15 sq. ft.. The total living area in the structure at that time was approximately 2857 sq. ft..
Mr. Byrnes marked into evidence plans as A-22

A motion for a 5 minute recess at 9:17 p.m.,was made by J.Miller seconded by P.Walsh, followed by the following vote: "YES"- J.Miller, P. Walsh, R. Brittle, E.Lyons, J.Burke.

The Board returned from recess at 9:27 p.m. with the following roll call: "YES"- J.Miller, P.Walsh, R.Brittle, E.Lyons, J.Burke.

Mrs. Walsh feels they are increasing the use of this structure by increasing a bedroom and possibly 2 bedrooms, which increases the density in the area. She is also concerned with the front yard set-back.

Mr. Parziale presented C.O's on the rentals, showing there were 2 bedrooms in the lower and 4 bedrooms in the upper.

Mr. Amelchenko testified for the record that the storage area listed on the drawing on the second floor, shows 2 windows, and he will eliminate those 2 windows.

Now there are 6 bedrooms, a proposed structure within a 100

square feet of the existing structure and the 100 sq. ft. is almost the exact size of the storage area on the second floor. The new structure will be very similar but not identcal.

Mrs. Walsh is still concerned about the 2½ ft. setback in the front. One of our responsibilities as a Board of Adjustment is to provide for the gradual elimination of non-conforming uses in structures, and she would like to ask the applicant if they would consider shortening the length of the building by 5 feet which would move it back further from the front yard setback- it would eliminate that 100 variance at 2½ feet your sitting almost on the board walk.

A motion stating that the proposed structure is substantially similar to the existing structure that is there in size and it does not increase the occupancy over the existing structure, was made by E. Lyons, seconded by R.Brittle followed by the following vote: "YES"- J.Miller, P.Walsh, R.Brittle, E.Lyons, J.Burke.

Mr. William Reynolds , 315 First Avenue came forward and had been sworn in at a previous meeting. He had a question on the 11 ft. flood elevation. It was explained by Mr. Ratz.

A motion to close the public hearing was made by P.Walsh, seconded by J.Miller, followed by the following vote: "YES"- J.Miller, P.Walsh, R.Brittle, E.Lyons and J.Burke.

Mr. Burke stated according to schedule B the dormer cannot exist. The second one is in gray area as it is really almost an extension of the facia above the entrance way, it is not truly a dormer, but it is a gable.
Mr. Burke said if the applicant agrees to remove the dormer he would be willing to agree with the gable.
Mr. Miller asked about the extension on A7A. Mr. Amelchenko said it is purely for aesthetic purposes only.

Mr. Byrnes marked into record a photograph as A-37.
There was a discussion on the gable roof, some were for it and some were against it.

Mr. Byrnes asked Mr. Ratz if Mr. Parziale didn't want the gable now and built it across as some members are discussing,and he built his house, the north side doesn't violate any side yard set backs, under our zoning ordinances, would the Parziales be able to come in and ask for a building permit to change their roof, due to the fact that it's less than 25% and no set backs etc.. Mr. Ratz said if they wanted to change to this dormer they would have to come back tothe Board of Adjustment.

MR. Burke stated the applicant is asking to build A-7B. To build A-7B they need the board to approve variances for 107-7

25A, 107-27, 107-30, 107-36, so right now we have a use variance, which requires 5 affirmative votes. We are sitting with one problem right now and that is the gable.

A motion for a 5 minute recess at 10:47 p.m. was made by J.Miller seconded by P.Walsh, followed by the following vote: "YES" - J.Miller, P.Walsh, R.Brittle, E.Lyons and J.Burke

Board returned from recess at 10:55 p.m. with the following roll call:J.Miller, P. Walsh, R.Brittle, E.Lyons, J.Burke.

Mr. Amelchenko testified, they would lower the roof line below the eve on that northerly projection and it will basically be a slope piece of trim that would be below the roof line on the north side, thereby eliminating the projection above the roof line, and the dormer on the south side will be eliminated all together.

Mr. Byrnes marked exhibits A-23,A24, A25, A26., A27,A28,A29,A30, A31, A32,A33, A34,A35,A36, and read into record.

A motion to approve this application was made by J.Miller, seconded by E.Lyons, followed by the following vote: "YES"- J.Miller, P.Walsh, R.Brittle, E.Lyons and J.Burke.

A motion was made to memorialize just the requirement of the piling part of this resolution followed by the following vote: "YES" - J.Miller, P.Walsh, R.Brittle, E.Lyons and J.Burke.

The resolution will be read at the March 12, 1997 meeting.

A motion to adjourn the meeting at 11:15 p.m. was made and unanimously approved.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES - WEDNESDAY MARCH 12, 1997

The Manasquan Zoning Board of Adjustment held a special meeting on March 12, 1997 in Manasquan Borough Hall, 15 Taylor Avenue Manasquan, N. J.

Chairman John Burke, called the meeting to order at 7:00 P.M.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in atttendance to join in the Salute to the Flag.

ROLL CALL: James Miller, Noel Hood, Patricia Walsh, Robert Brittle, Edward Lyons, John Burke. ABSENT: Thomas J.Coan, Joan VanStolk, Margaret Kazenmayer.

APPLICATION - 23-96 - Re-open case - Harcourt & Karen Ward - 11-15 Wyckoff Avenue

Mr. Byrnes stated this matter was recently presented to the board by way of application 23-96, the hearing started in October of 1996, the second hearing was held in November 20, 1996, at which time the applicants with-drew their application without prejudice, based upon a legal opinion by myself. Subsequently after they had received permits for partial demolition of a structure that existed on one of the lots. A concerned citizen made a verbal complaint to one of our councilmen who in turn reported the matater to the borough attorney. The borough attorney then wrote a letter stating that he respectfully disagreed with Mr. Byrnes, that in his opinion Mr. & Mrs. Ward did have to come back for a minor sub-division and use variances. Mr. Byrnes stated he has done a great deal of research in regard to that and I also conferred with Mr. Thomas in regard to that and he can find no legal authority what so ever.

Mr. Thomas representing the applicants came forward. He stated as Mr. Byrnes indicated he read Mr. Fitzsimmons letter and he disagrees with the procedure, but the option available to the Ward's are two-fold. One is to abandon the whole matter, which their not inclined to do, the other is to appeal the proceedure followed by the borough by having the town attorney second guess Mr. Byrnes. Making the most sense is reopening the case, even though the procedure that was followed by the Board of Adjustment was the correct procedure and reached the correct result.

Mr. Thomas stated he is here with Mr. Ward to reopen the case that was first heard before the Board back on October 16, 1996. He does not intend to offer any new testimony. The testimony was already completed at the October 16, 1996 hearing and it is in the record. As for the exhibits A-1 through A-11, there are not new exhibits the Ward's want to present as the application was complete as of October 16, 1996.

A motion by Mr. Thomas to re-open the hearing and in essence

to reinstate the application to the form which existed when it was with-drawn without prejudice back on November 20, 1996. Mr. Byrnes feels that as a matter of law, the applicant is entitled to this and he would ask the board to consider a favorable vote to allow them to reopen and proceed.

Mrs. Walsh made a motion to allow the applicant to re-open the case and proceed, seconded by E. Lyons, followed by the following vote: "YES"- J.Miller, N.Hood, P. Walsh, R.Brittle, E.Lyons, J.Burke.

Mr. Byrnes marked for exhibit the new list of property owners and certified mail receipts that were submitted as A-12. A-13 is a copy of the public notice for tonights special meeting, A-14 is a copy of the legal notice as it appeared in the Asbury Park Press February 27, 1997. Mr. Byrnes asked Mr. Thomas and the applicant,about the sub-division map dated 6/10/96 which is in the Boroughs file but was never marked by him. Mr. Thomas said it was marked A-7. Letter from Valerie Bills,Borough Tax Collector was marked as B-1

Mr. Hood stated since this was in October, he would like to see a survey and plans, and he recalls the town planner had some recommendations. Mr. Byrnes said the planner did prepare a letter when this matter was before the Planning Board with his recommendations if the matter were handled by the Planning Board.

Mr. Thomas said there was a letter from MR. Rooney, T & M Associates which was discussed. Mr. Rooney made 4 recommendations. One of the recommendations relayed to the shade tree in the front, which the Ward's are keeping.

Mr. Thomas in summarizing from his notes stated that the Ward's proposed to sub-divide property which contains one two-family dwelling known as 11-15 Wyckoff Ave.. He and his family now live there and would like to get out of, but it will continue in existance. The property which is known as lot 11.01 which is the southerly property is actually 100 ft. in depth 50 ft. in width, as they propose to sub-divide it. The lot that is to be created from the sub-division besides that lot is a lot 170 ft. in depth and 150 ft. in width. The plans marked A-11 depicts a single family home that they intend to construct on the property, also as on A-7 is indication of the garage which is going to be removed, to bring the garage totally in the lines of lot 11.01. There will be room to park 2 cars in the garage and 2 cars outside of the garage, so there is adequate parking for the 2 family use at the structure known as 11-15 Wyckoff.
The house that will be constructed on 11.02 the northerly property there is a access easement that is proposed in order to provide access to the structure at 11-15 Wyckoff, and tha

easement will be recorded as part of the sub-division deed which will be used to create this minor sub-division. There was testifmony put into the record and there were exhibits marked notably A-10A-B-C-D, which affect the property immediately north of this property where there is a 50 ft. wide lot which has by deed been dedicated to provide a means of thoroughfare from Main St. through the parking lot which is Ward Wight Realators and up to the 50 ft. lot and out on to Wyckoff Avenue. The structure they propose to construct is in compliance with the zoning requirement of the borough. The structure which will remain is not in compliance with the requirements of the Borough with the following respect. There is a minimum front yard set back of 25 ft. for the R-2 zone and there is a set back of 15.29 ft. provided. The minimum rear yard set back of 20 ft. required, there is 2.6 ft. provided off of the garage. Side yard set back to the southerly portion of the property, 2.5 ft. existing and 5 ft. required. In addition to that there is a maximum lot coverage that is permitted of 45% required there will be 58.5 % existing. The building coverage required is 30% and there is 45.5% existing. There is an 0 setback proposed on the garage and 5 Ft. required.

MR. Byrnes stated in October the application was amended to show a corrected front yard set back of 5.92ft. instead of 7.92 ft. due to stairs.

Mr. Thomas said the lot that their talking about extends back a distance of 170 ft. is not used at this time by the people who are occupying 11-15 now. Since the October 16, meeting Mr. & Mrs. Ward did obtain some permits.

Mr. Ward testified that after the determination was made that no sub-division was required, he obtained a demolition permit for the purpose of taking down the fence around lot 11.02 and also to remove a large tree around the garage and to remove that portion of the garage that was on 11.,02 and clean up the lot a little bit. We also filed a building permit and papers for a preliminary review, we had agreed at the final hearing that a building permit wouldn't be issued until such time as we completed all the demolition work. We had a very large tree in front of the garage removed and did start to take down the fence on the lot, and then it turned cold and we received notice our building permit was going to be denied and were asked to make re-application. The two trees in front of the lot will be kept. They had intended to replace the sidewalk in front where the new house will be. He testified they are willing to make any resolution of approval condition upon following those recommendations.

Mrs.Walsh asked Mr. Thomas to review for the board, why he feels this use variance should be grantaed.
Mr. Thomas stated the reason why this should be granted is one

of the purposes stated in the Land Use Act section 2 is the appropriate development in appropriate density according to the zoning of the town. The Land Use Act cannot get rid of the uses already in place. There's a non-conforming use here and according to testimony we are aware of how long that building sat there. This lot is just a vacant lot. The Ward's are proposing to construct a single family structure according to the borough ordinances. It is permitting through your land use the construction of an appropriate density within that zone.

Mr. Lyons asked if the taxes on lot 11.01 are paid and 11.02 are not paid, can the whole parcel be put up for sheriffs sale? He thought back in October we agreed this was 2 lots.

Mr. Burke said what we're looking for here is a minor sub-division request, if we see fit to grant it it's done.

Mr. Byrnes stated back in November all the members who are here tonight, sat in judgment on this application, they all read the legal opinion as to why I thought it was 2 lots, every one was asked - do you disagree with this opinion - no one said no - every one walked out of here that night feeling that the applicant should be allowed to build the house on the adjoining lot and that it was 2 lots. Even if someone now comes along now and says wait a minute it is one lot and you have to sub-divide it, there is no additional evidence that has been presented before this board, that would change any of the testimony that had been given to the Board by the applicant, where the board said you should be allowed to build your house. Any one on the board who were to change their vote tonight without hearing any new evidence in oposition or any reasons to deny would undoubtedly be creating a built appeal for the applicant.
He totaly disagrees with the fact that the Board has to be here. This individual created a right of appeal, it doesn't exist, he created an appellate level that does not exist in a statute ordinance, case law, ruling or any thing else anywhere. But Mr. Byrnes would like to see the board sit here tonight dot the eyes cross the t's, vote and close this matter once and for all, then be involved in extremely costly litigation in superior court in Monmouth County, with the Bd. of Adjustment being sued by the Borough of Mansquan.

Carol Broderick, Parker Avenue wanted to know how far the Board has gone back to find out if it was 2 lots. Mr. Byrns said he went back to 1905 when Mr. Wyckoff dedicated the street to the Borough., it was 2 lots then.

A motion to close the public hearing on this application was made by P. Walsh, seconded by E.Lyons, followed by the following vote: "YES" - J.Miller, N. Hood, P.Walsh, R.Brittle, E.Lyons,

J.Burke.

5 affirmative votes need to be casted as it is a use variance.

Mr. Lyons moved for a favorable resolution to grant a minor sub-division and use variance seconded by J. Miller, followed by the following vote: J. Miller, P.Walsh, R.Brittle, E.Lyons, J.Burke. NO - N. Hood.

For the record, tapes were changed.

RESOLUTION - 32-96 - Carmela & Michael Parziale -305 Beachfront
The board was given revised plans showing no dormers on the south elevation and showing the north elevation without a gable roof, and the windows in the storage on the south elevation have been removed. The new plans conform to what was required. For the record exhibit was marked as A-7C plans that were just discussed from Architect Amelchenko, revised dated of 2/28/97.

The resolution was read by Mr. Byrnes.
Correction on page 6 item 2 should be (F)(B)

A motion for a favorable resolution was made by P. Walsh, seconded by E.Lyons, followed by the following vote: "YES"- J.Miller, P. Walsh, R.Brittle, E.Lyons and J.Burke.

A request by a member of the Board to go into executive session was agreed upon at 8:25 P.M..

A motion to go into executive session was made by P.Walsh, seconded by R.Brittle, followed by the following vote: "YES"
J. Miller, NM. Hood, P. Walsh, R.Brittle, E.Lyons, J.Burke.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - MARCH 19 1997

The Manasquan Zoning Board of Adjustment held their regular meeting on March 19, 1997 in Manasquan Borough Hall, 15 Taylor Avenue. Manasquan, N. J..

Chairman John Burke, called the meeting to order at 7:30 p.m.. He stated this is an open public meeting held in accordance with the Open public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: T.J.Coan, J.Miller, N. Hood, J.VanStolk, P.Walsh, R.Brittle, E.Lyons and J.Burke. ABSENT - M.Kazenmayer

Motion to approve the minutes of the special meeting on February 19,1997 was made by E.Lyons, seconded by P.Walsh followed by the following vote: "YES" -T.J.Coan, J.Miller, P.Walsh R.Brittle, E.Lyons, J.Burke. ABSTAIN - N.Hood J.VanStolk.

Motion to approve the minutes of the regular meeting on February 19, 1997 wa made by P. Walsh, seconded by E.Lyons, followed by the following vote: "YES" T.J.Coan, J.Miller, P.Walsh, R.Brittle, E.Lyons, J.Burke. ABSTAIN - N.Hood, J.VanStolk.

Motion to approve the minutes of the special meeting on February 20, 1997 was made by E.Lyons, seconded by P.Walsh, followed by the following vote: "YES" - J.Miller, N. Hood, P. Walsh, R.Brittle, E. Lyons, J.Burke. ABSTAIN - T.J.Coan, J.VanStolk.

APPLICATION - 3-97 - Cont. James Hope - 579 Brielle Rd.
Mr. Byrnes stated there was to be a new denial by Mr. Ratz, for minimum lot area, front set-back, side yard set-back on both sides, rear setback, maximum building coverage, parking.
Mr. Hope did not have the new denial from Mr. Ratz. A certificate of elevation was marked as exhibit A-13 and also exhibit A-14 a one page map Preliminary Subdivision Map, Lands of American Timber Co. dated 3/5/90.
Mr. Byrnes also placed in the Boroughs file a certification from Board member Noel Hood advising that he has listened to the tape recording of the 2/19/97 meeting, therefore he is eligible to vote this evening, also a certification from board member Mrs. VanStolk who also listened to the tape of February meeting and is also eligible to vote.
Being there was no new denial the case could not be heard and was postponed until the April 17, 1997 meeting. Mr. Hope waived the time requirement.
A motion to continue this application to April 17, 1997 was made by P.Walsh, seconded by J.Miller, followed by the following vote: "YES" - T.J.Coan, J.Miller, N. Hood, J.VanStolk, P. Walsh, R.Brittle, E.Lyons, J.Burke.

APPLICATION - 5-97 - Cont. Gertrude Rossetti - 50 First Avenue
For the record, Mr. Burke lives within 200 Ft. of this

application so he cannot participate, and will excuse himself. He is turning the meeting over to Robert Brittle, Vice Chairman.

Mr. Byrnes stated there is an amended denial of permit from Construction Official Ratz, dated 2/20/97, marked as exhibit A-2A. There is also a certification from Joanne VanStolk stating she listened to the tapes of the Special Meeting of 2/19/97, she is eligible to vote tonight.
An isssue arose as to a deficiency in this application in the original denial of permit, whichwas marked as A-2, in that it was not noted on the denial of permit or on the application itself, that the dwelling unit on the property constituted a 2 family dwelling, and that changed the nature of the application substantially to a use variance. At the last meeting the problem was explained to Mrs. Rossetti, her daughter Mrs. Twaddell and her husband, and they are all here tonight.

Mr. Coan a board member suggested that they be made aware of the burden of proof that is necessary in a use variance, because it is quite substantial versus what the original application had requested. Rather than hold up the meeting that night, Mr.Byrnes suggested the Twaddells call him and he would explain.

The following week during the week of the 24th, Mr. & Mrs. Twaddell had scheduled an appointment to meet Mr. Byrnes at his office, which he felt was acceptable, and he reviewed with them the requirements for a use variance. He also suggested to them that they consider the posibility ofobtaining legal counsel in this matter, due to the fact that it is a use variance as they are a little more complicated than a hardship variance and that an attorney might be of assistance guiding them through. Over the next couple of weeks Mr.Byrnes received a series of telephone messages from Mr. Twaddell and from an attorney in Toms River and the messages alternated between I retained an attorney and I have not retained an attorney. On Friday Mr. Byrnes received a message from Mr. Twaddell that he had retained an attorney at lunch time and at 3 oclock he received a message that he had not retained the attorney (message left at office with Mr. Byrnes secretary). Around 4 P.M. Mr. Byrnes called the attorney's office and was told Mr. Twaddell was in conference with the attorney, so Mr. Byrnes did not know if they were going to be represented by legal counsel tonight or not. About 3:30 this afternoon Mr. Byrnes conferred with the attorney and he was told he was not retained.

A problem brought to Mr. Byrnes attention by Mr. Twaddell at the site inspection was that there may have been an improper discussion with one or more board members.
Mr. Byrnes asked for a statement from each board member that was at the site inspection as to whether or not they were approached by anyone from the applicant or on their behalf and if so the text of the conversation, as much detail as you care

to do. I will then ask Mrs. Rossetti and Mr. & Mrs. Twaddell for their comments on the subject. We do have to make a full disclosure because the comments made to Mr. Byrnes by Mr. Twaddell in his office he considers to be a potentially serious breach of the Open Public Meeting Acts, as initially was related to him.
The Board members at the site inspection were Mr. Coan, Mr. Brittle and Mr. Lyons.
Mr.Brittle stated no one on behalf of the applicamt had any discussions with him.
Mr. Lyons stated he talked to Mr. Twaddell on a house across the street that we had a case on several years ago and nothing else.
Mr. Coan stated at the conclusion of his site inspection I was on my way back to my car Mr. Twaddell approached me and asked me about what the proofs were for the use variance. He stated he explained to him that they were positive criteria, negative criteria and special reasons, and unless the proper proofs were made I can't vote yes on the application, which is what the municipal land use law tells us. I suggested he get an attorney and planner. At that point I told him he has options here as to what you can do to complete the structure by summer time and he remembers stating "I wish I had as many options as you do". He stated he did not speak with Mrs. Rossetti at any time, as the applicant was not present. Mr. Coan said he did go over a couple of options - not extending over the porch and getting a permit immediately to complete the work, as that would be no expansion of a non conforming use, taking out the kitchen and using that as living space in the main house and that would not be a use variance, it would be a different standard, and those are basically the options we spoke about.
Mr. Twaddell testified he had no statement, but he spoke to Mr. Byrnes in his office but not onthe phone.

Mr. Byrnes asked all board members if they felt anything they heard here tonight by way of comments from the applicant or board member Coan, would in any way keep you from impartially fairly and objectfully judging this application? Mrs. Walsh answered no, Mr. Miller answered no, Mr. Lyons answered no, Mr. Brittle answered no, Mr. Hood and Mrs. VanStolk and Mr. Coan all answered no. When asked the same of Mr. Twaddell on behalf of Mrs. Rossetti he answered no.

MR. Brittle stated the amended denial is the same on the first page with the exception of the parking on the second page.

Mrs. Walsh stated given the change in the type of variances required, she would like to ask the applicant if they would like to make any additional statements concerning this application, before we open the floor up to the public.

Mrs. Twaddell had some photos which were marked as exhibit A-18,which consists of 4 pages. A-17 is the affadavit of publication of legal notice in the Asbury Park Press 3/8/97.

Mrs. Twaddell testified they did talk back and forth with Mr. Byrnes.To get an attorney and planner would have cost my Mother about $2,500.00 for tonight, and we frankly feel that what we are asking for is so minor, we are going to try and do it on our own. My mother is putting everything she has except what she has to live on in fixing up this house, so she can live here and be near us. We cannot afford a lot of fees.
Her Mother and father have owned that house since 1942. It has never been rented, strictly a family situation. The apartment was built by my mother & dad with their own two hands, and that has never been rented, strictly family deal. The cottage itself as of today is an original, Mrs. Twaddell believes it was built at the inlet and moved. In describing the photos, shows all the houses with the same roof line, we are the one that is the odd ball at this time. All the houses started as a one family cottage. No. 53 beachfront is a 35 ft. stucco, zones 1 family with an apartment in it. The minute it was built it has been rented, (25 people in it last summer). No. 48 a small cottage with 2 family and 2 rentals, No. 55 Beachfront has 3 occupancies in it. We are talking about surrounding her house with 12 occupancies. My mothers is the only owner occupied.
Mrs. Twaddell testified No.52 First Ave. had a permit in1987 to enclose existing porch to construct and winterize kitchen addition in porch area, which is a similarity in what we are asking to do. It is her understanding that at the time that was done we were still in R-4 Zone. It is really wonderfull looking and we are delighted with it. It did impact the light in our area. When this came up before the board, Mrs. Twaddell went before the board and asked about the impact it would have on our light and air. She was told "excuse me Mam but you are out of order, this is nothing that we concern ourselves about".

Mrs. Twaddell said she believes her mother Mrs. Rossetti age 93, may be the oldest original owner of a house in that whole beach area. She is a handicap lady. She drove a car up until a couple of months ago, but has eye trouble now. Her husband who died a couple of years ago had Alzheimer's and she had a lot of stress. She wants to live on her own - she will not live with us.

When we went before the Board, we were very nieve, we thought this would be such a simple matter, so we started to gut the place, we didn't do any major structuring but we gutted the place. We took the furniture and got rid of it. We cannot reasonably do this without encompassing what we are asking for. We need the room, it's a tiny place. This is not impacting negatively on anybody, we're not blocking any one, there is

no one here to object. The neighbors think it is great. Evey one else is allowed to do all these things, - maybe she waited to long.

Mr. Hood said all on the board would like to see your mother move into that house, but the problem arises from I believe the apartment down below. Mr. Hood said the zoning came into effect in 1938 in Manasquan, did you at time get a variance to do the repairs at that time. Mrs. Rossetti doesn't remember. Mrs. Rossetti testified it was never rented, my grand daughter lives down stairs in the summer all by herself. All the other apartments around there are rented and now their trying to keep us from using it as it was for many years. It's not fair to try and keep a little apartment, that doesn't bother anyone.

Mr. Twaddell told Mr. Hood the house next door did exactly what we are asking for, was permitted to do so by the town and the law that is in effect now was in effect then. Mr. Hood said unfortunately a lot of things pass by. When we see them here we stop them. Mr. Twaddell said " your not saying the town is inconsistent are you ?" Mr. Hood replied it could be.
Mr. Coan said the unit your speaking of that has the pictures # 52, are saying that that is a 2 family also. Mr. Twaddell testified yes.

Mrs. VanStolk's problem is also for the apartment, but not for the family, but when you sell the house, you yourself admitted you don't like the other apartments because it brings in a lot of renters, the same thing is going to happen here, they might not want to keep it for themselves.

Mrs. Twaddell testified "we have to look at the reality what is down there, I think we are all vey familiar with it, no body in those houses will ever try to come before this board for a variance to do any improvements on any one of those houses down there and give up a rental that their getting from those properties. Now there is no way in the world that one continuing apartment in that area is going to impact on anybody, believe me. My parents have paid double sewer and water on that house we'll say thousands of dollars that went out in payments to maintain that privilege, now because we simply want to extend a roof line out and make a place for this lady to come and live, we're suppose to devalue that house in order to make these minor changes. You can sit here and say I'm sorry, this is the law, theres a common decency and a fair one that should exist here. Why should we, the most law abiding, never bothering anyone kind of family, that you would like to see down that beach in Manasquan. There is no room to put an inside stairway in it".

Mr. Coan spoke about parking problems. You only have 2 parking spaces, you need 4.
Mr. Twaddell testified that one of the biggest points his wife

has made is that the people you want to discipline down there as far as their buildings are concerned, you'll never see in front of the board, because their not going to take the chance of loosing their imcome on the basis of the apartment. It's just not going to happen, as a result the degrading of those houses is going to get worse. We're talking about old time Manasquan people here.

Mrs. VanStolk would like to see a stipulation on the deed that this will never be a rental apartment. Mrs. Twaddell said that is a very hard thing to accept. Our neighbors have been able to improve their house and they have an apartment that is rented.

Mr. Hood told the Twaddells that they used the water & sewer for all these years, so you didn't pay for anything that you did't get use of.

Mr. Twaddell testified it will not affect ligh and air to the neighbors and no increase in traffic, it will improve the aesthetics. All utilities will be improved, and it will increase the value of the neighborhood. We are not changing the foot prints on the lot or not changing the coverage on the lot.

Mr. Wm. Reynolds, 315 First Avenue came forward and was sworn in by Mr. Byrnes. Mr. Reynolds asked if they intended to rent this apartment out? Mr. Twaddell said no and it will never be rented.

A motion to close the public session was made by Mr. Miller, seconded by P. Walsh, followed by the following vote: "YES" T.J.Coan, J. Miller, N.Hood, J.VanStolk, P.Walsh, R.Brittle, E.Lyons.

MR. Miller quoted from The Multiple Land Use Law - "40-55B-70 gives us the power to grant a variance as long as it does not substantially impair the intent and purpose of the zoning plan and zoning ordinance." As far as I"m concerned this does not. The foot print is not being enlarged, the use is in effect not being enlarged, what actually is happening, we are going from a 1940 building to a 1997 building. I'm for this variance.

Mrs. Walsh does not have a problem with this variance, she does not see any substantial negative impact this improvement will make, this structure is in keeping with the character of the neighborhood, it will be improved by appearance and by numerous safety measures, it will not be any increase in the traffic, no negative impact on the flow of air and light. Mr. Lyons has no problem and goes along 100% with Mrs. Walsh.

Mrs. VanStolk has a problem with the apartment and would like a stipulation that it would never be rented on the deed.

Mr. Coan doesn't believe all the proofs were made to his satisfaction, that there is negative criteria in terms of the parking. If they lose the apartment there is no negative criteria in terms of the parking as they will meet the ordianance. He feels that he has to abide by the stipulations given for the beach area.

Mrs. Twaddell stated, "she will be horribly disappointed in her whole feeling about this town if we're denied on this application. Somthing is owed here, based on the situation, and if your going to hold the line it's nonsensical and silly, and that is what everyone is saying about this application. I'm sorry I have to sit here and say that, but that's how I feel and anybody else that hears about it feels".

Mr. Hood stated he had a variance for 162 First Ave. in 1984 which was for a one story one family, with parking for 4, I made it 6. Next 161 Beachfront, it was a one family, one story, I made it a 2 story 2 family and I have parking for 6 cars. On 216 Second Avenue empty lot, zoned where I could build out right to the property line, I could have a store and an apartment above it, I asked for a 2 family, there is no 2 family zone, I got a variance. One 104 Curtis Avenue, zoned multi-family zone, I got a variance again to build another 2 family, I met my side lines, setbacks. On 165 First Avenue, 3 units, 2 story 2 family with a little building behind it, it did not meet side lines or setbacks, I needed a variance for use and to close in the front porch. Mr. Hood said the zoning came into Manasquan in 1938. Mr. Miller believes it came in 1947 or 1948.

Mr. Byrnes stated "this board is limited in it's review to testimony before the board, what it views on sit inspection and what is marked as exhibits into the board's file, so anything that was done outside of that should not be considered, because it is not here for viewing by all. Mr. Hood used the word heresay, that is blatant heresay, to say I looked somthing up and this is what it says. If records exist, they should be produced, but until they are those records should not even be considered in the board or any board member making a decision. We are limited to the public record here, site inspection and exhibits".

Mrs. Walsh going back to a statement that was made earlier stated "this is a board of adjustment to which residents come to appeal the zoning code, we sit here to judge each application on it's individual merit." Mrs. Walsh agrees with the applicants, that if we did not look at each application on it's individual merit, no one that currently owns non-conforming properties, would ever come before this board to improve their properties, and that concerns her. She does not think this application is going to have any negitive impact on the neighborhood, it's not going

to increase traffic, the parking variance is not out of line and she does not have any problems with this application.

A motion to open the public session was made by J.Miller, seconded by E.Lyons, followed by the following vote: "YES" T. J. Coan, J.Miller, N.Hood, J.VanStolk, P. Walsh, R.Brittle, E.Lyons.

Mr. Carmen Triggiano, 50 Central Avenue,a member of the Planning Board,also a member of the County Committe, was sworn in by Mr. Byrnes. Mr. Triggiano testified he was supposed to sit on the board if they were short a member, but they are not short. He did hear the tapes of the previous meeting. He testified he did go down to see the property in question. He did not get inside the house, but what he saw,and the way it is on the print, they could not take the downshtairs apartment and utilize it with the upstairs apartment. The only suggestion he has is that, if the apartment is used by the family, mother daughter, if it is sold under those conditions in the future they wouldn't have any problem at all. You do like to see improvements on the homes in the beachfront, this application probably would enhance that particular area.

A motion to close the public hearing was made by J. Miller, seconded by P.Walsh, followed by the following: "YES"- T.J.Coan, J.Miller, N.Hood, J.VanStolk, P.Walsh, R.Brittle, E. Lyons.

Mrs. Twaddell asked Mr. Byrnes if the resolution could be done tonight, so their not delayed on this, if it is approved tonight.

Mr. Lyons made a motion to approve and withdrew it.
Mr. Coan made a motion to approve this application with a stipulation on the deed that the apartment can be occupied, cannot be rented and that the house will go to one water and sewer, seconded by P. Walsh, followed by the following vote: :YES"- T. J.Coan, J.Miller, N. Hood, J.VanStolk, P.Walsh, E. Lyons. NO - R.Brittle.

A motion to memoralize this application was made by P.Walsh, seconded by J.Miller, N. Hood, J.VanStolk, P. Walsh, E.Lyons.

A motion was made for a 10 minute recess at 10:05 p.m. by J.Miller, seconded by J.VanStolk, followed by the following vote: "YES" - T.J.Coan, J.Miller, J.VanStolk, P.Walsh, R.Brittle, E.Lyons. NO- N.Hood.

The Board returned from recess at 10:15 p.m. with the following roll call: T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, E.Lyons,J.Burke.
For the record Mrs. Walsh left at 10:05 p.m. Mr. Burke returned to the Board.

APPLICATION - 6-97 - John & Benedetta O'Grady -303 Beachfront
Board's file was marked as A-1 to A-7 by Mr. Byrnes. Owner wishes to replace structure destroyed by fire with one family dwelling. Application denied for the following reasons: 107-27 - Sideyard setback for a corner lot from Pompano Beach Ramp - 7Ft. required, 1 Ft. proposed. Building Coverage 35% maximum allowed, 40% proposed. Lot Coverage 50% maximum allowed, 70.5% proposed. And any other variances the Board may deem necessary. V-6 Flood Zone, R-2 Zone. HARDSHIP VARIANCE.
The land is owned by American Timber and John O'Grady has a contract to buy and build.

Kevin Thomas put himself on record as representing the O'Grady's. John O'Grady, 1695 Glendola Road, Wall Township, was sworn in by Mr. Byrnes. Photos submitted were marked A-8A to A8H.

Mr. O'Grady testified they are under contract with American Timber Co. to buy the property known as Block 185 Lot 1, 303 Beachfront. He testified it is on the beachfront to First Ave., most are multi house and close together. There is nothing on the property right now, it was a 2 story dwelling, which was destroyed by fire. On the north side is Pompano walkway, on the south the house was destroyed by fire and is now being rebuilt. Pompano walkway is for pedestrian traffic only.
One variance seeking tonight is for lot coverage. Mr. O'Grady testified the actual lot coverage of the former house is realatively the same as we are proposing. We are proposing 70.4% lot coverage which includes the patio and garage. The Building coverage was about 38.2% which includes the garage, but not the shed and shower that were on the back. We are proposing 40.6%. The former building had a sideyard setback on the north side 6 inches to the walkway on the south side 0.8.
Reference to A-7 Mr. O'Grady testified they propose to build a one family, two story house, 3 bedrooms,with a storage basement and 2 car garage underneath. The top floor will be a master bedroom open over the living room except for some loft area and a cat walk out to a covered deck. The proposal will meet the side yard set back to the south, but not to the north. The north will have a 1 ft. setback, and a 7ft. setback is required. It will increase the amount of setbacks from what was there by 1/2 ft.. The house they propose will be 24 ft.but due to the jog, they have a 35 ft. run in the house that will take them down to 19 or 20 ft.. They will have a 2 car garage and parking for 4 more cars in the driveway, a total of 6 parking spaces. The only variances will be for the north setback. The height of the building will be 30 ft. There will be a shower in the garage. Lot size is 30 x 140 ft. with the exception of the jog which is 3 ft. in depth, which runs for a distance of 2.65 ft. roughly in the middle of the lot towards the south. The deck on the front of the house will be raised and open, there will be a 13x8 ft. covered section coming out of the front door of the house and also out of the doors on the second floor.

The back will have a deck over the garage and the second floor will have a covered deck. Mr. O'Grady testified this is a single residence and they will be living there. They will comply with the flood requirements which require the building be placed on pilings. Pictures submitted for evidence were taken by Mr. O'Grady about a month ago. A-8A is a view of the propery looking from First Ave. looking to the east, right to the south and left to the pompany access way to the north. A8B a picture of the outside of the building that existed there. A8C-picture of the north walkway. A8D- picture of the Whiting access taken from the east looking west. A8E- picture taken before the garage and the destroyed building was taken down at 303 Beachfront, A8F - picture of the house that remains on First Ave. from the north side of Pompano Ave.. A8G -house on the south side of Whiting Ave., which shows the house right on the walkway. A8H picture taken of 303 Beachfront from the beach.

Mr. O'Grady testified the basement area will be a cement slab and will run right up to the front. Will never turn it into a living area and will be put in the deed.

Mr. Hood has a problem with the 1 ft. set back.
William Reynolds -315 First Avenue came forward and was sworn in by Mr. Byrnes. Mr. Reynolds stated a problem in Manasquan is that cerifiicate of occupancies have been issued for illegal residence. He also had problems with the impervious pavements.

A motion to close the public hearing was made by R.Brittle, seconded by E.Lyons, followed by the following vote:"YES" T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, E.Lyons, J.Burke.

There being no more questions a motion for a favorable resolution with the 2 deed restrictions, only one house on the lot and there will be no living in the basement area was made by J.VanStolk, seconded by E.Lyons, followed by the following vote: "YES" T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, E.Lyons and J.Burke.

APPLICATION - 7-97 - Myrna Tietz -397 First Avenue
Mr. Byrnes marked the board's file as A-1 to A-8. Schedule A-9A . Owner wishes to demolish existing one-family dwelling and construct newone family dwelling. R-5Zone. Application was denied for the following reasons: 107-27 - Lot Frontage - 40 ft. required, 28 ft. existing. Front Setback - 10 ft. required, 6 ft. proposed.
Sideyard setback - 5 ft. required, 3 ft. proposed (north side).
Building Coverage - 35% maximum allowed, 45.6% proposed. And any other variance(s) the Board may deem necessary. A-5 Flood Zone - structure must comply. HARDSHIP VARIANCE.

Keith Henderson, of Lautman, Henderson & Wight, put himself on record as attorney representing this applicant.
Witnesses Myrna Tietz, 12 East Spring St., Somerville, N. J. and Paul Lawrence, Richard Grasso Architect, Manasquan, N. J.
Mr. Lawrence has appeared before this borad before. He is a licensed architect in the State of N. J., working in the shore area for 8 years. He assisted in the plans before the Board.

Mr. Lawrence testified the site is typical Manasquan First Avenue residence, a small single family frame dwelling, not currently year round use. The front yard setback is a minimum of 8.3 ft. off the property line. The existing property on the south side has a set back of 8.58 ft. To the north the property has a setback of 7.84 ft.. The property to the south has a setback of 2.52 ft. and the property to the north has a setback of 4.65 ft. to the property line. There is no property to expand this application. They are proposing along the north side of the property line a setback of 3 ft. which is a considerable improvement of what is there. The front yard set back would be 10 ft. with a 4 ft. extension of a covered entrance. On the setback to the south they are proposing 5 ft.. Cars currently park on First Avenue and the rear of Timber Lane, which has room for 6 cars. Lot coverage is 36.4 proposing. Overall lot coverage including steps and the proposed wood deck the lot coverage would be 40.69% which is below the minimum of 50%.
The existing house ia a one story , we are proposing 2 stories. The building will be slightly over 30 Ft. high. On the rear yard they are proposing 30 ft. and 20ft. is required.

Mr. Lawrence testified this application is in keeping with the Manasquan Master Plan and a vast improvement over the present structure, aesthetically. This property is designed so it can never be a 2 family.

Mr. Henderson agreed to amend the application due to the front steps from 6ft. to 3 ft..
Mrs. Tietz testified she purchased the property 1941 and purchased the land 1996.

Mr. Frank Diana, 401 First Ave., was sworn in by Mr. Byrnes.
He is the neighbor to the south, for about 35 years now.
The structure will improve the neighborhood and he thinks it is great.
A motion was made to close the public hearing by J.VanStolk, seconded by J.Miller, followed by the following vote: "YES"
T.J.Coan, J. Miller, N. Hood, J.VanStolk, R.Brittle, E.Lyons, J. Burke.

A motion for a favorable resolution was made by J.Miller seconded by J. VanStolk, followed by the following vote: "YES"- T.J.Coan, J.Miller, N. Hood, J.VanStolk, R.Brittle, E.Lyons and J.Burke

RESOLUTION - 4-97 - Richard & Patricia Dunne - 458 Long Avenue.
The resolution was read by Mr. Byrnes.
A motion to approve the resolution was made by J.Miller, seconded by E.Lyons, followed by the following vote: "YES"- T.J.Coan, J.Miller, ~~N.Hood~~, ~~J.VanSteik~~, R.Brittle, E.Lyons and J.Burke.

RESOLUTION - 23-96 -Harcourt & Karen Ward - 11-15 Wyckoff Ave.
Mr. Byrnes read the resolution.
A motion to approve the resolution was made by J.Miller, seconded by E.Lyons, followed by the following vote: "YES" - J.Miller, R.Brittle, E.Lyons and J.Burke.

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

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT

ADDENDUM TO AGENDA

THURSDAY APRIL 17, 1997

RESOLUTION - 5-97 - Gertrude Rossetti -50 First Avenue
To reopen case.

REQUEST FOR A SPECIAL MEETING FROM Keith Henderson For:
Joseph F. Carlet-113 Ocean Ave.
Kevin D.Toomey-59 Rogers Avenue

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

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ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT

THURSDAY - APRIL 17, 1997 MEETING AGENDA

On Thursday April 17, 1997, 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 - 3-97 - Cont. James Hope - ~~597~~ 579 Brielle Road

APPLICATION - 8-97 - Nanette Fick - 66 S. Farragut Avenue

APPLICATION - 9-97 - Elaine Diahy - 308 E. Main Street

APPLICATION - 12-97 - David & Ann Spratley - 319 First Avenue

RESOLUTION - 5-97 - Gertrude Rossetti - 50 First Avenue

RESOLUTION - 6-97 - John & Benedetta O'Grady - 303 Beachfront

RESOLUTION - 7-97 - Myrna Tietz -397 First Avenue

OLD / NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

Very truly yours,

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

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

SPECIAL JOINT MEETING OF MAYOR AND COUNCIL, PLANNING BOARD AND BOARD OF ADJUSTMENT.
APRIL 10, 1997 AT 5:00 P.M. in COUNCIL CHAMBERS OF BOROUGH HALL

AGENDA

Deputy Mayor Schmeling's welcoming statement to the audience.

Salute to the Flag.

Deputy Mayor Schmeling's statement re:
Open Public Meetings Act of 1975. Notice was given to the Coast Star and the Asbury Park Press on April 1, 1997.

INTRODUCTION: Purpose of Meeting

TOPICS: 1. Interaction of Boards.

2. Municipal Land Use Law (MLUL)

3. Zoning Board of Adjustment.

a. Introduction of members (John Burke, Chairman).

b. Statutory authority and responsibilities.

4. Planning Board.

a. Introduction of members (Chris Rice, Chairman).

b. Statutory authority and responsibilities.

5. Perception of Manasquan (6:00 p.m.)

a. Bill Wight.

b. Robert Wood.

REFRESHMENT BREAK

6. Master Plan.

a. History

b. Recent Zoning Changes.

(1). Changes to bulK requirements.

(2). Planned Multi-Family Residential

(3). Beachfront Residential.

(4). Exempt additions to non-conforming lots.

c. REVIEW.

7. Board Discussion.

a. Education.

b. Single Board

PUBLIC COMMENT

BOROUGH HALL, 15 TAYLOR AVENUE
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BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SOWECA, Municipal Clerk

SPECIAL JOINT MEETING OF COUNCIL, PLANNING BOARD & BOARD OF ADJUSTMENT.

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

APRIL 10, 1997, MEETING MINUTES

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, N. J.

Dear Council, Planning Board & Board Adjustment Members:

Enclosed please find a copy of the draft of the minutes for the April 10, 1997 combined meeting of Council and both Boards.

Board of Adjustment Chairman John Burke opened the meeting at 5:15 p.m. stating this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the salute to the Flag.

ROLL CALL: Board of Adjustment - T.J.Coan, J.Miller, N. Hood, J.VanStolk, P.Walsh R.Brittle, M.Kazenmayer, E.Lyons, J.Burke

PLanning Board - C.Rice, Chairman - R.Zanes, P.Dunne, P.Walsh, D.Place, N.Hamilton, J.Mastrian, R.Ratajack. ABSENT - Mayor Winterstella, W.Schmeling arrived at 5:20 p.m and C.Triggiano arrived at 5:25 p.m..

Council - William Schmeling, Brian Holly, Michael Long.
ABSENT - Mayor Winterstella, James Blumenstock and Eden O'Hare.

John Burke, Chairman of the Board of Adjustment, introduced all the members of the board.

Chris Rice, Chairman of the Planning Board, introduced all the board members, also the Planner Mr. Szymanski and the secretary of both boards Marie Applegate.

Mr. Schmeling took over the meeting at this point, and apologized for being late.

Mr. Schmeling stated the purpose of this meeting is a two fold meeting, originally it grew out of a discussion between Planning Board members and Board of Adjustment members, as to how better to relate between the two boards. After discussion betweeen the boards and council the chairman and council decided to expand beyond those purposes with regard to redevelopment in Manasquan, and how the Master Plan hinges on the development in Manasquan.

What does the Master Plan say we're doing in town, what have we been doing, and how the board is implementing those uses of the Master Plan, to make sure that everyone understands what the Master Plan does about Manasquan, where the development is going and are we really moving in those directions.

We in Manasquan have two active Boards, some towns have trouble getting members, but in this town we have no trouble.

He stated the boards do interact. The Planning Board is really a generalist, we kind of set the purpose, set the tone for where the development is going in town for which we prepare a Master Plan, which I hope all the members of the Board have one and have looked at. Our Master Plan was adopted back in 1992. We presently are discussing whether we need to review that and re-examine to see where we are going. The Board interaction goes with the Planning Board being the generalist, we look to set the tone for development in town, look at the various zoning districts, and say is this the proper zoning, does this make sense in this town to be zoned this way. There isn't a lot of property left in Manasquan, there isn't even a lot of areas that are able to be commercially developed that requrire a site plan.

Mr. Schmeling stated the Zoning Board does the practical nuts and bolts work. The purpose of the Board is that it takes the specific application and says how does this application deal with the ordinances that have been adopted by the Council, generally at the request of the Planning Board. The Zoning Board looks at it and sees whether it meets the requirements of the zoning, if it needs a variance, (because they are looking for some relief from the bulk requirements, which have to do with side yards or where the house is situated), or they might be asking for a Use Variance, because they want to put a use in the property that isn't permitted..

The Council also adopts the ordinances which may come to either the Planning Board or the Board of Adjustment, or the Council may take the initive and propose certain zoning ordinances. All these actions are proposed to further the Master Plan.
After all those are taken place both our Code Enforcement Officer and our Zoning Officer are involved in making surethat applications that are heard before the Board of Adjustment or before the Planning Board, what ever approvals are granted that they are followed through on. In addition the Code Enforcement Officer and Zoning Officer look around town to make sure that certain development doesn't take place without the proper permits and proper approvement from the Board.

Mr. Szymanski stated from his perspective another thing that percipated this meeting is that the Borough is required to reach a statuatory requirement. The Statuatory requirement coming from the Municipal Land Use Law, that says the town at least every 6 years must re-examine it's Master Plan redevelopment. This is sort of a kick off of that process. It doesn't mean we're going to change the zoning ordinance and it doesn't mean we're going to change the Master Plan. There are certain statuatory criteria that have to be satisfied for that process, that get's culminated in a report that is adopted by the Planning Board at a public hearing by resolution.

In Manasquan the first adopted zoning oordinance was in 1947. Mr. Szymanski doesn't know when Manasquan adopted it's first Master Plan, but there surely was one in the 1960's because he saw one. He stated he got involved with Manasquan in the mid late 1970's when in 1978 a Master Plan was prepared,and it was followed up in 1982 and in 1988 was a re-examination that were done by the Planning Board that really didn't change the Master Plan, but in 1982 it initiated the word that went into adopting the current Master Plan, which was adopted in 1992. A part of this plan adopted in 1992 the Borough also had to adopt a housing element which it never had to do before to meet it's Mount Laurel obligations, which in terms of new construction became zero as the County bought the only vacant land that is more than 2 acres in size that could be developed and that is the Cove, although there is a rehabilitation requirement that is still be worked on.

The re-examination process involves the Borough looking at it's major imprint. The re-examination process is primarily the responsibility of the Planning Board. They are determined to reach out not only to the Zoning Board, but will be reaching out to the Environmental Commission, Shade Tree Commission, the Recreation Commission etc.. It will also look into things that are happening around the State. Mount Laurel requirements will have to be addressed.

Mr. Schmeling stated back in 1975 was that the State Legislature at that time adopted the Municipal Land Use Law. Up until that time there were a lot of diverse laws that dealt with planning, zoning, both on the State level throughout different communities. That law attempted to do was to codify all the Zoning & Planning Legislation under the Citation 40; 55E-1, and that is the law that currently governs the Boards, and that is where our power comes from. Those are the rules and regulations that we really are requaired to follow when applications come before us. Basically it set up different criteria for Planning and Zoning and gave those powers to Municipalities, but whats important to us is to keep in mind when we have applications before us we have to strictly comply with that ordinance. Basically while it gave Municipalities a lot of power to act on those applications that come before us, we still have to follow the rules and regulations of the Municipal Land Use law.

Mr. Rice stated this is the Land Use laws we are presently using, and there are quite a few guide lines we are supposed to follow. Some of them are: Secure safety from fire, flood panic. Natural and man made disasters. Provide adequate light, air and open space. Promote establishment or appropriate population density that are to contribute to the well being of persons, neighborhoods, communities or regions in preservation of the environment. To encourage the location and design of

transportation. To promote a desirable and visual environment to create a development technique of specific design and arrangements. Those are just a couple of what is in here.

The Board of Adjustment was given the primary areas to deal with variances. Variances are those which we call exceptions from our Zoning ordinance, and they primarily deal with exceaptions from the bulk requirements, they are the height of the building, or how close you are to the side yards etc..
Basically an application comes to them either a person goes and applies for a building permit and they get turned down or they know they aren't going to get it and they go directly to the Board of Adjustment. The primary variances are up to 1984 you could only get a variance if you could prove a hardship, and in 1984 that was changed and some criteria were added that made it more liberal. One of the questions you might want to discuss here, is what is a hardship? In that case we have to look at the Land Use Law and the Case Law to tell us what a hardship is. In the town of Manasquan, the reason we are so busy is that people want to improve their homes. We need to know when people come to us, what is a hardship.

Mr. Szymanski explained a hardship is something that you can have either a C1 or a C2 type of variance application. A C1 is your classic hardship where by the particular shape of the piece of property or some paculiar feature of the property you have a hardship situation and justify relief of what you are asking for. C2 variance is where you can show where you want to place a building where it does not meet the ordinance requirement, but by putting it in that location it promotes the purposes of objectives of Municipal Land Use Law.
To sell property for more money is not a hardship.

Mr. Burke stated a lot of people come before us stating they want to do this with their house as the board granted the people down the street permission to do it 10 years ago, we can't do it now as 10 years ago it was a different board, different circumstances, we can't take that into account, we have to look at every single case on that individual case basis and we have to made our determination on the testimony given on that particular case. We can only look at neighbor hood that pretains to that property, abuting it or houses along side.

Bill Wight from Ward Wight Realty came forward and gave an overview of what people see in Manasquan and how they think of Manasquan. He frankly thinks that people sell thier homes in Namasquan, he never hears any negative reasons, usually just personal needs with the exception of taxes. The attraction of it is the schools are a draw, people who are attracted to samll communities, the down town is nice, the attraction of the town, the east of the track people who summered here and

who want walking distance of the beach, and the main draw is the ocean and the beach. Another thing that may not be obvious to anybody is if they are buying in Manasquan, it doesn't make any difference if they are in the beach area or in town. The beach is creeping to be a year round place. One out of every 3 is the objective is to move into that house year round or to move into that house soon year round.

Mr. Burke stated most cases coming before us over the past 2 years, have gotten numerous use variance cases for the beach front area. because of the size of the lot, but He would say every single one that has come before the Board of Adjustment for a complet redesign and complete rebuild of the house, has been because they want to move down here and live permanently.
A lot of the houses were able to buy the land from American Timber, and almost all the cases are coming for variance so they can put a second floor on and expand the house so they can live there year round.

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

JOHN L. WINTERSTELLA
Mayor

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - APRIL 17, 1997

The Manasquan Zoning Board of Adjustment held their regular meeting on April 17, 1997 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, called the meeting to order at 7:30 p.m.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROll CALL: T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons and J.Burke.

APPLICATION - 3-97 Cont.-James Hope - 579 Brielle Road
As requested at the last meeting an amended denial of permit has been received from the construction official, dated 4/9/97 and it has been marked as exhibit A-2A as original denial was marked A-2.
A motion to close the public hearing on this application was made by Mr. Brittle, seconded by Mr. Hood, followed by the following vote: "YES"- T.J.Coan, J.Miller, N.Hood, J.Vanstolk, R.Brittle, E.Lyons and J. Burke,

Mr. Hood stated Mrs. Walsh asked for the elevation certification and he said he sees it is 1'4" under flood elevation. He stated since it is a use variance it is more of a risk. Mr. Hope said Mr. Ratz told him it would have to go in the attic and that is where the heat has been put.
T.J.Coan's concern is that the lot is undersized and is way over on the existing lot coverage. If you put heat in, it's a benefit to the applicant but not to the neighborhood.
Mr. Burke said a benefit he saw was upgrading a rental by putting heat in, it would upgrade the tennant also.
Mr. Hope stated he takes houses, fixes them up and sells them. There are 4 houses on Brielle Rd. that he has fixed up.
Mr. Hope said the house had heat in it, which were two units attached to the wall.
Mr. Burke gave Mr. Hope an option, of going up to talk to Mr. Ratz, and coming back to us at the next meeting.
Mr. Byrnes told Mr. Hope if there was heat in the house at some point and time, regardless of whether you ripped it out or it just stopped working, that house had heat. No one intended for it not to have heat, you simply replaced an old unit with a new unit. If that's the case then you don't have to be here and you don't need a variance, so if you explain it to the construction official or the zoning official, that the heat was there and you simply replaced it, that is a factual statement.

Mr. Hope will continue this for a month, so he can talk to Mr. Ratz. If Mr. Ratz gives a permit, Mr. Hope just has to withdraw his application.

A motion was made to contine this application to the May 21, 1997 meeting, by J. Miller, seconded by R.Brittle, followed by the following vote: "YES"-T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons and J. Burke.
Mr. Hope waived the 45 day period.

APPLICATION - 8-97 - Nanette Fick - 66 S.Farragut Avenue
The boards file was marked as A-1 to A-11. Block 125 Lot 1
Owner wishes to construct a two-story addition to the existing one-family dwelling. R-2 Zone.
This application was denied for the following reasons:
107-27 - Front Setback - 25 feet required, 3.25 feet existing. (proposed addition will have 11.2 feet setback). Maximum Building Coverage -30% maximum permitted, 31.6% proposed. And any other variance(s) the Board may deem necessary. A-5 Flood Zone - structure complies. HARDSHIP VARIANCE.

Nanette Fick, 66 So. Farragut Ave, and William Fick, 66 So. Farragut Ave. were sworn in by Mr. Byrnes.
Mrs. Fick testified the main reason is there is no laundry for 6 months of the year, as it is out in the garage, which we never rented or never would rent, as we used it for our children.
In discussing photo's which were presented, the house jigs and jags. The kitchen area which is what you see with the railing, that is the 11.25 and that is the point where we would like to expand out 10 feet horizontal, straight out, which would give us an extended kitchen which we would like to eat in, gives us a laundry area, it gives us entry area, which is the only way to get into the house without destroying somthing else that is in the house. It also keeps the integrity and character of the house, which is why we bought it. This is a typical Manasquan house and when the addition is put on it will be clear that that is an addition and it will look great. The builder said it will look like it has always been there. It will give us a large family room. She testified she did show the plan to her neighbors next door, across the street and the neighbor in the back did not need to see the plans, as he liked everything we have done with the house.

The house was purchased in 1985, and they own the land.
Mrs. Fick feels it will look much better when the addition is put on. Mr. Fick testified it will be a benefit to the area.
They are adding on to the North east side of the house, they are expanding 10 feet towards the garage and expanding 12 feet to the East of the property and still staying within 5 ft. of the property line. The only changes to the house are going to be over that kitchen area towards the garage and the back of the property. It will be a white clapboard on the new addition upstairs. The house has already been raised above flood level.

Mrs. Fick testified the structure behind the garage is a bedroom

and bath, it also has a 5 foot wide porch attached to the back of the garage. Mrs. Fick testified there will be no changes to the garage, and will never be rented. There is no food or cooking in the structure. Mr. Coan asked if there would be a deck on the back and Mrs. Fick testified no. She testified the height is 27 Feet. She testified they are not going to have an outdoor shower, it will be inside where the washer and dryer are. Mr. Hood wanted to know if they would put it on their deed that the room in back of the garage will never be rented. Mrs. Fick said she would not have any problem with that.

Mrs. Walsh arrived at 8:35 p.m. and will not be able to participate in this application.

A motion to close the public hearing on this application, was made by J.Vanstolk, seconded by J.Miller, followed by the following vote: "YES"- T.J.Coan, J.Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons and J.Burke.

Mrs. Fick testified this will have no effect on air or light on their neighbors. It will increase the value of property in the neighborhood.

Mr. Hood moved for a favorable resolution on this application with a stipulation that the height of the new addition will not be more than 28 feet and a stipulation on the deed that the room in the garage will never be rented, seconded by T.J.Coan, followed by the following vote: "YES"-T.J.Coan, James Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons and J.Burke.

Mr. Byrnes told the Fick's that even though the resolution will be read at the May 21, 1997 meeting, there will be a condition in there, that you must file the deed with the Clerk of Monmouth County setting forth the two restrictions in there. Your building permit will not be issued until the deed has been recorded and he has been provided with a copy of it, and also that the Board Secretary has been provided with a copy for the file, without that no permit will be issued.

APPLICATION - 9-97 - Elaine Diahy - 308 E.Main Street
The Board's file was marked A-1 to A-12.
Owner wishes to construct additions to existing dwelling and add a second curb cut. R-1 Zone.
This application was denied for the following reasons: 107-27 - Rear setaback - 20 feet required, 13 feet existing. 107-23.- Curb cut in residential zones, Maximum allowed 1 proposed 2. A-5 Flood Zone - Work must comply. And any other variance the Board may deem necessary. Hardship Variance.

Elaine Diahy, 308 E. Main St. and Ronald Diahy, 308 E.Main St. were sworn in by Mr. Byrnes.
Mr. Diahy testified he built exhibit A-12 to see how it would look before they built it. The exhisting house is 1600 sq. ft. and the addition is 800sq. ft.. After building the exhibit they liked it so that is what they are going to build. He testified they are adding a den downstairs with 2 bedrooms and a bath on top, with a wrap-around porch down. We have 2 children and want more, so we want another bedroom. On the curb cuts, we don't have a back yard, only a front yard. We would like to take the driveway out and make a horse-shoe drive out in the front. It is hard backing out on Main St. so by making a horse-shoe it would be a lot easier to pull out. One curb cut is existing and we would just be making another cut.
Mr. Burke said the concern of the Board is that there is a law in town about parking anything in the front yard, and the Board doesn't think it would look nice to have 2 vans parked right in front, they feel it would be better to have them on the side. As far as the addition is concerned, the Board has no problem with that, it is only the curb cut and a driveway to park 3 or 4 cars right across the front of the property.
Mr. Burke stated we will take a 5 minute break and you and your wife can talk it over, to see how you want to handle it.

Motion was made by Mr. Miller for a 10 minute recess at 9:30 p.m. seconded by P. Walsh, followed by the following vote: "YES" T.J.Coan, J.Miller, N. Hood, J. VanStolk, P. Walsh, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke

The Board returned from recess at 9:45 p.m. with the following ROLL CALL: T.J.Coan, J.Miller, N.Hood, J.VanStolk, P.Walsh, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

Mr. Diahy testified, they would like to withdraw 1 curb cut.
Mr. Burke told them, by withdrawing, now you still have an option of coming back again.
Mr. Burke stated on your denial 107-27 remains, 107-23.3 is what you are asking us to withdraw.
Mr. Diahy testified he purchased the property in 1986, they own the building and land.

Mr. Diahy testified it will not affect the light and air to any neighbors, and it will improve the looks of the house, and it will have no effect on the zoning of Manasquan.

Mrs. Walsh made a motion to close the public session on this application seconded by J.Miller, followed by the following vote: "YES" - T.J.Coan, J.Miller, N.Hood, J.VanStolk, P.Walsh, R.Brittle, M.Kazenmayer, E.Lyons and J.Burke.

A motion for a favorable resolution on the amended application

was made by J.VanStolk, seconded by N.Hood, followed by the following vote: "YES"-N.Hood, J.VanStolk, P.Walsh, R.Brittle, M.Kazenmayer, E.Lyons, and J.Burke.

Mr. Burke congratulated Pat Walsh, as of Monday she will become a member of the Board of Education. She will have to resign her membership from this Board and she will be very much missed.

APPLICATION - 12-97 - David & Ann Spratley -319 First Avenue
The Board's file was marked as A-1 to A-9.
Owner wishes to domolish existing one family dwelling and construct new one-family dwelling with detached garage. R-5Zone. This application is denied for the following reasons: 107-27 -Lot Frontage - 40 Ft. required, 35Ft. existing. Front Setback - 10 Ft. required, 9 Ft. to building, 5 Ft. to steps. Accessory Building - Front setback from Timber Lane - 10 ft. required, 5 ft. proposed. Building Coverage - 35% maximum allowed, 38% proposed. 107-036.A - Off Street Parking - 2 spaces required, 1 space in garage provided. Section 107-23.3 permits only one 12 ft. curb cut where property has only a one car garage. A-5 Flood- Structure will comply. And any other variances the Board may deem necessary. HARDSHIP VARIANCE.

Ann Spratley, 319 First Avenue and David Sprateley, 319 First Avenue, and their architect Tom Petersen, 48 Federal Key, Colts Neck, N. J. 07722, who has had his license since 1980 and has been before various boards, also this board.

Mr. Spratley testified, they want to live in Manasquan, and as of today at 2:00 their primary residence is Manasquan. He testified they came to Manasquan about 20 years ago and are going to retire here based upon what is going to happen tonight. Mr. Petersen testified they are going to demolish the existing structure and rebuild. On the front setback we will be in line with all the other haouses. The existing structure is at 9.05 ft. and the steps will be turned side ways instead of coming straight out. The single car garage in the rear, is at 5 Ft.and 3 other garages on the street are right on the street. The building coverage they worked hard to keep that as tight as they could. Off street parking they have provided one. On the side of the new structure there will be a drive which will provide 2 parking spaces. There will be 2 curb cuts, one in the front and one in the rear. The current curb cut will be removed. The new structure will have a porch, living room, dining room, kitchen, den and powder room downstairs. The second floor will have a master bedroom, bed room, and 2 baths, the loft will be a bedroom. The cupola is for aesthetic purposes only, to keep the house from looking long and narrow,as testified by Mr. Spratley. The roof line is 28 ft. in the back and 26 ft. in the front. The height with the cupola will be 35 ft. There will be an enclosed shower on the side in the rear and

will comply with the Boro code on the drainage. The hard copy of the plans was marked as exhibit A-9. The driveway on the north side of the house will be stone and will go back to the enclosed shower. The deck on the second floor is 4x8 which will be a shelter to the first floor.
Mr. Hood had a problem with the height of the garage which is to be 14 ft. Mr. Petersen testified they will be able to bring it down to 12 ft.

John Boyle, 317 First Avenue, was sworn in by Mr. Byrnes. He testified he is the neighbor and his concern is the new driveway on his side, how long is it and how wide is it and how will they contain the stones in there? Mr. Petersen said the width is 9 ft. the length from the property line back is approximately 40 ft. and from the edge of the house 31 ft.. He also complained about the drive way being only 9 ft. wide and it is going to be very tight. His bedrooms are on that side and they have a lot of cars and it's so narrow their only going to be able to get out on the drivers side. They have a lot of cars there, 5 or 6 at a time. Mr. Boyle stated the garage is in a very precarious position even though it is 5 ft. off Timber Lane. The hours of construction is 8 am to 6 pm Monday through Saturday.
Mr. Byrnes asked Mr. Boyle if there will be sufficient room in the driveway area for a passenger to open the door and get out of the car without hitting your house. Mr. Boyle stated there is 5 ft. Mr. Boyle wanted to go on record how he feels about it, that it is going to be very tight, not the house but cars parking and clearances.

Mr. Brittle made a motion to close the public hearing, seconded by J. Miller, followed by the following vote: "YES"-T.J.Coan, J.Miller, N. Hood, J.VanStolk, P.Walsh, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

The property was purchased in June 1996 also the land.

A motion by Mr. Hood for a favorable resolution with the stipulation that the south side curb cut on First Avenue be closed and eliminating the garage height to 12 ft. on Timber Lane, seconded by J.VanStolk, followed by the following vote: "YES"- N.Hood, J.VanStolk, P.Walsh, R.Brittle, M.Kazenamayer, E.Lyons, J.Burke.

APPLICATION - 5-97 - Gertrude Rossetti - 50 First Avenue
Request to reopen the case of Gertrude Rossetti. Mr. Burke cannot participate in this case as he resides within 200 ft.
Nancy Wright, Attorney with Bathgate, Wegener & Wolf, put herself on record as representing Gertrude Rossetti.

Mr. Byrnes gave a back ground of the case up to this date.

At the March 19, 1997 meeting the application was completed and the resolution was passed on that date and at the request of the applicant memoralized. All that had to be done was for resolution to be written by Mr. Byrnes and read into the record tonight and voted on by the Board Members.
When Ms. Wright told Mr. Byrnes she wanted to reopen the case, he advised her that it is a difficult burden at best to reopen somthing that has been concluded and he discussed whether or not this was going to be a new application or a change, and she advised that it was not. She requested that the matter be placed on tonights agenda and after confirming with the Chairman, it was agreed to be put on because certainly the applicant has the right to make this request.

Mr. Byrnes stated the proceedure tonight will be 2 fold. Before he does that he will note that there is in the file a certification from Marge Kazenmayer, she has listened to the tapes of March 19, 1997 meeting, also the February 19, 1997 meeting.

Ms. Wright will be seeking to ask the Board to re-open the hearing and will state her reasons as legally why the Board should consider. No testimony will be heard at this point. After Ms. Wright has stated her reasons and answered any questions from the Board as to why the matter should be re-opened, the Board will then vote as to whether or not they will allow it. If the Board does not allow the matter to be re-opened, then that will conclude this part of the agenda. If the Board agrees that the matter should be re-opened then Ms. Wright through her witnesses will be able to address what ever issue or issues she is going to set forth in her motion to re-open. There will be no new evidence on new issues. The application will not be amended, this is not going to be a new application, and we're not going to go over old ground. Testimony will be limited to that which we will be discussing when Ms. Wright makes her presentation.
The grounds or burden of proof which must be met, is a difficult one because Boards of Adjustment, their determinations are subject to reconsideration and revision by the agency itself and a re-hearing and taking new evidence is allowed, so long as the Board retains control of the proceedings and the rights have not vested. The applicants rights have not vested because this application was not formally concluded because the resolution had not been read into the record before hand. Had it been, Mr. Byrnes didn't think we would be discussing this.

Mr. Byrnes said the only 3 areas that allow an applicant to re-open, would be fraud, mistake or substantial change in the prior proceedings. As Mr. Byrnes spoke to Ms. Wright, no one has even mentioned the word fraud other than to see that it does not apply here, so now we have mistake or substantial change

in the prior proceedings.
Ms. Wright said the purpose of them being here is a mistake in the prior proceedings. She testified she listened to all the tapes and many times repeated in the tapes was the statement of this multi-dwelling being in violation of the ordinance when it was first inacted in 1938. This is a mistake that created a very substantially stringent review of this application. The application merely sought extension of a roof line for a property that had a pre-existing non-conforming use. It appeared that the standard of review was very stringent based on an over riding scene of prior violations, which was a serious mistake on the record, and that was not corrected.

The second area of mistakes was that the porch area was stated not to be enclosed. If you look at the pictures, the porch area was not enclosed at the time. It was a mistake for the Board not to be informed of the fact that that porch area had storm windows, that infact enclosed the whole porch area. This application was to extend a roof line approximately 5.9 feet.

Ms. Wright would ask the Board to consider allowing the record to be opened to specifically address the history of the ordinances and this property in the Borough of Manasquan and to address the use of the enclosed area of the porch historically on the property.

Mr. Byrnes said he thinks the Board should give strong consideration to allowing the applicant to present their proofs and hear what they have to say.

Mr. Coan felt that the case should not be re-opened. Mr. Miller and Mrs. Walsh disagreed with Mr. Coan and would like to see the case reopened.

A motion to reopen this case was made by P. Walsh, seconded by J.Miller, followed by the following vote: "Yes"-J.Miller, P.Walsh, R.Brittle, E. Lyons. "NO"- T.J.Coan, N.Hood, J.VanStolk, M.Kazenmayer. 4 Yes and 4 No

Mr. Byrnes stated without a majority to re-open it cannot be re-opened.

Ms. Wright stated she found it difficult to understand when an item as critical as when the first zoning ordinance was enacted was so discussed from the record and when statements as critical as that the property was in violation went on the record, that the Board wouldn't afford the opportunity to someone who has owned that property for over 50 years, a chance when so much is at stake at this point in that property owners life, to take 10 or 15 minutes to allow the property owner to address

and clarify what the property owner deems as mistakes of record. There were statements on the record, there were inconsistant statements that were never resolved the night of the meeting, No. 1, because no first zoning ordinance was produced that night to resolve the issue with any formality or any legality. Secondly in terms of the porch windows, you saw what you saw, but you haven't even provided them with the opportunity to explain what the windows did and how that affected the porch and what that does to this application, and they did not have the opportunity of having legal counsel and for an extension of a roof line of 5.9 ft., you required that in essence they eliminate an apartment that was a right, that went with that property for over 55 years, that is not at all impacted by the application before the board, specifically by the extension of the roof line. More importantly you do not need and your not doing any thing to me, this is a property owner that has lived here for 50 years. How can you sit there and not allow them to just present their case, some one that is 93 who has sat here all night. As a courtesy you can't just let some one come up here and speak when there were such discrepancies on the record.

Mr. Byrnes stated this matter is still on the agenda for reading of the resolution which he will do tonight, there is a restriction that has been placed by the Board on the deed. Mr. Byrnes would like the deed sent to him so he can read it.

Ms. Wright asked the Board if they won't consider opening a hearing for this, in the event an appeal proceeds on this matter, what she would ask is that the property owner would have the right to file with you an executed deed restriction in accordance with your approval and that the building permit proceed. That would be at the risk of the property owner, there would be no risk to the Boro or Zoning Board, because that deed would be recorded, because the condition associated with it would be one that would be up held by the court, or have to be recorded and you already have it exercuted, or in the alternative if they ever pervailed it would be lifted and either way they would have the right to proceed with the construction at their own risk.

A motion by T.J.Coan to hold the deed in escrow with Mr. Byrnes, it would be executed but not recorded in the county until such times as the determination was made, seconded by J.VanStolk, followed by the following vote: "YES" - T.J.Coan, N.Hood, J.Van Stolk, P. Walsh, R.Brittle, E.Lyons. "NO" - M.Kazenmayer "ABSTAIN" - J.Miller.

Mrs. Rossetti told the Board they must be very proud of themselves, your minds were made up before you got here. She stated, what satisfaction you get out of doing this. I never

said one word and I think I should have a chance to say somthing. I will never forget this to all of you.

A request for a special meeting by Mr. Keith Henderson was denied with a motion made by J.VanStolk, seconded by T.J.Coan, followed by the following vote: "YES" T.J.Coan, N.Hood, J.VanStolk, M.Kazenmayer, E. Lyons, J.Burke. "NO" - R.Brittle "ABSTAIN" J.Miller, P.Walsh

A motion to hold an extra meeting on May 28, 1997 to hold 4 cases with the express idea of advancing the calender was made by N.Hood, seconded by J.VanStolk followed by the following vote: "YES"- T.J.Coan, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke. "ABSTAIN" J.Miller, P.Walsh.

A motion to postpone approving the minutes of March 19, 1997 until the question on page 5 can be straightened out, was made by J. VanStolk, seconded by M.Kazenmayer, followed by the following vote: "YES" T.J.Coan, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke. "ABSTAIN" P.Walsh.

For the record Mr. Miller left at 12:01 A.M..

RESOLUTION - 5-97 - Gertrude Rossetti - 50 First Avenue
The resolution was read by Mr. Byrnes.
A motion for a favorable resolution was made by N.Hood, seconded by J.VanStolk, followed by the following vote: "YES"- T.J.Coan, N.Hood, J.VanStolk, P.Walsh, E.Lyons.

Mr. Byrnes wished Mr. Walsh the best of luck and it has been a sincere pleasure on his part to work with you over the years, we have not always agreed on every issue, and you have been a very good board member and have always tried to put the interest of the Borough and the Board in the forefront and put any personel prejudics or anything else aside and I appreciate that. Thank you very much and best of luck to you on the Board of Eduction.
Mrs. Walsh thanked him and said she hopes to do the same on the Board as she has here. She has enjoyed almost 9 years of service, and won't miss being here on Wednesdays.

RESOLUTION - 6-97 - John & Benedetta O'Grady- ~~50 First Avenue~~ 303 Beechfront.
Mr. Byrnes read the resolution.
A motion to approve the resolution was made by N.Hood, seconded by J.VanStolk, followed by the following vote: "YES" T.J.Coan, N. Hood, J.VanStolk, R.Brittle, E.Lyons, J. Burke.

RESOLUTION - 7-97 - Myrna Tietz -397 First Avenue
The resolution was read by Mr. Byrnes.
A motion for a favorable resolution was made by N.Hood, seconded by T.J.Coan, followed by the following vote: "YES"-T.J.Coan,

N. Hood, J.VanStolk, R.Brittle, E.Lyons, J.Burke.

A motion to go into executive session was made, seconded followed by the following vote: "YES"- T.J.Coan, N.Hood, J.VanStolk, R.Brittle, E.Lyons, J.Burke.

The Board came out of executive session at 12:30 A.M. with the following roll call: T.J.Coan, N.Hood, J.VanStolk, R.Brittle, E.Lyons and J.Burke.

There being no more business, a motion to adjourn at 12:33 a.m. was made, seconded and unanimously carried.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
Incorporated December 30, 1887
908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT

WEDNESDAY - MAY 21, 1997 MEETING AGENDA

On Wednesday May 21, 1997, 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 - 3-97 - Cont.- James Hope - 579 Brielle Road

APPLICATION - 10-97 - Dr. Frederic Paperth - 28 Union Avenue

APPLICATION - 13-97 - James Hope - 79 Second Avenue

APPLICATION - 15-97 - American Timber Co. - 309 First Avenue

APPLICATION - 17-97 - Lucy McClennen - 566 Whiting Avenue

RESOLUTION - 8-97 - Nanette Fick - 66 So. Farragut Avenue

RESOLUTION - 9-97 - Elaine Diahy - 308 E. Main Street

RESOLUTION - 12-97 - David & Ann Spratley - 319 First Avenue

OLD / NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

REQUEST SPECIAL MEETING - Constantinou - Interpretation

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - MAY 21, 1997

The Manasquan Zoning Board of Adjustment held their regular meeting on May 21, 1997 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, called the meeting to order at 7:30 p.m.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E. Lyons, J.Burke.

A motion to approve the minutes of April 17, 1997 with a correction on page 10 was made by J.VanStolk, seconded by R.Brittle, followed by the following vote: "YES" T.J.Coan, J.Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons and J. Burke.

Mr. Michael Parziale was introduced by Mr. Burke. He was sworn in by Mr. Byrnes, as a new member of the Board. Mr. Miller was the Board's first alternate, he now becomes a voting member of the board.

APPLICATION - 3-97 - Cont. James Hope - 579 Brielle Road
A letter from Mr. Ratz was received and is in the file that there had been heat in the house, and no variance will be needed to keep the heat in there, also a letter from Mr. Hope asking to withdraw his application, which Mr. Burke stated has been accepted.
MR. Coan said he reviewed the records from the tax office and they show that there was never any heat in the building, so he is a little puzzled as to how Mr. Ratz can make that determination and he just wants to make sure Mr. Hope doesn't withdraw his application only to come back again.
Mr. Byrnes stated Mr. Ratz made the initial determination that a variance should be requested, and it is Mr. Ratz who has now made a determination that a variance is not needed. Mr. Byrnes suggestion is that Mr. Hope be allowed to withdraw his application without prejudice and if any one comes in and seeks to have him come back in here to obtain a variance, that he be allowed to open the case at that point.
Mr. Burke and Mr. Coan will go and talk to Mr. Ratz.

A motion to accept Mr. Hope's withdrawal of his application without prejudice was made by Mr. Miller, seconded by M.Kazenmayer, followed by the following vote: "YES"-J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

APPLICATION 13-97 - James Hope - 79 Second Avenue
Mr. James Hope, 560 Salmon Avenue, was sworn in by Mr. Byrnes.

Mr. Byrnes stated this application is 13-97 -for property located at 79 Second Avenue, Block 163 Lot 6.
Mr. Hope testified yesterday afternoon one of his neighbors had reviewed this application, and Mr. Hope was told that in 1982 property of all four neighbors was purchased from Mr. Zanes. The survey I show which was done in 1986 was the one given to me when I purchased the property, and it doesn't show that I have more property than I thought. Mr. Hope testified everything about this application is wrong because it's a bigger lot than what's on this survey.
Mr. Burke stated what they can do is to continue this application at the June 18th meeting. In the meantime talk to Mr. Ratz, get a new survey as he will have to give you a new denial. Re-notification will not be required.
Mr. Byrnes opened the application and marked the file as A-1 to A-8. He stated a new survey, a new denial and a new application will be needed. A motion for a site inspection on this property on Saturday May 31, 1997 at 9:00 a.m. was made by M. Kazenmayer, seconded by J. VanStolk, followed by the following vote: "YES"- J.Parzialle, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

APPLICATION -10-97 - Dr. Frederic Paperth - 28 Union Avenue
Mr. Byrnes marked the boards file as A-1 thru A-9.
Owner wishes to construct 20 square foot sign. A-1 Zone.
This application was denied for the following reason:
107-80.B (2) (b) - Maximum size of free standing sign 9 sq. Ft. allowed. 20 sq. ft. proposed. And any other variance the Board may deem necessary. HARDSHIP VARIANCE.

Mr. Noel Hood owns property in the area so it will be necessary for him to step down and excuse himself from this application.
Additional exhibits submitted were photos and were marked A-9A to A-9F. A resolution from 1974 was marked A-10.
Dr. Frederic Paperth, 401 Sycamore Lane, Brielle, was sworn in by Mr. Byrnes.
Dr. Paperth testified he would like to put up a sign, as he and his tenants are having a problem with people missing the building. One reason is the signs are on the front of the building and it is hard to see when you are riding by. He would like to put up a sign on the lawn in front of the building.
Dr. Paperth testified to photos of signs that are across the street from his building, which is what he would like to do.
Dr. Paperth testified, that when he put the building up in 1973, he applied for a variance to put up a sign and was approved, but then decided not to do it. He did not know it was only good for a certain amount of time, so that is why he is back now.
Originally they allowed him to put the sign further south in front of the building, now he would like it closer to the corner in front of the building. It will be 29 ft. from Euclid Avenue and 12ft. 2 inches from the curb on Union Avenue. It will be

an aluminum sign, lighted internally, with four names on it, a simple directory sign. Dr. Paperth testified there are 7 signs on his building now. He has 4 tenants now and 5 people, as 2 people share one office. He testified Dr. Jasaitis sign is 55 inches by 39 inches approximately, and 28 inches off the ground.

A motion to close the public hearing was made by Mr. Brittle, seconded by E. Lyons, followed by the following vote: "YES- T.J.Coan, J.Miller, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, and J. Burke.

Dr. Paperth testified it will be a plexiglass directory sign, .40 gauge baked enamel aluminum box framed internally with galvanized angle iron with four lamps.

T.J.Coan had a concern about the site triangle of the sign, and the 7 signs on the building.

Dr. Paperth testified there are only 2 offices in the center of the building, no access to the adjacent wings from the center of the building, so there are seperate entrances completely on the ends. There are two signs one on each side of the front entrance. On Mrs.Poverman's side there is one on each side of the door, one for her and one for her daughter, a guidence group. In the center of the building there is one little sign 28 with Dr. Blansings name above that. There is an authorized parking sign to the side of the building, which he can take down.
Dr. Paperth purchased the property back in 1973.
Mr. Byrnes told Dr.Paperth he must get an approval from DOT tp see if they have any objection to the sign on the highway.
He was also asked to get a traffic report from Officer Garrity.

A motion for a favorable resolution was made by M. Kazenmayer with the stipulation that the applicant talk to Officer Garrity and also get approval from DOT and to reduce the number of signs on the building, seconded by T.J.Coan, followed by the following vote: "YES" - T.J.Coan, J. Miller, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

APPLICATION - 15-97 - American Timber Co.-310 First Avenue
Mr. Parzialle excused himself as he lives at 305 First Avenue
The Boards file was marked as A-1 to A-9 by Mr. Byrnes. The color rendering was marked as A-10.
Owner wishes to construct new one family dwelling. R-4Zone
This application was denied for the following reason.
107-27 - Building Height: Proposed building does not comply with Note F. And any other variance the Baord may deem necessary. A-5 Flood Zone - structure must comply. HARDSHIP VARIANCE. This denial is based on information on plans and a proposed plot prepared by Aquatecture Architects. If this

does not accurately depict the property and proposed work, the applicant must accept responsibility.

Mr. Keith Henderson, Attorney with Lautman, Henderson & Wight placed his appearance on the record, as attorney for the applicant. Gregory Cox, Partner in Aquatecture Architects, 571 West Lake Avenue, Bay Head, N. J. and William B. Savalis, General Manager, American Timber Co., Sea Girt, N. J., were sworn in as witnesses.

Mr. Henderson was told by the Tax Clerk, that the address will be assigned the number 310 First Avenue, instead of 309, if a building is built there.

MR. Savalis testified his official capacity is General Manager of American Timber Co.. The share holders holding more than 10% of the shares are Dorothy P. Yard.

Mr. Cox testified he graduated from Pratt Institute, has his architect license in the State of New York, 10 years ago, his license in N. J. 13 years ago. his planners license in N. J. 12 years ago. His credentials have been accepted.
He testified he is familiar with the property in question and is familiar with the previous application of this property.
Mr. Cox testified, previously the applicant went before the Planning Board to sub-divide the property and at that time they were able to create two conforming lots, one on first Avenue the one in question tonight, is a conforming lot 30 ft. wide by 70 ft. deep, 2100 square feet. The Ocean front lot that was created is in excess of the minimum requirement, and was granted variances for a building that would be built on the ocean front lot. The First Ave. lot however, was denied before the Planning Board although the lot was approved and what we have done in listening to their concerns, we have revised the building to what we feel is a significant extent and we are presenting that revised structure here tonight.

Mr. Cox stated the initial sub-division, they were fortunate the original piece of property was 40 ft. wide, we were able to create a flag lot on the ocean front, which gave us a 10 ft. strip of land connecting the ocean front lot to the first Ave. lot., which allowed us to maintain the 40 ft. on the ocean front provide access to the First Ave.street for that ocean front lot which also allowed us to provide off street parking for a minimum of 2 vehicles and would also allow us to create a conforming First Ave. lot that would have conforming set-backs for all side yards. Theoff street parking is contained in a proposed garage within the dwelling unit, and one car on the driveway which connects from the First Ave. to the Ocean front dwelling. There is a four foot wide easement across the Ocean front lot to the First Avenue lot, that would allow the First

Avenue lot owner access to the beach. It is on the South side of the Beach front lot.
Mr. Cox testified the lot is 30 ft. north to south and 70 ft. east to west. It conforms to the front yard set back and it conforms with the rear yard set back, and also the side yard set back. The distance between the property to the north and the proposed north wall dwelling will be 15.1 feet. Mr. Cox testified they are requesting a variance for a dormer, for access to the half story of this building. The reason for the request is that we are allowed by ordiance a dormer on the east or west elevation of no more than 8% of our aggregate roof. We conform to the 8%, but due to the narrowness of the property we prefer to put a dormer on the westerly side which would allow us access to that 1/2 story.

Referring to exhibit A-10, they are proposing the shed type dormer on the south face of the building off the back of the front elevation. They are showing a good sized building a shingled roof. They are providing 2 off street parking spaces, on the first level they have indented the building that will allow us 1 car in the driveway and 1 car in the garage which they are proposing on the north elevation on the first floor, allowing 2 parking spaces, front and back situation. Mr. Cox testified this application is completely different from the previous application. It will not block light or air. It can be granted without detriment to the public good and it promotes the good as testified by Mr. Cox, and will not impair the intent of the zoning plan, if granted. American Timber Co. took title of the property in 1898 which was testified by Mr. Savalis.
The half story will be a bedroom. They are not required to put the house on pilings.
Mr. Burke stated a variance will be needed for the stairs, which will be 6 feet. This property is being developed to be sold.

A motion to close the public hearing was made by M. Kazenmayer, seconded by N.Hood followed by the following vote: "YES"- T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

A motion for a favorable resolution was made by J.VanStolk, with the stipulation that everything conform to the requirements of the Planning Board, seconded by N.Hood, followed by the following vote:"YES"- T.J.Coan, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke. "NO" - J. Miller.

A motion for a 10 minute recess was made at 9:33 p.m. seconded and carried by the following vote: "YES" - T.J.Coan, J.Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

The board returned from recess at 9:45 p.m. with the following roll call: M.Parzialle, T.J.Coan, J.Miller, N.Hood, J.VanStolk,

R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

APPLICATION -17-97 - Lucy McClennen - 566 Whiting Avenue
The Board's file was marked at A-1 to A-9 by Mr. Byrnes.
Owner wishes to construct additions to front and rear and add second floor to existing one-family dwelling. Block 184.03 Lot 11. R-3 Zone.
This application was denied for the following reason. 107-27 - Front Setback - 25 feet required, 14.9 feet proposed to steps. Rear Setback - 20 feet required, 14.8 feet existing and proposed. Maximum Building Coverage - 35 percent maximum allowed, 38.38 percent proposed, 39% existing. And any other variance the Board may deem necessary. A-5 Flood Zone - Building must comply with flood Zone Regulations. HARDSHIP VARIANCE.
This denial is based on plans provided by Richard P. Grasso, Architect, including site plan. If this does not accurately depict the property as of this date, the applicant must accept responsibility.

Keith Henderson placed himself on record as attorney representing the applicant. Richard McClennan, 260 Santuit Rd. Cotuit, Ma., and Paul Lawrence, of Richard P. Grasso & Associates, 171 Main St., Manasquan, were sworn in by Mr. Byrnes.
Mr. Lawrence testified he is a registered Architect in New Jersey. Graduated from Pratt Institute and working in N. J. for 8 years. Accepted as a professional Architect.

Mr. Lawrence testified he is familiar with this project and participated with the preperation of the plans. He testified the existing property is a single family residence and are looking forward to increasing that to a 2½ story structure.
The existing setback is 18.8 feet in the rear existing and the proposed is 14.8ft.. Building coverage existing is 34% and proposed is 38.38 %. Front setback 16.5 ft. existing, proposed 14.9 ft. to steps.
Mr. Lawrence testified the average set back is 15.15 ft. on that side of the street. Area map by Charles O'Malley was marked A-10. Mr. Lawrence testified the existing house is rather small, they are proposing that the 2nd floor be bedrooms, bathrooms and laundry area. The first floor will be strictly living room, dining rooom and kitchen area. There will be no seperate rental unit, no seperate kitchen area. It is a narrow lot 40 ft. and presents a challenge as far as creating a working floor plan.
He testified this proposal will not cause any detriment to the public good, and would not impact on the zoning plan or zoning ordinance. The height will be 32.6 ft. to the upper most portion of roof. Mr. Lawrence testified it was a last minute decision to make it 2½ stories. A new set of plans will have to be submitted.

Mr. Henderson stated new plans will be submitted showing the

elevation, the floor plan of the 1/2 story and will provide you with the flood elevation before the next meeting. There will be no exterior stairs to the second floor.

Mr. McClennan testified there is an enclosed shower on the side of the building, no roof and wood floor. This will make the setback on the side different. One option is to remove the shower or change the variance.

Mr. McClennan testified his wife Lucy is the owner of the house. They are here quite frequently, the house is not rented out.
The reason for the construction is to retire here. It was purchased April 6, 1993 from Theresa Clark. There are 2 parking spaces. At the present time it is a shared driveway, but the removal of some of the structure on the one side will open up the parking a little more. Using the easement and moving the structure, there will be room for 4 cars.
Mr. Henderson stated the applicant waived the time limit.

The Board scheduled a site inspection for Saturday May 31, 1997 at 9:30 A.M..

Mr. Henderson confirmed what the Board has requested, his understanding is the board would like a complete floor plan of the 1/2 story which has no plans at the present time, a flood elevation certificate, extras copies of the O'Malley set back drawing and the revised plans to show the elimination of the shower and replaced in the back, all air conditioning compressors to be shown and kept out of the fire lane areas, and if we require steps to be shown because of the elevation, we will show those and show the new setback and also the height.

A motion to continue this application to June 18, 1997, was made by J.Miller, seconded by J.VanStolk, followed by the following vote: "YES" - M.Parzialle, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

Mr. Byrnes asked Mr. Burke to get an amended denial from Sandy Ratz, as there were some omissions or errors on the original one.

RESOLUTION - 8-97 - Nanette Fickk - 66 So. Farragut Avenue.
The resolution was read by Mr. Byrnes.
A motion to approve the resolution was made by J.VanStolk, seconded by N. Hood, followed by the following vote: "YES" - J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

RESOLUTION - 9-97 - Elaine Diahy - 308 E. Main Street
Mr. Byrnes read the resolution.
A motion to approve the resolution was made by N.Hood, seconded

J.VanStolk, followed by the following vote: "YES" - J.Miller, N.Hood, J.VanStolk,R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

RESOLUTION - 12-97 - David & Ann Spratley - 319 First Avenue
Before reading the resolution, Mr. Byrnes stated one of the requirements was that the applicants through their architect would submit a revised set of plans showing the changes that had been agreed to by them. MR. Byrnes marked a 3 page floor plan with a cover letter from Tom Petersen as A-9A., showing curb cut locations new and existing and reducing the garage height to 12 feet. The Board accepted the revised plans.

The resolution was read by Mr. Byrnes.
A motion to approve the resolution was made by J.VanStolk, seconded by N. Hood, followed by the following vote: "Yes" - N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

A motion to approve the minutes of March 19, 1997 was made by J.Miller, seconded by N.Hood, followed by the following vote: "YES"- T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M. Kazenmayer, E.Lyons, J.Burke.

Mr. Burke stated we have been mandated from a Judge in Freehold that we hold a special meeting and we adjudicate the difference between the neighbors and the Planning Board.

The board voted to go into executive session at 11:00 p.m. to discuss two pending litigation cases with the following vote: M.Parzialle, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

The board came out of executive session at 11:30 p.m. with the following roll call: M.Parzialle, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenamayer, E.Lyons, J.Burke.

Mr. Burke stated we have had a proposal for a special meeting to hear the case of Kenny v Constantinou, that has been referred to us by Freehold, Docket #L 2322-97. The Attorneys have given us 3 dates June 5, June 17, June 18. One Attorney says he will not be available June 5th, so that date is no good, June 17th, the room here is not available, June 18th is the regular meeting, we have a full schedule and we cannot hear it then.

A motion was made to have Mr. Byrnes contact the attorneys and have them come up with subsequent dates for our approval to hold this meeting by J.VanStolk, seconded by J.Miller, followed by the following vote:"YES"- M.Parzialle, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

A motion to adjourn the meeting at 11:33 p.m. was made, seconded and unanimously carried.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT

WEDNESDAY - MAY 28, 1997 MEETING AGENDA

On Wednesday May 28, 1997, the Zoning Board of Adjustment of the Borough of Manasquan, will hold their regualr 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 - 11-97 - Robert & Joanne O'Connor - 556 Whiting

APPLICATION - 14-97 - Robert & Nancy Forman - 597 Briele RD.

APPLICATION - 16-97 - John Macilizio - 80½ Wyckoff Avenue

APPLICATION - 18-97 - Bajodek & Manalio - 147 Second Ave.

OLD / NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

Very truly yours,

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

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - MAY 28, 1997

The Manasquan Zoning Board of Adjustment held their regular meeting on May 28, 1997 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, called the meeting to order at 7:30 p.m.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: M. Parzialle, T. J. Coan, J. Miller, N. Hood, J.VanStolk, M.Kazenmayer, J.Burke. ABSENT: R.Brittle, E.Lyons.

Mr. Burke stated one of our members who was on the board a long timewas elected to the Board of Education. Mr. Byrnes read a resolution honoring Mrs. Walsh.

A motion to approve the resolution was made by J.Miller, seconded by J.VanStolk, followed by the following: "YES" M.Parzialle, T. J.Coan, J.Miller, N. Hood, J. VanStolk, M. Kazenmayer, J.Burke.

APPLICATION - 11-97 - Robert & Joanne O'Connor -556 Whiting
The boards file was marked as A-1 to A-10 by Mr. Byrnes.
Owner sishes to construct second story addition and front porch to existing house. Block 184.03 Lot 14, R-3 Zone.
This application was denied for the following reasons.
107-27 - Front setback - 25 ft. required, 10.3 feet proposed. And any other variance the Board may deem necessary. A-5 Flood Zone - structure complies. HARDSHIP VARIANCE. This denial is based on information on a Site Plan provided by the applicant. If this does not accurately depict the property as of this date, the applicant must accept responsibility.
Robert O'Connor-78 Burnham Rd., Morris Plains, N. J., and Robert Szatmary, 52 Adamston Dr., Brick, N. J., were sworn in by Mr. Byrnes. Robert Szatmary Contracting is the contractor for the applicant.
Mr. Szatmary testified the over hang on the second floor is 2 ft. on each side over the first floor. The front stoop will be 4 ft. wide by 5 ft. long and 2 steps down, which will make the front yard setback 8.3 ft.. Mr. O'Connor requested the application be amended for the front yard set back, to include the stoop and steps.
MR. O'Connor testified it is their hope to make this residence their permanent home. They want to put a second story on the house so they have sufficient bedrooms upstairs and completely renovate downstairs. The house was purchased in 1991. These plans are similiar to the house on the corner of Whiting and Timber. MR. O'Connor testified, right now the house has a living room, kitchen and 3 bed rooms and a bath on the enclosed back porch. The new addition will have 3 bedrooms, and 2 baths. Downstairs will have a 1/2 bathroom, study, living room and

kitchen. The foot print of the house will not be changed, the only change will be the stoop, which is being moved from the center to the side. The back is being extended 4 ft. on the top and bottom. Ducts are being put in, but they are not thinking of putting air in right now. There is room for 4 cars in the driveway. Mr. O'Connor stated there are 8 houses on the street and 6 of them are out further than ours.
Mr. O'Connor testified the structure will increase the neighborhood value, will have no negative effect on air or light to the neighbors. The height of the house will be 32 ft.

A motion to close the public hearing was made by J. VanStolk, seconded by N. Hood, followed by the following vote: "YES" M.Parziale, T.J.Coan, J.Miller, N. Hood, J.VanStolk, M.Kazenmayer, J. Burke.

Mr. O'Connor testified it is better alternative for the fact that we will be permanent residence, taking a more active part in the community and increasing the value of the property.

A motion for a favorable resolution was made by N. Hood, seconded by T.J.Coan, forllowed by the followig vote: "YES"- M.Parziale, T.J.Coan, J.Miller N. Hood, J.VanStolk, M.Kazenmayer, J.Burke.

APPLICATION 14-97 - Robert & Nancy Forman -597 Brielle Rd.
The Board's file was marked as A-1 to A-11.
Owner wishes to construct a second floor addition to rear portion of existing one family dwelling. Block 181 Lot 19, R-4 Zone.
This application was denied for the following reasons.
107-27 - Lot frontage - 30 ft. required, 22 ft. existing. Side setbck (west) 5 ft. required - .3 ft. existing 1.4 ft. proposed. Side setback (east) - 5 ft. required - .7 ft. existing. Lot Coverage - 50% maximum allowed -53.3% existing. Building height (note f) - west side violates setaback and therefore does not comply with this section. A-5 Flood - Addition will comply, and any other variances the Board may deem necessary. HARDSHIP VARIANCE.

Nancy Forman, 599 Brielle Rd. and Robert Forman, 599 Brielle Rd. were sworn in by Mr. Byrnes.
Mr. Forman testified they own right out to First Avenue. He explained they rent this house out to families, not groups and they generally have the same ones each year, and that is their complaints, the bedrooms are too small. He thought it would enhance the property to fix it up. The addition is over the kitchen area. They are not increasing the foot area at all.
On the west side the vertical height to the eve is 20ft. from the ground level. The first floor will have a 7ft.6" ceiling and the second floor will have the same thing and trying to stay within the ridge line it will be another 4 feet.
The dwelling was purchased in 1988 and the land in 1991.

Mr. Burke stated the front of the house is north, the rear is south and the sides are east and west. Building height (note f) is not needed as a variance. Exhibits A-8-land 2 were explained. The upstairs will have one room and a bathroom.
The whole house will be done in vinyl siding, and a new roof will be put on. Mr. Forman testified he will be willing to make the side walls on the house fire rated.

Carol Broderick, 21 Parker Avenue, wanted to know if the whole house had to be fire rated. Mr. Burke said only the 2 sides.

A motion to close the public hearing was made by J.VanStolk, seconded by N.Hood, followed by the following vote: "YES"- M. Pariale, T.J.Coan, J.Miller N.Hood, J.VanStolk, M. Kazenmayer, J.Burke.

Mr. Byrnes stated T.J.Coan raised this point, and since it has been raised, it ia one that has to be addressed. Section 107-35.1. It was read by Mr. Byrnes. Sections c.e.f.g.might apply,so it will have to be added on as a variance. Mr. Byrnes asked Mr. Forman if he would like to amend his application to include the necessary variances from Section 107-35.1. Mr. Forman agreed to do that.

A motion for a favorable resolution was made by J.VanStolk, with the added variances and also deliting the building height (note f) which is not needed and the stipulation of the fire rating on both sides, seconded by M.Kazenmayer, followed by the following vote: "YES" M.Parziale, T.J.Coan, J.Miller, N.Hood, J.VanStolk, M.Kazenmayer, J.Burke.

A motion was made for a 10 minute recess at 9:15 p.m. was made by M.Kazenmayer, seconded by J.VanStolk followed by the following vote: "YES" - M. Parziale, T.J.Coan, J.Miller, N. Hood, J.VanStolk, M.Kazenmayer, J.Burke

The Board returned from recess at 9:25 p.m. with the following ROLL CALL M.Parziale, T.J.Coan, J. Miller, N.Hood, J.VanStolk, M.Kazenmayer, J.Burke.

APPLICATION - John Micalizio - 80½ Wyckoff Avenue
The Boards file was marked A-1 to A-8 by Mr. Byrnes.
Owner wishes to construct addition to a second dwelling on a lot with two dwellings. R-2 Zone
This application was denied for the following reasons:
107-9 - Two houses on one lot is not a permitted use.
107-27 - Front Setback (front house) 25 ft. required, 8.93 ft. to house (existing)- 6.5 ft. to steps (existing). Side Setback (garage) - 5 ft. required, .41 ft. existing. Side Setback (bungalow) 5 ft. required - 3.76 ft. existing and proposed.
Maximum Building Coverage - 30% maximum allowed - 30.7% proposed

Maximum Lot Coverage - 45% maximum allowed, 46.8% proposed.
107-82.A (4) - A non-conforming use may not be structurally altered without approval of the Board of Adjustment.
107-30 - Principal buildings: Only one principal building shall be permitted on each lot. And any other variance the Board may deem necessary. Not a special Flood Hazard Zone. This denial is based o a survey by Morris and Glasgow, Inc. dated 10/4/96. If this does not accurately depict the property as of this dater, the applicant must accept responsibility. USE VARIANCE.

Roberta Micalizio, 368 Norton Avenue, Staten Island, John Micalizio, 368 Norton Ave., Staten Island were sworn in by Mr. Byrnes. They just moved that is the reason for the different address on the application.

Mrs. Micalizio testified they closed on the house and property November 1996, and the garage on the property was removed before they closed. They have off street parking.
Mrs. Micalizio testified, they want to add a bedroom, there is only room for a table and chairs in the existing building. They would like to be able to put a bed, sofa and chairs in to make it livable. Mr. Micalizio testified the cottage is at least 80 years old. Along the wall is a refrigerator, sink and cabinet area. It is like a studio apartment. What they are planning on is setting up one bedroom,one living area with the kitchen in that area. There is a portable washer and dryer.
Mrs. Micalizio testified they are not adding a bathroom just renovating the one that is there. It has been rented in the past but it is now for them on weekends. The front house is a year round rental-long term.
Mrs. VanStolk is concerned with there being 2 buildings on a lot when there is only suppose to be one. The addidion is going to be 457.1.5 square footage.
Mrs. Micalizio stated when they purchased it they were told it was 2 structures and both rentable. She thought they were buying a legal 2 seperate dwellings on a property. There are 2 water and sewer.
Mr. Coan asked at the time you purchased the property - how many transfer titles did you get? Mrs. Micalizio stated only one - she's not sure. Mr. Coan said if you have two dwellings you should have two. It's from the town, you pay $50.00 for each one and basically the town through that would acknowledge yes that it is a non-conforming structure which they acknowledge.
Mrs. Micalizio said she knows it was acknowledged as she asked is it legally rented is this a legal second dwelling, can it be added on. Mr. Coan would like to see those copies of the transfers, your attorney should have them.
Mr. Coan asked when you purchased it did you understand through your attorney the ramifications of accuring a non-conforming structure? M . Micalizio thought they were buying a legal 2 seperate dwellings. We were told we could rent both of them.

Mr. Coan said the burden of the case is not ours, and I don't want to get into what happened a couple of months ago.

Mr.Burke stated there are certain needs that have to be proven to the Board for them to grant a use variance. Mr. Burke stated if they had an attorney it would be a lot easier. but absolutely not needed.
Mr. Byrnes stated there is nothing in the Use Variance law, that the applicant must go out and get an attorney. He respectfully disagrees that if you had an attorney he would have known to bring all the documents with him that Mr. Coan asked about. Mr. Byrnes stated that in all the years he has sat on the Board has he ever heard a borad member of the present or any former board ask for the transfer of title form, so if an attorney came in and some how anticipated that question being asked, I would take my hat off to him or her, but it is not somthing that has ever been requested for. However the law says that this board has legal representation, and that's me. Now I'm here to advise on issues of law, and there is absolutely nothing to prevent me, the board chairman, or the board member from asking the questions to get the information from the applicants that is needed, and if you have no objections, I would like to proceed along those lines, if after doing that the board feels that the application is incomplete or insufficient, so be it, the board members can make their comments as they do on the record and then it is up to the applicants whether or not they would like to proceed to a final vote tonight. I see no reason why we should not do it that way. We have done it that way in the past and we should not change the proceedure that we used in the past simply to delay an application or cause an application to be delayed.

Mr. Coan disagrees with Mr. Byrnes, it is not our responsibility to mount the case for the applicant. Its the responsibility of the applicant to mount their own case. If we ask no questions, what happens, there's no case, so we sit here, they don't know whata the criteria is, they don't know what questions their suppose to answer. It's not our obligation to ask the questions, to make the proof for them. it's their responsibility to make their own proof. If they don't make the proofs, we can't vote yes on the application. This is what happened the last time, they don't make the proofs, we vote no on the applicantion, they come back with an attorney and say Oh I was wrong, there is a mistake. Well that's not the way it's suppose to work.

Mr. Burke stated sitting here and asking questions of the applicant to get answers that we need to complete a case is making the case for the applicant. I don't think that's true.
There are certain questions in our mind, and even if the applicant sat here and made what they thought was a complete case, we would still have questions. I think Mr.Byrnes is right,

one of the reasons why we're here tonight is because of the back log, and if we continue this case to the June 18, 1997 meeting we are going to have 9 cases and will be here until 2 or 3 in the morning, which is not fair to the other applicants that are going to be here in June. And Mr. Coan if we do ask the questions and try and answer them tonight, and if your not satisfied, you can still vote no. You have the porogitive of voting no.

Mr. Coan stated, Mr. Chairman my other concern is going forward, and if we're here tonight to hear a number of applications because we do have a back log, but as you can see, if applicants come in prepared with information, the application is over quickly, but use variance is a very high burden, and I really don't want to vote unless I have all the information. Part of this problem is not the applicants, part of it is that this Borough does not supply the applicants, as the applicant stated, with any thing explaining what they have to prove to us, unless the applicant sits with a zoning book and goes through it page by page. The applicant doesn't have any way of knowing what they have to prove to us.

Mr. Parziale personally doesn't feel a need for a final transfer, as the town in my eyes recognizes the building as being there, and I think we should move ahead and don't delay it for these folks, we can't keep delaying everything.
M.Kazenmayer thinks that what he meant by the transfer, it does more or less prove the history. It's been there, it's been rented.

Mrs. Micalizio testified there are two tax bills and 2 water and sewer bills.

Mr. Miller stated the Board of Adjustment is here to give relie , we are not here to throw blocks in the way of applicants, and if there are times where we can help the applicant down the road, I think we shoud do it. We have done it in the past and I see no difference in this case.

Mr. Coan stated he disagrees with Mr. Miller. We are here to grant relief, we're not here to give relief. In the Cox 27-71, the Burden of Proof. The burden of proving the right sought in an application, rests upon the applicant. This simply means the applicant has the responsibility to set forth before the board the evidence necessary for it to decide. If the applicant does not do so, the board has no alternative but to deny the application.
Mrs. VanStolk stated she saw the problems related to a month ago, as questions were not asked, the burden of proof was not given and the application was not granted and now we're going to court. I don't know if we should hold up these people or

not, but I think there should be somthing in the application stating what they need, and getting an attorney is up to them.

Mr. Burke stated we have a problem with not just this case, we have a problem with the board. We have a basic problem on use variances that the board has to address ourselves and how we are going to handle use variances otherwise we're going to run into this problem with every applicant that sits in front of us. The basic problem is our internal problem, not this applicant sitting here. They came to us not realizing that we have an internal problem, and I think tonight to get this application done for these people that came in here in good faith, that we should get this application completed tonight, and then we have to address this amongst ourselves and how we are going to handle this in the future.

Mrs. Micalizio testified they will give what ever proof they need, we are organized people, we like to come well prepared, but we can't do that,if we don't know what you want. We don't know the difference between a use variance and hardship, you people do but we don't.

Mr. Coan does not agree with continuing this application.

Mr. Byrnes stated in order to prove your case for the use variance there are certain criteria that must be met, they are referred to as positive criteria and negative criteria.
Negative - there are two. No relief may ever be granted unless it can be done without; A- substantial detriment to the public good and B- without substantially impairing the intent and purpose of the zone plan and zoning ordinance. He stated the question you must answer is - how can your application go through without negatively impacting these things.
Mrs.Macilizio testified, they want to go in the same direction that the town is going, that is why they purchased in Manasquan.
I believe we can show our point in showing pictures of what the house looked like and what it looks like now. There is a 100% improvement. The main house is what we started with and now we want to move to the rear cottage. Photos submitted were marked into exhibition as A- 9 through 21.
Just by the improvement that we made to the main house, proves it is for public good, it's for the look of Manasquan, it's not detriment, it's moving in the direction Manasquan wants.

A-9 Mrs. Micalizio testified is the cottage in question. This is what it looks like, we don't want it to look like this any more.
Mr. Micalizio testified it has been in this bad condition for the last 20 years.
A-21- testified by Mrs. Micalizio is the kitchen in the cottage. It will not look like that. We are putting in pine cabinets,

wood floors, and it will look very charming. A-20 - is an arbor with a fence and doesn't show the climbing roses which were just planted. This is off the side of the main house which will have a slate path lit, leading to the cottage in question.
A-12 is what the main house looked like and doesn't look that way now. A-19 - is a renevated main house, opened up the front porch, redid the porch, the columns were completely rotted out.
Mr. Micalizio testified since we made the improvements, almost every neighbor has come by commented and thanked us for the improvement that we made so far. The rest of the pictures show the renavation we have made in every room of the house except for the kitchen. The kitchen, cabinets were painted. Our intentions are good, let us continue to bring this up to the level Manasquan is moving towards.
They testified it has been rented and C.O'd by the town for the back cottage.

Mr. Coan wanted to know why they can't utilize it the way it is and they wouldn't need any variance. Mrs. Micalizio testified if you were in the space you would see that it's too small.

Mr. & Mrs. Micalizio testified it would not increase traffic on the street if granted. It will not block the flow of air or light to any neighbors, it will increase the value of the neighborhood.

Mr. Coan stated Mr. Byrnes is the attorney for the Board to give us information not the applicant, and he doesn't find this confortable. He is to give us information not to prompt the applicant.

Mr. Burke stated Mr. Byrnes is only going over the positive criteria, he already went over the negative criteria. That's what the board asked him to do, with your objection. Mr. Coan said his objection stands.

Mr. Byrnes had a few more positive criteria to ask. Mrs. Micalizio testified it would be increasing property values and making a nicer enviromment. She testified by renovating the bungalow they are keeping in character with the neighborhood and town.

Mr. Coan stated they probably don't need variances on Lot Coverage or Building Coverage, as the garage isn't there any more.

The board is concerned about them selling the house in ten years or so and the new owners could come in and rent to a group.
Mrs. Micalizio testified that by leaving it the way it is and if it was sold in 10 years, I think the way it is encourages group rentals or renting the way it is.

Mr. Coan said that is a single family zone. MR. Burke said it is a single family zone designated by the town, but in actuality it's not a single family zone, because there are numerous 2 family houses in that area. Mr. Coan said he hasn't heard any proofs to that, should I ask them that, how many 2 family homes are on that street. Do that have that information. Mr. Micalizio testified there are at least 7 two family homes, that he knows of.

M.Kazenmayer asked the applicants how much of a hurry are you in to do this? Would another month make any difference? Mrs. Micalizio answered no. Mrs. Kazenmayer said if we're all finished with our testimony, close the meeting. Mr. Burke said we have to have 5 affirmative votes, not a majority, so at least 5 members have to vote yes, if 4 vote yes and 3 vote no, you can't get a use variance. If you get turned down, the only way you can come back is with an entirely new and different application

Carol Broderick, 21 Parker Avenue came forward and was sworn in by Mr. Byrnes. She said she thinks its terrific you bought a house in Manasquan and unfortunatelly it's not the main house in question, but the problem is the way the town plan is going, we are trying to have one family homes on each piece of property, and we're trying to do away with rentals. Adding a bedroom is only going to add living space, so you are looking at this from the wrong direction. Mrs. Broderick feels the board is misleading the applicant into thinking that if she comes back she will possibly have a better chance of getting an addition on this cottage. I am telling you there is no way that this could ever be granted and if it is I will be shocked. An addition to a cottage should not be allowed in this town.

Mrs.Mucci, 79 Wyckoff Avenue was sworn in by Mr. Byrnes. She tesified it is an honor to have a young couple like this, and what they are doing for our town. I delivered meals on wheels and this house was deplorable, I don't know how the town ever allowed the previous owner to let that old man live in that house, it was a slum. What they are doing to this property is fantistic.

Carol Blum, 96 Wyckoff Avenue was sworn in by Mr. Byrnes.
She lives a few houses down from the property, and agrees with some of the remarks made by the Board, this property should have 10,000 sq. feet and they are 2,208 sq ft. shy of the density, and I don't think needs over crowding. No one has talked about parking. Last weekend 26 cars were parked on that end of the street. The couple that purchased this property said they keep their car in the driveway near the end of the driveway. They testified that this driveway was going to be for 1 car. If they increase this lot 17 x 26 how many leaglly can rent this property, if they were to leave and sell this property

to someone else. Right now it's for one person. By increasing this property down the road, it can be rented for more people. There's a major problem on our street for parking right now and this is not going to enhance it. There are 10 2 multi dwellings and 8 are rear units. By allowing this applicantion to go through and giving approval, you on the board are allowing every owner the other 8 people to enhance their property. I love what your doing - it's great, but I just can't support this because of the long term consequences what will happen.
Mr. Hood asked Mrs. Blum how long ago the house was updated? Mrs. Blum said the electric was up dated about 9 years ago.

Mr. Micilizio said the driveway is 75 ft. long and can park 4 cars.

Mrs. Blum said she cannot understand it, at 9 o'clock the board was going to hear it and vote on the case, and it was the owners choice to move forward on this, now are you saying, lets kick back on this, do your homework, come back and maybe - what's happening? Mr. Burke said what is happening, we are trying to be as fair as possible to an applicant before this board, which is what this board usually does. Mrs. Blum said it is not your job, no it isn't. Mr. Burke said it is and we are going to be, we are going to be as fair as possible to the applicant, and there are many reasons why we are going to do that. We have done it in the past and we're not going to change.

Marilyn Jacobson - 59 McLean Avenue was sworn in by Mr. Byrnes. She testified she lives around the corner from this property and her concern over this is that she is very happy they bought the property, but the issue here is expanding of a non-conforming use, that's where my concern lies. In my neighborhood we have 2 dwellings on one property, we have a garage that has a second story on it, which has since been "you can't do that any more supposedly". It's supppose to be used strictly as storage, it's not being used as storage, as it as it was recently purchased. It's now being used as an office, which I asked the town to go over and check on it, and they haven't gotten bach to me on it. My concern is expanding use, expanding a non-conforming use, their more than doubling the side of the existin structure, that's an expanding use, that possibly down the road should things change they can increase the use on what they plan on using it for, and it can become a group rental.
Please do not grant the expanded structure on this small lot in this small neighborhood. If they need more bedroom space they can live in the front.

Mrs. Micalizio said they will sign it if they put in writing that they are not allowed a group rental, we will sign it, no more than 2 people are allowed in there.

Mr. Burke stated to the Micalizio's that they can ask them to vote right now, knowing you know what you need, or you can ask us to continue the application to next month, or you can withdraw the application. Mrs. Micalizio testified they want to continue next month, so they can be well prepared. Mr. Parziale asked if they would be willing to put a restriction on the deed.

Mr. Byrnes stated a deed restriction would be somthing put on the deed and filed in Monmouth County restricting the use of the cottage in some way, he does not know exactly what restriction Mr. Parziale is leaning towards, but say for example it could never be occupied by nore than 2 persons.

Mr. Micalizio said this would probably decrease the property value if we do that.

Mr.Coan said he would like to see somthing in effect to the property value, as Mr. Micalizio said it would probably decrease.

A motion to continue to the June meeting was made by J.Miller, seconded by M.Kazenmayer, followed by the following vote: "YES" M.Parziale, T.J.Coan, J.Miller, N.Hood, J.VanStolk, M.Kazenmayer, J.Burke.
The applicants waived their time limit.
For the record M. Parziale was excused at 11:45 p.m..

APPLICATION - 18-97 - Bajadek/Manalio - 147 Second Avenue
The Boards file was marked at A-1 to A-9, by Mr. Byrnes.
Owner ishes to demolish existing dwelling and construct new one family dwelling. R-3 Zone.
This application is denied for the following reason: 107-27 Lot Frontage - 40 feet required, 28 feet existing. Lot Area - 3400 sq. ft. required, 2800 sq. ft. existing. Sideyard Setback- 5 feet required, 3 feet proposed. Sideyard (corner lot) 7 feet required, 5'8" proposed to bay window. Maximum Building Coverage - 35 % maximum allowed, 37.3% proposed. Maximum Lot Coverage - 50% maximum allowed, 66.4% proposed.
107-23.3 - Curb Cuts - Maximum allowed 12 feet, 15 feet proposed. And any other variance the Board may deem necessary. A-5 Flood Zone - Building must comply. This denial is based on a site diagram and plans provided by Robert K. Houseal, architect. If this does not accurately depict the property as of this date, the applicant must accept responsibility. HARDSHIP VARIANCE.
For the record, Mr. Byrnes stated there is no flood elevation certification in the file, at this time, therefore the Board must determine if they require one.
Flood elevation certificate was just handed to Mr. Byrnes, which he marked at exhibit A-9, and requested that all board members receive a copy also one for his files.

Donna Manalio - 15 Club Rd. Fairfield, N. J., Robert Houseal,

Registered and Certified Architect, Professional Planner, Office in Brielle, were sworn in as witnesses, by Mr. Byrnes.
Pictures submitted by Ms. Manalio were marked as exhibits A-10-11-12-13.
Ms. Manalio testified the other applicant is her sister Patricia Bajadek, ownership is 50 50. Ms.Manalio testified she is appearing here tonight with her consent, and she has the authority from her to enter into any type of agreement that may be proposed by the board tonight by way of condition, compromise what have you. Her sister lives in Illinois and is not able to be here tonight.
Ms. Manalio testified photo A-10 which is a tiny little house on a tiny little lot which wasn't always in this location. My father bought this house in November 1954 and was told the house had been turned 180 degrees in the middle of Ridle Way and had to be moved when Ridle Way was cut through. There are 2 bedrooms in this house, and would like to add a little being the family is growing. They were told by builders, that it was impossible to raise the roof on this house, so that is why we are taking it down and starting over. She testified they have mixed feelings about it as their family has been there 40 years and there are a lot of happy memories in this little house, but it's getting very old and need of repairs, so that is why they are taking it down and rebuilding. A-17 a photo from the back. A-12 showing the side of the house which faces Ridle Way.
She testified the house is not heated and the shower is on the back porch, and they would really like to have an indoor bathroom. She testified they had 3 inches of water inside of the house in the 1992 storm.
She testified she and her sister took title in November 1996.
She testified there are 5 children between them and 3 grand-children, and when the other one comes one has to go home, there is no room.
Mr. Houseal testified they are here asking for a hardship variance, and the hardship variance is due to exceptional narrowness and small lot size of this property, and because of that practical difficulties exist. He testified they are requesting the board grant relief variance from this strict little application of several regulations to relieve this hardship. For the record Mr. Houseal read the Denial of Permit into the record. On the maximum lot coverage,66.4% is proposed, and of that 66.4%, 20% is the rear driveway which we are proposing to take. They are also asking to keep the 15 ft. curb cut. He referred to the 2 sheets given to the board, showing site diagrams and zoning notes and information, and architect floor plans, first and second floor and also elevations. Ridle Way is to the north of the property, Second Ave. is the east of the property and Third Ave. public parking is the West. There is a house to the South. Mr. Houseal compared existing plot plan with the proposed plot plan. Single family, one unit, new construction. New construction will secure from fire, from flood

from flood and also secure from wind storms. It will improve the light air and open spaces by making the south side less non-conforming.

It will improve the value of the land. Relief can be granted without substantial detriment to the public good. Benefits will out weigh any detriments that may occur. No impact on other properties. Applicant will amend for additional variance for 2 ft. distance between the property line and riser of front step.

A motion to close the public hearing was made by M.Kazenmayer, seconded by J.VanStolk,and unanimously carried.

A motion for a favorable resolution with the following stipulations; the height will not go higher than 32 feet and the variance changes of removing maximum lot coverage, adding front yard setback of 2 ft. was made by N.Hood, seconded by J.VanStolk, followed by the following vote: "YES"-T.J.Coan, J.Miller, N.Hood, J.VanStolk, M.Kazenmayer, J.Burke.

There being no more business, a motion was made to adjourn, seconded and unanimously carried, at 12:45 P.M.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
Incorporated December 30, 1887
908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - JUNE 18,1997

The Manasquan Zoning Board of Adjustment held their regular meeting on June 18, 1997 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, called the meting to order at 7:30 p.m..
He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law.
He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: M. Parzialle, T.J.Coan, J.Miller, N.Hood J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

A motion to approve the minutes of May 21, 1997 was made by J.VanStolk, seconded by M.Kazenmayer, followed by the following vote: "YES"- M. Parzialle, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

A motion to approve the minutes of May 28, 1997 was made by M. Kazenmayer, seconded by J.VanStolk, followed by the following vote: "YES"- M. Parzialle, T.J.Coan, J.Miller, N.Hood, J.VanStolk, M.Kazenmayer, E.Lyons, J.Burke. ABSTAIN - R.Brittle.

J.Miller made a motion not to open any more cases after 11 p.m, seconded by R.Brittle. Mr. Burke did not feel that was a fair time, as we have a very full agenda tonight.
J. Miller amended his motion to 12 p.m, seconded by E.Lyons, followed by the following vote: "YES"- M.Parzialle, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

APPLICATION - 13-97 -Cont. - James Hope - 579 Brielle Rd.
Will not be heard tonight as Mr. Hope is not ready.

APPLICATION - 17-97 - Cont. -Lucy McClennen - 566 Whiting Avenue
Mr. Keith Henderson Attorney for applicant put himself on record.
Paul Lawrence, Architect came forward, and was sworn in at the last meeting.
Sit inspection was conducted. New exhibits marked were A-11 Elevation Certificate, A-12 Area Map of 5/24/97 previously marked as A-10, but was asked that additional properties be provided.
Revised plans to show the 1/2 story and designate the building height was marked A-9A consisting of 3 pages containing an original date of 2/14/97.
Mr. Henderson stated the air conditioner compresors were put at the rear of the property as indicated, the shower will be removed from the side of the property, floor plans of the top floor were provided and also the height. One thing Mr. Henderson did not submit was an amended denial, which Mr. Ratz said there was no reason for an amended denial and he would not give one.

Edward Roeth, 369 First Ave. came forward stating he would like

to see the Board approve this application simply because it's consistent with what's happening in the south end of the beach area.
Tom Pizio 563 Whiting Ave. stated he is directly across from this application, and if everyone builds like this we would be very fortunate.

A motion to close the public hearing was made by E.Lyons, seconded by N.Hood, followed by the following vote: "YES"- J.Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J. Burke.

A motion to approve this application was made by N.Hood, seconded by E.Lyons, followed by the following vote: "YES"- J. Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

APPLICATION - 16-97 - Cont. John Macilizio - 80½ Wyckoff Ave.
J. T. Cowan has excused himself from this application.
Mr. Byrnes marked new exhibits as A-1A, amended Denial of permit, Copy of rental certificate of occupancy application 1054 dated 9/19/95 marked as A-21 - Inspection report from the Boro of Manasquan bearing a stamped date of 3/10/87, also an inspection date of 12/12/91, also marked as A-22 a construction permit # 8342 issued April 28, 1987.

At the last meeting a request was made for a transfer of title forms in Manasquan and also for the water & sewer records.
Celeste Miller, attorney is representing the Macilizio's
She has an amended survey by Morris & Glasgow which she would like marked as exhibit A-23, which shows the garage is gone.
Mr. Byrnes said the survey was already marked A-7-A superceeding A-7. Revised floor plans 1 page has been marked as A-8A and basing on council's representation the 4 pages of plans submitted last month will be disregarded. Ms. Miller would like a 1969 photo obtained from the Boro which shows the subject's cottage with enclosed porch windows, she believes they are screened in, which was marked as exhibit A-23 by Mr. Byrnes. A letter dated 6/11/97 from a licensed real estate broker, Susan Careatti, could not be marked as Ms. Careatti was not here to be questioned by the board and it states a professionl opinion so it will not be marked as an exhibit, but will be placed in the file.
Colored copies of photos taken by the applicant, was marked as exhibit A-24.
Mrs. Macalizio testified she revised the floor plans of the proposed renovation. She testified they just want to enclose the porch area and square off the house. They will be squaring off an additional 60 sq. feet, on either side of the porch area. The existing cottage is 313 sq. ft. excluding the porch. The porch at present is 97 sq. feet. She testified they are seeking to enclose the 97 sq. ft. area and an additional 60 sq. Ft.

She testified they would re-side and put a new roof on. They will use the cottage for their own use.
Mrs. Macilizio testified there are about 7 other cottages in the rear on that block, all are bigger than theirs.

Mrs. Wendy Mucci, 79 Wyckoff Ave. came forward and hopes the Board would approve what this couple has done on Wyckoff Ave..
She stated she delivered meals to Mr. McCarthy who lived in that deplorable cottage and she doesn't know how this town would let anyone live in that cottage. We should have people like this couple up on the beachfront, what they are doing for our town, and she hopes they will approve this application.

Carol Blume, 96 Wyckoff Ave. came forward and testified, the last time she was here, she objected to the use, but she is glad to see they scaled it down.

A motion to close the public hearing was made by R.Brittle, seconded by E.Lyons, followed by the following vote: "YES"- J.Miller, N.Hood, J.VanStolk, R.Brittle, M. Kazenmayer, E.Lyons and J.Burke.

Ms. Miller testified in regard to the negative criteria, they have met their burden by removing the garage. With regard to the positive criteria, she would say that a special need does exist, and that is to remove an eye sore and to protect against the erosion of the property values. She would ask that the Board allow the applicant to renovate the cottage.
Board member J.Miller has no problem with it nor does M.Parzialle. M.Kazenmayer's problem is that the zoning ordinance does require the gradual elimination of non-conforming property, and the problem she has with it, is that this is an R-2 Zone that backs up directly to an R-1 Zone, which is our highest zone. She doesn't feel it is beneficial and she feels it should be eliminated, not expanded, not renovated.
N. Hood is not in favor of it, he see's it as an expansion, of a non-conforming use. J.VanStolk agrees with M.Kazenmayer.
Ms. Miller and her clients will take a 5 minute recess to decide what they would like to do.

APPLICATION - 19-97 - Joseph Carlet - 113 Ocean Avenue
Mr. Byrnes marked the Board's file as A-1 to A-8.
Owner wishes to demolish existing dwelling and construct new one family dwelling. R-5 Zone.
This application was denied for the following reasons:
107-27- Front Setback - 10 feet required, 3 feet existing.
Rear Setback - 20 feet required, 19 feet proposed to steps/platform. Side Setback (corner lot) - 7 ft. required, 4 ft. proposed to steps/platform. Building Coverage - 35% maximum allowed, 53% proposed. Lot Coverage - 50% maximum allowed, 53% proposed,
107-36.6 Parking Space Size - 9 x 19 required, 9 x 18 proposed

for second space. The Board will also have to determine if the curved lot line adjacent to Ocean Avenue and Second Avenue with a length of curve of 52.35 ft. is a lot frontage. If it is then a variance will also be required for lot frontage. (107-27) where 40 feet is required.
A- 5 Flood Zone - Structure must comply. And any other variance the Board may deem necessary. HARDSHIP VARIANCE.

Mr. Miller stated he knows Mr. & Mrs. Carlet, and they have been friends for years. Neither lawyer or Board members had any objections to Mr. Miller staying on the case.

Mr. Coan returned for this case, but when the Macilizio's come back from their recess, he will have to leave until they are finished.

Keith Henderson. of Lautman, Henderson & Wight, put himself on record as Attorney for Mr. Carlet. Sworn in as witnesses were - Joseph Carlet, 59 Taylor Avenue, and John Miskinis, 80 Mohegan Rd. Contractor for applicant.
Mr. Henderson, asked the Board to look at exhibit A-7 which contains 2 sheets one is proposed, labeled plot plan and the other is existing. Looking at existing, there is an existing problem, as part of the house is on Boro property. Mr Henderson stated they propose to rebuild this property and pull it back to make it more conforming to the set back requirements.

Mr. Carlet testified he is the present owner of this property. He acquired the property in June 1981. It was rented when he purchased it and has used it as an income property. If it is approved he will live there as his permanent residence.

Mr. Henderson took a time out on this application and the Board went back to Application 16-97. Ms. Miller stated they would be gratefull if the Board would carry them to the next months meeting which will be Thursday July 17, 1997.

A motion was made by J.Miller, seconded by J.VanStolk to carry application 16-97 to our July meeting, followed by the following vote: "Yes" - J. Miller, N.Hood, J.VanStolk, M.Kazenmayer, J.Burke. ABSTAIN - R.Brittle and E.Lyons.

Mr. Henderson returned with application 19-97. There was a question as to which is the front yard. Mr.Ratz considered the front yard as Ocean Ave.. Mr. Henderson stated he believes Second Avenue is front.
Mr. Byrnes quoting from the zoning definitions, "Fronting on a street - A building shall be deemed a front upon a street when the main entrance of the building faces the street. Yard Front - a yard extending across the full width of the lot lying between the front line of the lot and the nearest line of the

principal building". Mr. Henderson stated that is more confusing, as on the existing building it is on Ocean Ave. and the proposed it is on Second Ave.
Mrs. Kazenmayer stated there can't be any front except the short side.
Mr. Burke stated he would consider Ocean Avenue side of the lot as the front. Mr. Byrnes stated you take the measurement from the corner out.
The Board would like to see if the Boro would sell that curve to the applicant. Mr. Henderson said he will make an attempt to find that out.
There are 2 parking spaces, one is 1 ft. short. Mr. Henderson said they could make the garage shorter, that way they wouldn't need a variance for parking.
A motion to continue application 19-97 to the July 17, 1997 meeting was made by J. Miller, seconded by E.Lyons, followed by the following vote: "YES"- J. Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

A motion was made for a 10 minute recess at 9:25 p.m. by J.Miller, seconded by E.Lyons, followed by the following vote:"YES"- N.Parzialle, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

Board returned from recess at 9:35 p.m. with the following roll call: M.Parzialle, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, E.Lyons, J.Burke.
For the record, at 9:35 p.m. M.Kazenmayer excused herself as she wasn't feeling well.

APPLICATION - 20-97 - Kevin Toomey - 59 Rogers Avenue.
The Board's file was marked as A-1 to A-9 by Mr. Byrnes.
Board Secretary Marie Applegate was on the list to be noticed, but Mr. Byrnes and Mr. Henderson had no objection as she is not a voting member.
Owner wishes to reconstruct existing one family dwelling and construct addition to same. Remove non-conforming garage. R-3 Zone.
This application is denied for the following reasons:
107-27 Lot Frontage - 40 ft. required, 33.01 ft. existing.
Front Setback - 25 ft. required, 16 ft. existing and proposed.
Side Setback - 5 ft. required, 2.8 ft. existing & proposed, 1.5 ft. to chimney. Maximum Height - 2½ stories maximum, 3 stories proposed. Maximum Lot Coverage - 50% maximum allowed, 56% proposed.
107=36.A - Off Street Parking - 2 spaces required.
107-36.C - There is no space on the lot that meets the requirement for the minimum size of a parking space which is 9 ft. by 19 ft.. A-5 Flood Zone - Structure must meet the Flood Code requirements. HARDSHIP VARIANCE. And any other variance the board may deem necessary.

Keith Henderson, Lautman, Henderson & Wight, placed himself on record as representing the applicant. Witnesses sworn in were Kevin Toomey, 10 Church Towers, Hoboken, N. J. and James McKnight, 260 9th St., Hoboken, Architect for the applicant.
Mr. McKnight received his New York State license in 1981, and has a Planners license in N. J. 1985 and Architect license in N. J. 1983, and is running his own business in Hoboken since 1984.
A 3 page set of plans were marked as A-10 and an elevation certificate was marked A-11.
Mr. Henderson stated A-10 plans were filed first for a 3 story dwelling, but after talking to neighbors, Mr. Toomey scaled down the plans which was marked A-9.

Mr. Toomey testified, he is the owner of this property, and it was acquired in January 1997. He testified he has not rented this house and has no intention of renting. His plans are to demolish and rebuild to specifications before the Board. If plans are aproved by the Board he testified he will not be renting in the future. He will occupy himself and his mother and sisters and brothers. He would like to bring it up above flood plane. Due to the flood of 1992, it has to be raised.

Mr. McKnight has been qualified as a professional planner and architect. He testified he is familiar with the property. He said the building as it stands was worthless for renovation. He suggested to Mr. Toomey to eliminate the garage and add that square footage of the garage to come forward so the house could be 22 ft. wide house by 44 ft. wide house. 80% of that house uses the existing foundation. The lot frontage existing is 33.01 ft, and cannot be changed, as it is land locked by 3 other properties. The existing building has a brick chimney, the new house will have a new fire place and it's chimney will be in the same location. He testified the lot is 3,461 sq. ft., the house itself is 968 sq. ft., the front porch and steps are 150 sq. ft. and the back porch is 240 sq. ft., a total of a little over 1300 sq. ft. which is 40 % of the 3,461 sq. ft.. It's the applicants wish to rip up the impervious driveway and replace it with pressed gravel. The present plans call for a 2 story house which is up 5 ft. from the ground. It has a living room in the front, stairway in the middle, kitchen, powder room, laundry area, air condition and heating room in the back. A front porch in front with a gable roof, a deck in back and a shower room in back. The second floor has a master bedroom and it's own bathroom in the back and two smaller bedrooms in the front of the house. The attic will be used for duct work for the air and heat and no living space will be up there.
He testified the variances can be granted without detriment to the public good. He testified the chimney could be brought up through the closet on the inside and have a clear 2ft. 8 on the side, as T.J.Coan has a problem with that side setback.

Two hour rated side wall. Mr. Henderson said they will accept as a condition that the height will be no higher than 30 Ft.

Harold Hoerster, 71 Rogers Avenue was sworn in by Mr. Byrnes. He does not like a gravel driveway, as kids are breaking windows. He is worried about group rentals. He doesn't like all the bedrooms and baths. He also complained about the driveway and parking. He believes this house is going to be a rental.

Ed Rotundi, on behalf of his father Nicholas Rotundi, 61 Rogers Avenue. Mr. Henderson put an objection on the record to that, if Mr. Rotundi was an affected party then he could testify, but he's not an attorney and should not be appearing on behalf of someone else before the board. Mr. Byrnes told Mr. Rotundi he could state his opinion but you can't state your fathers opinion. He will state his opinions and ask his father if he agrees. Ed Rotundi testified the design of the house is perfect, and will like to have it next door as the house now is an eye sore. He is afraid the new structure is going to be the tallest house in the area. He said the driveway is very narrow, and would rather see the black top instead of the gravel. His father Jack Rotundi was sworn in by Mr. Byrnes, and he agreed with everything his son stated.
Kathy Ferreira, 16 Sims Avenue, sworn in by Mr. Byrnes, stated she lives 3 houses down from Rogers, and her problem is if it is a rental. The house in back is a rental and you can't sleep at night. She likes the plans and is glad it is not going to be any higher.

A motion to close the public hearing by N.Hood and seconded by J.VanStolk, followed by the following vote: "YES"- T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, E.Lyons, J. Burke.

T.J.Coan would like to see a revised site plan showing where the 2 delineated parking spaces would be and show what material would be used for the driveway and where it was going to be used. Mr. Henderson said they would do that.

A motion to approve this application with the stipulation of conditions of elimination of the chimney, not to exceed the 30 ft. height limitation, that the asphalt driveway will be replaced with pavers, and will revise the site plan to show the parking and driveway and show the legal parking spots in the back, was made by J.VanStolk, seconded by T.J.Coan, followed by the following vote: "YES" - T. J.Coan, J.Miller, N. Hood, J.VanStolk, R.Brittle, E.Lyons, J.Burke.

APPLICATION - 22-97 -John & Roseanne Trischetta - 19 Pershing
Board's file was marked as A-1 to A-9 by Mr. Byrnes.
Owner wishes to construct one story addition to the rear of existing one family dwelling. R-3 Zone.
This application was denied for the following reasons:

107-27 - Front Setback - 25 ft. required, 8.7 ft. existing. Side Setback (right) - 5 ft. required, 3.01 ft. proposed. Lot Frontage - 40 ft. required, 36 ft. existing. Maximum Building Coverage - 35% maximum allowed, 38& proposed. Accessory Structure side setback - 5 ft. required, 3 ft. existing. Accessory Structure rear setback - 5 ft. required, 2 ft. existing. And any other variance the Board may deem necessary. A-5 Flood Zone - addition must comply.

Keith Henderson, Lautman, Henderson & Wight placed himself on record as attorney for applicant.
John Trischetta, 85 Lakewood Rd. Manasquan, Paul Lawrence Architect, Senior associate of Richard Grasso, 171 Main St..
He has been qualified as an expert witness. Second page of plans was marked A-9A. New plans will be submitted.

Mr. Trischetta testified he has lived in Manasquan 25 years. He has owned 19 Pershing Ave. 20 years, and has never lived in the property. It has been used as a rental property and the lease expired April 30th. His plans are to live in the house if it is approved. The property will not be rented again.
The Lakewood Rd. property will be sold, and they will live in the Pershing Ave. house year round. Property purchased in 1977.

Mr. Lawrence testified the existing set back is 8.7 ft. and there will be no change. The right side yard setback is 3.01 existing and will not be changed. The lot is 36 ft. wide and 40 is required. There is no property to be acquired to make the lot frontage conforming as testified by Mr. Lawrence. The structure to the rear is a shed in poor condition. The owner would like to purchase a larger shed approximately 10 x 12 ft. and put it in the same location with the same set back. They will need a variance for a smaller parking space on the side.
The height of the house will match the existing which will be 16 ft. 6 inches. The Building coverage was calculated on the coverage with the samll shed.

Kathy Ferreira, 16 Sims Avenue was sworn in by Mr. Byrnes. She has no problem with what they are trying to do, because they are putting a bedroom on the back. The problem on Pershing is the house that has a sliding door on the back and they come home late, you can hear everything that goes on.

A motion to close the public hearing on this application was made by J.VanStolk, seconded by N.Hood, followed by the following vote: "YES"- M.Parzialle, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, E.Lyons, J.Burke.

Mr. Lawrence testified the walls would be 1 hour fire rated and they would keep the openings to under 5%. It will be resided and reroofed.

A motion for a favorable resolution with stipulations, that the shed will conform,the height of the house will be 16ft. 6 inches, was made by E.Lyons, seconded by J.Miller, followed by the following vote:"YES"-T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, E.Lyons, J.Burke.

APPLICATION - 21-97 - Doris Kymer - 494 Long Avenue.
Board's file was marked as A-1 to A--8 by Mr. Byrnes.
Owner proposes to construct additions and deck to existing one family dwelling. R-3 Zone.
This application is denied for the following reasons:
107-27 - Front Setback - 25 ft. required, 11.5 ft. proposed.
Side Setaback - 5 ft. required, west -1.67 ft. existing, east-3.69 ft. existing and proposed. Rear Setback - 20 ft. required, 9 ft. to proposed deck. Maximum Building Coverage - 35% maximum allowed, 38.9% proposed. A-5 Floor Zone - structure must comply. And any other variance the Board may deem necessary. HARDSHIP.

Doris Kymer, 36 Area Drive, East Hanover, N. J., Alyson Kymer, 494 Long Avenue, Douglas Kymer, 494 Long Avenue, John Gassner, Gassner Builders, Manasquan and Louis Curcio, Louis Curcio Construction Services, Curtis Ave. Red Bank, N. J..
Doris Kymer testified she is the owner of the property and is here to approve what they are going to do to the property.
Douglas Kymer testified his grand parents bough the property back in 1938 and he has summered here since he was born. Photos presented by Mr. Kymer were marked into evidence as A-11 and A-10 blueprints, A-12 was 5 photos. Mr. Kymer testified he and his wife are planning to purchase the house from his mother and they will be living here year round as permanent residents.
Mr. Curcio after giving his qualifications, was not accepted as a professional as he has no professional licenses at this time. Mr. Byrnes advised the Board not to accept the plans as they are not signed by a license architect. Mr. Curcio cannot testify as an architect. Mr. Gassner testified he did not design this building, he was relying on Mr. Curcio to come down as he played an intricate part of the design.
Mr. Miller stated Mr. Byrnes brings up an excellent point, at this time we should not accept these plans and actually by not accepting these plans we do not have set plans in front of us, we do not have anything in front of us to look at.

A letter from Mr. Curcio was read by Mr. Byrnes. The letter stated that the property was owned by Mr. & Mrs. Douglas Kymer is wrong as the property is owned by Doris Kymer.
Mr. & Mrs. Kymer were not aware that Mr. Curcio was not licensed in the state of New Jersey and we apologize.

A motion to continue this application to Jyly 17, 1997, was made by J.Miller, seconded by R.Brittle, followed by the following vote: "YES"-M.Parzialle, T.J.Coan, J.Miller, N.Hood,

J.VanStolk, R.Brittle, E.Lyons, J.Burke.
Mr. Kymer waived the time limit.

RESOLUTION - 10-97 Dr. Frederic Paperth - 28 Union Avenue
Mr. Byrnes read the resolution.
A motion to approve the resolution was made by J.VanStolk, seconded by R.Brittle, followed by the following vote: "YES" - T.J.Coan, J.Miller, J.Van Stolk, R.Brittle, E.Lyons, J.Burke

RESOLUTION - 15-97 - American Timber Co.- 310 First Avenue
The resolution was read by Mr. Byrnes.
A motion to approve the resolution with a correction on page 1 was made by J. VanStolk, seconded by E.Lyons, followed by the following vote:"YES"- T.J.Coan, N.Hood, J.VanStolk, R.Brittle, E.Lyons, J.Burke

RESOLUTION -11-97 - Robert & Joanne O'Connor - 56 Whiting Ave.
Mr. Byrnes read the resolution.
A motion to approve the resolution was made by J. VanStolk, seconded by N.Hood followed by the following vote: "YES" M.Parzialle, T.J.Coan, J. Miller, N.Hood, J.VanStolk, R.Brittle J.Burke.

RESOLUTION - 14-97 - Robert & Nancy Forman - 597 Brielle Rd.
The resolution was read by Mr. Byrnes.
A motion for a favorable resolution was made by J.Miller, seconded by N.Hood followed by the following vote: "YES"- M.Parzialle, T.J.Coan, J. Miller, N.Hood, J.VanStolk, J.Burke.

RESOLUTION - 18-97 - Bajodek & Manalio - 147 Second Avenue
The resolution was read by Mr. Byrnes.
A motion for a favorable resolution was made by T.J.Coan, seconded by N.Hood, followed by the following vote: "YES"- T.J.Coan, J.Miller, N. Hood, J.VanStolk, J.Burke.

Request for a special meeting for an Interpertation Kenny vs Constantinou (Dairy Queen), was decided on July 24, 1997 at 7:00 p.m.

A motion to adjourn the meeting at 12:25 a.m. was made and unanimously carried.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

.OUGH HALL, 15 TAYLOR AVENUE
Incorporated December 30, 1887
908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD
MANASQUAN ZONING BOARD OF ADJUSTMENT

THURSDAY JULY 17, 1997 MEETING AGENDA

On Thursday July 17, 1997, the Zoning Board of Adjustment of the Borough of Manasquan, will hold their regular meeting at 7:30 P.M., in Manasquian Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

AGENDA
FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 13-97 -Cont. James Hope - 79 Second Avenue

APPLICATION - 16-97 -Cont. John Macilizio - 80½ Wyckoff Ave.

APPLICATION - 19-97 -Cont. Joseph Carlet - 113 Ocean Avenue

APPLICATION - 21-97 -Cont. Doris Kymer - 497 Long Avenue

APPLICATION - 23-97 Brian & Cathy Wick - 6 Gardners Lane

APPLICATION - 24-97 Katherine Kolon - 19 McGreevey Drive

APPLICATION - 25-97 Gordon Strout, Jr. - 24 McGreevey Drive

RESOLUTION - 17-97 Lucy McClennen - 566 Whiting Avenue

RESOLUTION - 20-97 Kevin Toomey - 59 Rogers Avenue

RESOLUTION - 22-97 John & Roseanne Trischetta - 19 Pershing

OLD / NEW BUSINESS
(Work session will be conducted immediately after the regular meeting).

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

908-223-0544
Fax 908-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT

WEDNESDAY - JUNE 18,1997 MEETING AGENDA

On Wednesday June 18, 1997, 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 - 13-97 - Cont. James Hope - 79 Second Avenue

APPLICATION - 17-97 - Cont. Lucy McClennen - 566 Whiting Ave.

APPLICATION - 16-97 - Cont. John Macilizio - 80½ Wyckoff Ave.

APPLICATION - 19-97 - Joseph Carlet - 113 Ocean Avenue

APPLICATION - 20-97 - Kevin Toomey - 59 Rogers Avenue

APPLICATION - 22-97 - John & Roseanne Trischetta -19 Pershing

APPLICATION - 21-97 - Doris Kymer - 494 Long Avenue

RESOLUTION - 10-97 - Dr. Frederic Paperth - 28 Union Avenue

RESOLUTION - 15-97 - American Timber Co. - 310 First Avenue

RESOLUTION - 11-97 - Robert & Joanne O'Connor - 56 Whiting

RESOLUTION - 14-97 - Robert & Nancy Forman - 597 Brielle Rd.

RESOLUTION - 18-97 - Bajodek & Manalio - 147 Second Avenue

OLD / NEW BUSINESS
(Work session will be conducted immediately after the regular meeting).

REQUEST SPECIAL MEETING - Constantinou - Interpretation

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE Incorporated December 30, 1887 908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - JULY 17,1997

The Manasquan Zoning Board of Adjustment held their regular meeting on July 17, 1997 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, called the meeting to order at 7:30 P.M.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: M. Parzialle, T.J.Coan, J.Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke

A motion to accept the minutes of June 18, 1997 with a correction of Mr. Coan's name on page 2 was made by E. Lyons, seconded by M.Parzialle, followed by the following vote: "YES"- M.Parzialle, T.J.Coan, J.Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

APPLICATION - 13-97 - Cont. James Hope - 79 Second Avenue.
Mr. Henderson came forward stating, "Mr. Hope has had this application pending for some time. He is missing a deed which will not let him move forward at this point and time. He also is a contract purchaser on a piece of property from American Timber, which is the front piece of the property which you considered variances at a previous meeting. The Planning Board had previously approved variances on a sub-division on that lot and unfortunately CAFRA appears to have revised it's rules and setbacks and CAFRA is no longer going to permit you to go forward of the original foot print of the building, no matter where it is, regardless of Manasquan set back ordinanaces or any thing else. Mr. Hope want's to live in this house and unforunately this is going to cause a setback. The real request here is that if he could substitute an application for modified variances before the board on the front piece of property that we are talking about for this other application, it would be appreciated if you would consider the request, and put the other one off to some future time". Mr. Hope said he hoped the deed for the case that has been pending would be in for August meeting.
Mr. Burke told Mr. Henderson he would let him know later about scheduling the Beachfront case.

A motion to postpone Application 13-97 to August or until the deed is secured was made by J.Miller, seconded by M.Parzialle, followed by the following vote: "YES"- M.Parzialle, T.J.Coan, J. Miller, N. Hood, J.VanStolk, R.Brittle, M. Kazenmayer, E.Lyons, J.Burke.
Mr. Hope waived the time on his application 13-97

APPLICATION - 16-97 - John Macilizio - 80½ Wyckoff Avenue
Mrs. Macilizio came forward and stated they would like to withdraw their application without prejudice. Mr. Byrnes asked her to submit a letter so we would have it on file.

Mr. Burke stated the Board would like a time limit for opening new cases put at 11:00 p.m. tonight.

APPLICATION - 19-97 - Cont. Joseph Carlet - 113 Ocean Avenue
This case was opened at the June 18th meeting, no site inspection was scheduled, the revised plans were to be submitted. An amended denial by Mr. Ratz dated 7/16/97 was marked at A-2A, 2 page letter from Mr. Henderson dated 6/20/97 to the Boro Attorney was marked as A-9, a 1 page reply from Boro Attorney Mr. Fitzsimmons of 6/23/97 was marked as A-10 and a revised set of plans of 7/11/97 was marked as A-8A. A rendering was marked as A-11, a portion of the tax map was marked as A-12.

Mr. Henderson disagrees with Mr. Ratz's conclusion that the garage is part of the house. He believes it is an accessory structure and he believes that the rear yard set back for that should be 5 feet. Mr. Henderson would like an interpretation from the Board.

Richard Grasso, Architect, 171 Main St. Manasquan, Licensed since 1991. He is qualified as a professional.
Mr. Grasso testifed he revised the plans for this application which were marked A-8A. The changes made were to make it a little more aesthetic along Second Ave. and in front of the house. In doing so they also moved the house further to the south in order to get a greater front yard set-back, making a 7 ft. Second Ave. side yard set back, a 5 ft. west set-back and a 10 ft. front yard set back. The front was measured from the radious that forms the property line. Mr. Grosso testified that it is his belief that the garage is accessory. There will be a 1/2 inch between the garage and house. There will be 19 ft. from the property to the garage entrance, so there will be parking for another vehicle. The existing building coverage is 36% and proposing 53% where 35 is required. The odd shape of the lot was the reason to exceed that lot coverage and the garage is included in that figure. Mr. Grosso has reviewed the site and it will not impair the public good in any way.

Mr. Carlet intends to retire and if this is granted will make this his permanent residence.

Mrs. Broderick, Parker Avenue came forward and asked how many bedrooms and how many parking spaces. There are 3 bedrooms and 4 parking spaces.

A motion to close the public portion of the meeting was made by J. VanStolk seconded by E.Lyons,followed by the following vote: "YES" - J. Miller, N.Hood, J.VanStolk, R.Brittle, M. Kazenmayer, E.Lyons, J.Burke.

There will be no access steps from the second floor deck to the ground. Mr. Coan would like to see some limitations - 30 ft. and 2 stories.

Mr. Henderson stated if the Board wants to restrict us to 30 Ft. we can do that, or we can live with the condition that we can only go up to comply with the flood regulations. Mr. Burke said we are not restricting you, the only thing we want to make sure the house that is built is the house that is on this paper.

A motion by M. Kazenmayer, seconded by J.VanStolk,for a favorable resolution with the following stipulations - Height 30 feet, sidewalks and curb on Second Avenue, subject to review by Borough Engineer, taking into account the rebuilding of the Ocean Avenue bridge in the future - followed by the following vote: "YES" J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

APPLICATION - 21-97 - Cont. Doris Kymer -497 Long Avenue
Keith Henderson, Lautman, Henderson & Wight, put himself on record as representing the applicant. Mr. Byrnes stated there are additional exhibits - an amended denial of permit dated 7/16/97 marked at A-2A, set of plans from Richard Grosso, 3 pages, 7/11/97 marked as A-9A also an elevation certificate marked A-10.
Rich Grosso, 171 Main St, Architect was sworn in by Mr. Byrnes. Mr. Grosso testified the plans are a new set of plans prepared by him. He testified the applicant has a 1 story, 1 family now. The applicant proposes to put a second floor on the dwelling and expand on the back with a sun porch. Both side yards are in violation. Present front yard set back is 19.71 ft. at the east corner and 18.65 ft. at the west corner. The existing side yard set backs are - west side is 1.67 ft. on the second floor we tried to set the house in to conform to that side yard, That side will conform to set backs. The rear set back existing is 47.79 ft. and porch is projecting 10 ft. out 37.79 ft. becomes its setback and only 20 ft. are required, so there is no variance required. Building coverage original house is 29.6% and the sun porch addition and the little projections outward will increase that to 37.14% which is only 2.14% overage of the 35% allowed. Mr. Ratz's percentage comes from the existing board walk in the rear, the driveway which is concrete, existing deck. Will not impair the public good, or the zone plan.

The Board members were not too happy with the widow's walk or the deck on top. Doris Kymer testified the land and house

were purchased in 1938 and she is the owner.
A motion to close the public portion on this application was made by J.VanStolk, seconded by N.Hood, followed by the following vote: "YES"- J. Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

The Boards concern was with the front yard set back, the widow's walk, the deck on the side being too close to the neighbors yard, otherwise it is a beautiful house.

A motion for a favorable resolution was made by N.Hood seconded by E.Lyons, followed by the following vote: "YES"- J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

A motion for a 10 minute recess at 9:05 p.m. was made by J.Miller, seconded by M.Parzialle, followed by the following vote: "YES"-M.Parzialle, T.J.Coan, J. Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

Board returned from recess at 9:20 p.m. with the following Roll Call: "YES"- M.Parzialle, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

APPLICATION - 23-97 - Brian & Kathy Wick - 6 Gardners Lane
Owner wishes to add a roofed porch to front of house. R-2Zone
Application denied for the following reason:
107-27 - Front Setback - 25 ft. required, 17 ft. proposed, and any other variance the Board may deem necessary. Not a special Flood Hazard Zone. Hardship Variance.

Mr. Byrnes marked the file as A-1 to A-9B. Mr. Byrnes client Mr. & Mrs. Ritchie was listed on the property owners within 200 ft., but the Board had no problem with that.

Katherine Wick - 6 Gardners Lane, Brian Wick - 6 Gardners Lane were sworn in by Mr. Byrnes.
Mr. Wick explained they have a 17 month old baby and they liked the way porches in the neighborhood looked, so they decided to build a porch. He testified it will increase the aesthetics and the value of the neighborhood. The porch will be 17 ft. from the property line. It will be an open porch with a roof. Porch will be 17 ft. from the property line. Steps will be off the side of the proch onto the driveway.

Carol Kregor, 44 Forrest Ave., was sworn in by Mr. Byrnes.
She stated the neighbors put a letter together in support of the Wick's, and she hopes the board will give them the porch.

A motion by J.VanStolk to close the public portion of the meeting seconded by R.Brittle, followed by the following vote:
"YES"-J.Miller, T.J.Coan, J. Miller, N. Hood, J.VanStolk,

R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.
Mr. Coan would like a stipulation that it will never be enclosed with screens or jalousies or windows. Mr. Wick said it would not be a problem. Mr. Hood said his problem is they are changing the set back from what it is now to what they are proposing. For that reason he is not in favor of this application. The rest of the Board was in favor of it.
Mrs. Wick testified the property was purchased in Jan. of 1996 and they are the owners. Mr. Wick testified there will be one electric outlet on the left hand corner at the base and there will be 2 electric lights installed on the interior of the porch.

A motion was made for a favorable resolution with a stipulation that the porch will never be enclosed, by J.VanStolk, seconded by M.Kazenmayer, followed by the following vote: "YES" - J.Miller, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke. "NO" - N. Hood.

APPLICATION - 24-97 Catherine Kolon - 19 McGreevey Drive.
Boards file was marked as A-1 to A-9, Photos were marked A-9A to A-9N, by Mr. Byrnes.
Owner wishes to construct 36' x 7' wood porch with roof on front of house. R-2 Zone.
This application was denied for the following reason: 107-27 Front Setback - 25 ft. required, 18 ft. proposed. And any other variance the Board may deem necessary. Not a flood zone, Hardship Varicance. This denial is based on a survey prepared by C.W.Glassen prepared in September 1967 and plans prepared by the owner. If this does not accurately depict the property and proposed work, the owner must accept responsibility.

Catherine Kolon, 19 McGreevey Drive, John Kolon, 19 McGreevey Dr. were sworn in by Mr. Byrnes.
Mrs. Kolon testified they purchased the house and land in 1965.
Mrs. Kolon testified they want to construct a porch on the front of their property, 36 x 7 ft.. They will come out a foot and a half more. Of the 15 homes that face on the front of McGreevey Drive, 9 already have porches. She testified it will increase the value and make it more aesthetic. Mrs. Kolon described the photos that were submitted for evidence.

Adeline McGreevey, 19 Muriel Place, testified she favors the porch they want to put on and the Kolons have always taken excellent care of their property and have been good neighbors.

John Donahue, 6 McGreevey Drive was sworn in by Mr. Byrnes.
He testified he is here on behalf of the Kolons, because he is in favor of this application being approved, he feels it would enhance the appearance and value of the property.

Bob Morrisey, 19 James Place, was sworn it and testified he is in favor of the porch, which will make the house look better.

Martha Sarr, 15 Muriel Place, was sworn in and testified she is in favor of the porch and it will enchance the neighborhood.

Gordon Straub, 24 McGreevey Drive, was sworn in and testified he lives directly across from the Kolons and he thinks the porch will serve to update and modernize the look of the house and a very favorable addition.

A motion to close the public portion of the meeting by M.Kazenmayer, seconded by R.Brittle, followed by the following vote: "YES" - J.Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

The Kolons amemded their application to show they are seeking a setback of not 18 ft. but 16 ft. due to the steps.

Mrs. VanStolk made a motion for a favorable resolution with the stipulation that the porch would never be closed in, seconded by M. Kazenmayer, followed by the following vote: "YES" J.Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

APPLICATION - 25-97 Gordon Strout, Jr. - 24 McGreevey Drive
The Boards file was marked as A-1 to A-9.
Mr. Lyons recused himself as he is in the 200 ft. noticing.

Owner has constructed a deck (without a permit) at the rear of existing one family dwelling. R-2Zone.
This application is denied for the following reason.
107-27 - Rear Setback - 20 Feet required, 14 ft. proposed.
Building Coverage - 30% maximum allowed, 31.9% proposed. Lot Coverage - 45% maximum allowed, 45.8% proposed. Note: Deck has spaces between boards so it is not Building Coverage or Lot Coverage. And any other variance the Board may deem necessary.
Not a Flood Zone. Hardship Variance.

Gordon Strout, Jr. 24 McGreevey Drive was sworn in by Mr. Byrnes. Mr. Strout testified he purchased the property in 1995 with his wife Barbara. Mr. Strout testified it was a misunderstanding on his part when he bought the property in 1995 and undertook to build my own house. He testified he was pressed for time as he sold his previous house, had to build a little faster, broke ground in July 1995 and received a C.O. in November. Our intent was to build a deck but ran out of money. I asked Sandy if I could put temporary stairs on the back, he gave me permission and we moved in. I didn't realize my permit for the house was closed at the point I was issued a C.O.. The assumption and problem I created for myself was that I wasn't aware that a deck wasn't similar, like to an accessory structure and encroaching on the setback, which totally took me by surprise.
Additional pictures submitted by Mr. Strout were marked as A9T to A9W which were marked into evidence.

Mr. Strout testified he made a mistake and is very sorry and

is sure he will have to pay a fine, but would like the Board's consideration on this application. He testified there would be no hot tub or pool in the back.
Adeline McGreevey, 19 Muriel Place, came forward, stating she is his neighbor and cannot say she could have better neighbors then the Strouts, they are an asset to Manasquan and the deck is beautiful.
Catherine Kolon, 19 McGreevey Drive came forward, stating she lives across the street, and has been on Adeline McGreevey's deck and the Strouts deck is beautiful and is an asset to the neighborhood.
John Kolon, 19 McGreevey Drive came forward, stating Gordon & his wife have a beautiful home and the deck is one of the best constructed decks he has seen.
Bob Morrisey, 19 James Place came forward, who lives 2 doors away, has seen the deck, it is well constructed and is in favor of it.
Bill Walsh,14 James Place stated Bunker & Barbara are the greatest people and a delight to add to the neighborhood. He has no problem with the deck.

Motion to close the public portion of the hearing by R.Brittle, seconded by J. Miller, followed by the following vote: "YES"- T. J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J. Burke

A motion for a favorable resolution with a stipulatin that there be no hot tub or pool was made by M.Kazenmayer, seconded by N.Hood followed by the following vote: "YES" - T.J.Coan, J.Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke.

A motion by J. Miller to refer back to Construction without any recommendation of a fine, seconded by N.Hood, followed by the following vote: "YES" -T.J.Coan, J.Miller, N. Hood, J.VanStolk, J.Burke. "NO" - R.Brittle, M.Kazenmayer.

RESOLUTION - 17-97 - Lucy McClennen -566 Whiting Avenue
Mr. Byrnes read the resolution.
A motion to approve the resolution was made by J.VanStolk, seconded by M.Kazenmayer, followed by the following vote: "YES"- J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

RESOLUTION - 20-97 - Kevin Toomey - 59 Rogers Avenue
The resolution was read by Mr. Byrnes. The Board could not vote on this resolution as the revised plans were not submitted. They will be put on the August agenda, if the revised plans are produced.

RESOLUTION - 22-97 John & Roseanne Trischetta - 19 Pershing
Mr. Byrnes read the resolution.

The revised plans were marked as A-9A which consists of 2 pages. A motion to approve the resolution was made by R.Brittle, seconded by J.VanStolk, followed by the following vote: "YES"- T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, E.Lyons, J.Burke.

After discussion by the Board on special meetings, it was decided not to have any special meetings.

At 11:25 p.m. the Board went into executive session with a request from N. Hood, seconded by E.Lyons, followed by the following vote: "Yes" - M.Parzialle, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke

The Board came out of executive session at 12:15 a.m. with the following roll call: M.Parzialle, T.J.Coan, J.Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

There being no more business, a motion to adjourn at 12:20 a.m. was made by J.Miller, seconded by E.Lyons, followed by the following vote: "YES" - M. Parzialle, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, E.Lyons, J.Burke.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

GH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT

ADDENDUM TO AGENDA

WEDNESDAY AUGUST 20, 1997

RESOLUTION - 34-97 - Peter Kenny vs Constantinou

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

732-223-0544
Fax 732-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES - JULY 24, 1997

The Manasquan Zoning Board of Adjustment, held a special meeting on July 24, 1997 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke called the meeting to order at 7:30 P.M.. He stated this is an open public meeting held in accordance with the Open Public Meting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: M.Parziale, T.J.Coan, J. Miller, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke. ABSENT - N.Hood.

INTERPRETATION - Kenny vs Constantinou (Dairy Queen).

Mr. Burke explained this is a quasijudicial Board, we must go according to rules of law and hold this meeting in accordance with Court rules. We request and demand that the audience give the respect to this Board that they would give to a Judge of law. There will be no talking in the audience, we will have no one calling out any answers to questions or comments made up here. We will go through all the testimony of the 2 parties and after we will ask for comments or questions you might have. You must come up to the microphone and you must be sworn in by Mr. Byrnes. The children must be very quiet, as it is being recorded.

Mr. Byrnes reminded the Board members that this matter is the subject of pending litigation and has already been filed in Superior Court in Monmouth County, therefore you are not to discuss with anyone, any thing out side of this hearing room off the record, that includes if we take a break or if someone meets you outside. There will be no public commentary or discussion.

Mr. Byrnes went through the procedural history of this entire matter, because there has been a lot of letter writing back and forth, articles in the newspaper and obviously there are a lot of discussions between Planning Board meetings as well as before Mayor and Council.

Originally there was an application before the Manasquan Planning Board for a final site plan approval. Hearings were held before the Planning Board September 1, October 6, November 10 and December 1 of 1992. The Planning Board passed Resolution 8-1993 granting preliminary site plan approval on February 2, 1993. There was another hearing before the Planning Board April 6, 1993, followed by the passage of Resolution 11-1993, which granted final site plan approval May 4, 1993. Final Site Plan approval was also granted by the Monmouth County Planning Board, their File #MUSP-5889. A temporty certificate of occupancy for

the building was issued by the Construction Official December 10, 1996. A construction permit and electrical permit were issued for the Dairy Queen portion of the building January 16, 1997 by the Construction Official. On February 18, 1997 a cease and desist order was issued from the Construction Official for the Dairy Queen portion of the building. February 26,1997, Mr. Constantinou the property owner, filled an application with the Planning Board for amended site plan approval. The Planning Board hearing was held on March 4, 1997 and by way of correspondence dated March 10, 1997, the Planning Board Attorney Geoffrey Cramer, advised that it was permissable to lift the cease and desist order. That was done by way of letter from the construction official dated March 26, 1997, in which the cease and desist order was recinded. There was another hearing before the Planning Board April 1, 1997. On April 18, 1997 a notice of appeal was filed by Attorney Richard Wight on behalf of tonight's applicant Mr. Kenny. On April 22, 1997 an amendment to the notice of appeal was filed by Mr. Wight and it was followed by an order to show cause in the Superior Court in Monmouth County Docket # L-2322-97 on April 28, 1997. A hearing in regard to Show Cause was held before the Honorable Lawrence Lawson, Assignment Judge, on April 30, 1997 and a request for an injunction was denied. The Zoning Board of Adjustment at it's regular meeting on May 21, 1997, considered a request for a special meeting to be held on either June 5, June 17, or June 18th., and being they were the only 3 days presented, the Board was unable to grant a special meeting on any of those days. On May 27, 1997 a second amendment to the Notice of Appeal was filed by the Attorney for Mr. Kenny. The Board of Adjustment at it's regular meeting on June 18, 1997 considered another request for a special meeting and granted the meeting for this evening July 24, 1997 at 7:00 p.m.. No new date has yet been set by the laws of status conference.
The order of Judge Lawson is dated April 30, 1997, and in relevant part it denies a request that James Constantinou and Michael Constantinou be temporarily enjoined for further developing or using any portion of the subject property as a Dairy Queen restaurant. It was also a request for additional order to show cause under the verified complaint that was denied.

The application has been made by Mr. Kenny seeking 2 items. No. 1 - Appeal the lifting by the construction official of a stop order which had been validly and for good cause imposed by the said construction official and Michael and James Constantinou the developers, the owners of property known as Lot 2.01 Block 31. The said stop order was imposed by construction official and developers around February 18, 1997 in connection with their construction and development of subject premises to the end of preventing commercial operation of a Dairy Queen restaurant and a dry cleaning establishment without further approval issued by the municipality. Stop order was

that development was not permitted by resolution granting preliminary site plan approval. Said stop order was improperly removed by construction official on March 26, 1997 by letter to developers without the requirement of either abatement violation by which the stop order was issued or appeal the imposition of the stop order by the developer under provisions of NJSA 40:55B-72A. # 2 - Mr. Kenny seeks an interpretation of the zoning ordinance of the Borough under section 55D70B, applicant seeks the interpretation of the term fast service restaurant as that term is defined under section 107-3 zoning ordinance including the operation of a dairy queen restaurant currently operating on the subject premises for which a use variance or a conditional use variance would be required of the developer prior to the development and operation of such a use.

The Planning Board made as findings of fact certain things. Mr. Byrnes instructed the Board members they are bound by those findings of facts which he read into the record. Those findings of fact were never appealed, they were never challanged in a court of law, they were never over turned by a judge and therefore what the Planning Board found based on testimony that they heard in 1992 and 1993, is still a finding of fact and this Board is bound by it.

Mr. Byrnes read into record the 20 factual findings from Resolution 8-1993. (copy attached).

Mr. Byrnes read into record the 11 factual findings from Resolution 11-1993. (copy attached). Mr. Byrnes stated those are all factual findings that the Planning Board made based upon the testimony they heard and exhibits they reviewed, when this matter was before them. Again those facts were never challanged, never overturned by any court and this board is bound by them.

The Juristiction issue - does this board have juristiction to hear this case? NJSA 40:55D-70A - The Board of Adjustment has power to hear and decide appeals where it's alleged by the appellant (Mr. Kenny) that there is error in any border requirement, decision, or refusal made by an administrative officer based on or made in the forcement of the zoning ordinance. NJSA 40:55D-70B - The Board also has the power to hear and decide requests for interpretation of the zoning map or ordinance or for decisions upon other special questions upon which such borad is authorized to pass by any zoning or official map ordinanace. NJSA 40:55D-72A - An appeal from the administrative officers determination must be taken within 20 days of that determination. This requirement is juristictional in nature.
Mr. Ratz's letter which is subject to the appeal is dated

3/26/97. Mr. Kenny's initial notice of appeal was filed on 4/18/97. The courts have stated that the 20 days does not necessarily commence upon the issuance of the letter, but when the applicant knew or reasonably should have been aware of what was going on. Mr. Byrnes said before we get into a lot of other issues we should hear testimony on that point, to determine whether or not this board even has juristiction.

Mr. Wight said the 20 days that the statue is read doesn't say when it starts, doesn't say from the date that the order was given. He believes it is 20 days from the date the applicant knew or reasonably should have known of the action taken. The action of appeal is from the 3/26/97 letter of Mr. RAtz.

Richard Wight, Lautman, Henderson & Wight, Attorney for the applicant was sworn in by Mr. Byrnes. Peter Kenny, 38 N. Main St. was sworn in by Mr. Byrnes.
Mr.Kenny testified his house is located one house in off Atlantic Ave. on the right, set way in the back. Mr. Kenny testified he is a comptroller for a Mortgage Banking Co.. He has resided at his present address since Feb. 29, 1996. He stated he received a phone call at work on April 1, that a neighbor had dropped off a flyer in his door stating there was a problem with a resolution on a shopping center across the street and that neighbors should show up at the planning board meeting that night, which I did. He testified he learned that night, that there was a proposal to put a Dairy Queen Restaurant in that shopping center, which was contray to what the resolution said.
When Mr. Kenny arrived at the meeting he met some neighbors for the first time and they told him there was a stop work order issued on the Dairy Queen and that unceremoniously lifted without comment given to one particular neighbor. Kenny testified April 1st was the first day he knew about the action taken by Mr. Ratz. He testified he filed the appeal on April 18th.

Ted Costa attorney for the Constantinou's came up and put himself on record. He asked Mr. Kenny if he read the papers the week before, there being reference that the Dairy Queen was coming in. Mr. Kenny testified he can't recall. He testified he didn't know and couldn't care about the development until the flyer was put in his door.

Mr. Wight stated what Mr. Kenny is appealing from is not the construction permit which he had no idea about, but he is appealing the recison of the cease and desist order of the March 26th letter.

Mr. Costa in addressing the Board said Mr. Kenny's 20 day appeal period realy expired 20 days after the time that the initial permit for a Diary Queen was issued back in January 1997.
Mr. Costa said moving on now to the acutual lifting of the cease

and desist order in late March by the building inspector, in which he doesn't have the article from the paper, but a board member on the record stated that he did read about it in the newspaper, but Mr. Kenny testified he did not read any thing in the paper, which means he wasn't paying attention until someone actually knocked on his door the day of the meeting.
Mr. Costa suggested that such conduct explains a lack of due diligence in finding out what is going on and should be held against him in regards to the 20 day period, since he did miss the 20 day period by a few days.
Mr. Byrnes stated there were 2 articles in the news paper. They were attached to the original order to show cause as exhibits 2A and 2B. 2B has hand written on it April 3rd. and 2A does not have a date. Diane Churchman was the author on 2A and 2B was Hether Bradley.

Joanne Schrable, managing editor of the Coast Star in Manasquan, was sworn in by Mr. Byrnes. She could not help the Board on the dates of publication at this time. She testified if she were in her office she could help.
Mr. Wight stated Mr. Kenny is not appealing the stop work order, he was happy to have the stop work order, what he's appealing is the removal of the stop work order, which did take place March 26th.

A motion was made by T.J.Coan, seconded by M.Kazenmayer, determining that the appeal made by Mr. Kenny was timely, followed by the following vote: "YES" - M.Parzialle, T.J.Coan, J.Miller, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke.

Application - 34-97 - Peter Kenny vs Constantinou
The Boards file was marked by Mr. Byrnes for identification purposes as A-1A Planning Board Resolution 11-1993, A-1B- Planning Board Resolution 8-1993, A-2 - Consisting of 3 pages are the building permits and plans of the Dairy Queen, A-2A- permit application dated 1/16/97, A2B- the permit up date, also of the same date, A2C- the set of plans from Mr. Ratz, consisting of 7 pages, Title Sheet Dairy Queen / Limited
Lot North Main St. & Atlantic Avenue, owner Jim Constantinou from Meadows Design Service, Inc. dated 12/30/96. A-3A- letter from Construction Official Ratz, dated 2/18/97 to Michael and James Constintinou, A-3B- letter from Construction Official Ratz, also dated 2/18/97 to Dry Cleaning Specialists Inc..
A-4 -for identification is a transcript of hearing, Application of Michael & James Constintinou, Manasquan Planning Board March 4, 1997. A-5- Correspondence consisting of 1 page from Construction Official Ratz dated 3/26/97 to Michael & James Constintinou. A-6- transcript of hearing application of Michael & James Constintinou dated 4/1/97 of Manasquan Planning Board.
A-7- the notice of appeal variance application form from Mr. Wight Attorney for the applicant, dated 5/27.97 with the attachments of 11 pages.

Mr. Byrnes reminded the Board of 2 things. # 2 the Interpretation of the term Fast Service Restaurant as that term is defined under Section 107-3 of the Zoning Ordinances, as including the operation of the Dairy Queen restaurant currently operated on the subject premises. # 1, whether or not the lifting by the Construction Official of a stop order which had been previously issued by him was an error and what was the error. These are the only two issues here tonight. Any testimony outside of those 2 issues will not be allowed.

A motion by J.Miller seconded by J.VanStolk, for a 10 minute recess was made and followed by the following vote: "YES"- M. Parzialle, T. J.Coan, J.Miller, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke.

The Board returned from recess at 9:00 p.m. with the following Roll Call: M. Parzialle, T.J.Coan, J.Miller, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke.

Mr. Wight made reference to Resolution 8-93 having to do with parking. One served to reduce the required parking size from 10x20 to 9x19, thereby allowing the applicant to get more spaces than they would have ordinarilly gotten. They also were given a variance from the number of spaces, total required 23, and the applicant has 18. Paragraph 9 refers to heavy use of this intersection. Paragraph 11 talks about a low traffic type of business, reference to real estate office, or accounting office. Paragraph 12 there is a reference to the recommendation of the planner, that because of the highly trafficked nature of the subject corner, the future usage of the subject center as and for a restaurant, cafe or any medical office should be strictly curtailed. Paragraph 17, the board thought that it could be developed as a neighborhood service center with an emphasis on retail and service activities. Mr. Wight stated all those factual findings are not in there for nothing. Mr. Wight said the only condition that we really are concerned about tonight, is No 6 on page 7 of the resolution. It reads "no portion of the premises shall be utilized as or for a medical office, cafe or restaurant. There shall be no counter or table service provided in the convenience store proposed for the subject site. Each of the aforementioned restrictions shall be placed on the final site plan to be reviewed by the Board". Those restrictions were as to permitted uses in the Zone. It is a B-1 zone, now and back in 1993. This # 6 was very important to the town, also to the neighbors who were there objecting.
Mr. Wight stated at some point early in Feb. 1997, Mr. Ratz sent out two letters, which advised the Constantinou's that they had to cease and desist development of the subject property as a Dairy Queen and even as a Dry Cleaning establishment.
Mr. Ratz stated in those letters that the applicant should return to the Planning Board for an amended site-plan. This is a stop

work order, the Constantinou's had a number of options at that point, one of which was to appeal that order. They could have come to the Board under B for an Interpretation, depending upon what the reason was for the cease and desist order. They chose to go to the Planning Board. Mr. Wight made reference to Mr. Szymanski's comments in the transcripts.

Mr. Wight said there is no definition in the Codes of Manasquan. for a restaurant. However if you look under the definition of a Fast Service Restaurant, you will find what we believe to be the definition which perfectly fits this operation.
A fast service restaurant back in 1993 was a conditional use in that zone. It can't be located closer than 500 ft. to any public school or 150 ft. from the boundry line of a residential zone. Mr. Wight stated this isn't 150 ft. from the boundry line it is on the boundry line. We're not here tonight to tell the Constantinou's they can't operate a Dairy Queen, but we're here to sugguest to them or the Board, that they have to apply for it before the proper Board. If it's a fast service restaurant, it would be a use variance, which is not permitted in this zone. They would have to go before the Board of Adjustment and apply for a use variance. If it's simply a restaurant as referred to in the resolution then they would have to go back to the Planning Board and amend the Planning Board resolution to permit this type of restaurant.

Albert P. Ratz, Jr., Construction and Zoning Officer for the Borough of Manasquan, was sworn in by Mr. Byrnes.
Mr. Wight asked Mr. Ratz if he has building permits from 1997 in his file. Mr. Ratz testified the permit from January 16.1997 that Mr. Wight has is his from his file. Exhibit A2B is also his, also several construction plans Mr. Ratz testified, the Dairy Queen is approximately 1700 ft.. Mr. Ratz testified they are serving ice cream, soda. He does not have any knowledge as to hot dogs being served. Mr. Ratz testified the February 18, 1997 letter did come from his office, concerning the Dairy Queen.
Mr. Ratz recommended that they would have to go back to the board for an amended site plan approval. Mr. Ratz testified he had no discussion with the Zoning Officer when he wrote the letter. Mr. Ratz testified, when he was getting ready to issue permits for the Dry Cleaners, he asked Vito Marinaccio to review the resolution to see if the dry cleaner was permitted under that resolution. At the same time, Mr. Ratz was reviewing the ordinance and came upon the low traffic businesses and questioned whether the dairy queen was a low traffic business.
Mr. Ratz testified the demolition permit of the old structure was April 9, 1996, the construction permit for the building shell and the deli was June 26, 1996. Mr. Ratz testified, under the Uniformed Construction Code, the Dairy Queen and Deli cannot be restaurants, as there are no public bathrooms.
Mr. Ratz testified he is familiar with the zoning ordinance

and the definition of a fast food restaurant.

Alex Dalgarno, 104 Atlantic Avenue, Manasquan, N. J. was sworn in by Mr. Byrnes as a witness.
He testified he has lived at this address approximately 25 years. He is an auto technician, and a resident of Manasquan 30 years. He attended 7 previous meetings on this project. He followed the development in the news papers and also saved some of the articles. The exhibits were not marked, as news papers cannot be questioned or cross examined. The neighborhodd is primarily residential. He testified there was only to be low traffic stores. At the March meeting, Mr. Delgarno was told it was an informal hearing, and the public was not allowed to be heard.
He testified he attended a meeting on April 1, he was told by Mr. Cramer, there wasn't any thing he could do about it, as it was all set to go. He took his family there and had ice cream and hot dogs. He testified he feels that the area was not handled for this kind of traffic, stating you can sit out there watching people trying to turn in, as there is so much conjestion. Mr. Byrnes stopped Mr. Delgarno, as traffic is not the issue. There will not be any testimony on traffic.

Mr. Costa asked Mr. Delgarno if he objected to the Dairy Queen being there. Mr. Delgarno said he does object.
Mr. Delgarno testified he is slightly diagonal west on the opposite side of the street from the store.

Mr. Kenny came forward and stated he and his family went to the Dairy Queen for a hot dog. He submitted some photos, which were taken by Sally Walker, 37 N. Main St.,who was sworn in by Mr. Byrnes. She testified she lives directly across from the Dairy Queen. She testified photo A8A is a photo taken on 7/13/97 which shows a lot of activity at the site, and people consuming food. A8B- taken on 5/3/97, which shows a large truck in the shopping center, before site was open. This was not entered into submission tonight. A8E taken from her kitchen.

Mr. Costa in questioning Mrs. Walker stated the only reason she bought the picture in was to show people eating in front.
She testified yes.

Mr. Wight called John Maczuga,304 Hawthorne Ave. Pt. Pleasant Beach. He is a Principal and Director of Planning for Bay Point Engineers. He has a Masters degree from Rutgers University, and is a licensed planner in the State of N. J. since 1976, He has testified before this Board before.
He testified he has had an opportunity to visit the site in question and has reviewed the preliminery and final site plan in this matter. He testified he heard the facts and findings that have been read into record and will not challenge them.
Mr. Maczuga read from the resolution # 8-1993, which was the resolution granting preliminary site plan approval. There were

2 variances requested, the first of which was for a deviation from the ordinance requirement, for parking stall sizes from 10x20, ordinance required 9x19, which was approved by the Board. Additionally they requested a reduction in the required parking from 23 spaces which were determined by the Board to be required down to 18 which were proposed on the subject property.
The 23 spaces required was based upon the 1993 parking requirements that were in effect for retail uses. He testified the zoning ordinance does not define a restaurant or cafe.
He testified the Dairy Queen is a form of restaurant. He based his opinion on what the dictionary said it was a public eating place, but the zoing prospective a restaurant is an establishment for the use of preparation and service of food, either for the consumption on premises or take out. He testified his opinion is a fast food service restaurant. Back in 1993 a fast service and drive in restaurants were permitted conditional uses in the B-1Zone. The conditions are contained in sections 107-43. The number of parking spaces required are 1 space for every two seats, 1 space for every 2 employees, 1 space for every 3 take out service patrons estimated for peak hour periods. There are no seats at the Dairy Queen, and employees are to park off site. Based upon the 1720 sq. ft. of the facility, the trip in and trip out would be 218 trips for peak hour periods and would require 36 parking spaces.

Mr. Costa asked Mr. Maczuga if he watched the place at night to see how busy it was. Mr. Maczuga said he was there today at 12:30 in a down pour and 12 of the 18 spaces were occupied and and no one was in the Dairy Queen. Mr. Costa questioned him on parking spaces.
T.J.Coan asked Mr. Maczuga if he had the breakdown for the parking that would be required for the convenience store. Mr.Maczuag stated under the Boro's code, the convenience store would in fact fall under the catagory of retail service space which would be 1 for 300 sq. ft., which would be 11 or 12 paces. The dry cleaners would be 6 spaces for 300 sq. ft. The dairy queen under the boro's standards has a much higher requirement for parking, which he previously explained. MR. Maczuga said the standards for parking in Manasquan relating to these types of uses are very light.

Mr. Byrnes asked Mr. Maczuga if he reviewed any of the testimony of the Planning Board's Planner. Mr. Maczuga said he did not review any testimony from the planner and did not review the testimony from the traffic engineer or the traffic officer.
Mr. Byrnes stated you referred to good planning practice a few times and Mr. Wight for the applicant stated in his opening remarks that his client doesn't object to the presence of the Dairy Queen, but if they need a use variance, they should get one and if they need to go before the Planning Board, they should do that, so what good planning practice can they do to get 36

parking spaces on that spot. Mr.Maczuga stated at this point they cannot. Mr. Byrnes asked what would be good planning practice for them to follow at this point? Mr. Maczuga stated in his testimony that there was any indications that this was the type of use that was going to be at this location. Mr. Byrnes asked, on this date what good planning practice could they use to solve this problem. Mr. Maczuga said noting, not to put a dairy queen there, find another use. Mr. Byrnes said so it is your recommendation that the Dairy Queen should be removed. Mr. Maczuga testified in his opinion there is not given the uses on that site, the square footage on that building, there is too much on that site to have a Dairy Queen there.
Mr. Byrnes said then in your opinion the dairy queen should be removed. He answered yes. Mr. Byrnes said but your client doesn't want that.

Mr. Wight said he did not say his client Mr. Kenny did not want the dairy queen there, they are here to acquire that they properly apply for that type of use if they are going to have it.

Mr. Costa asked Mr. Maczuga since you dont have any objections to real estate offices, can you estimate for us all, about how many people are possible to be in two real estate closings simultaneously. He said he wouldn't know, it depends upon who is buying and who is selling. Mr.Costa said if I told you some commercial deals you get maybe 10 people on a table for each deal, 20 people maybe 20 cars, would that surprise you, plus secretaries. Mr. Maczuga answered yes. Mr. Wight objected.

A motion was made, seconded and unanimously carried for a "short" five minute recess. The meeting reconvened at 11:40 p.m. (roll call)

After brief discussion, Mr. Burke asked Mr. Costa about the scope of his projected presentation. He then asked how members of the audience had questions which they would be addressing during the public commentary. Mr. Burke then asked, based on what they had just heard, whether they wished to continue the hearing at that time. The Board agreed to continue.

Mr. Costa continued his presentation, having Michael Constantinou, co-owner of the property, sworn in to offer testimony. Mr. Constantinou, at Mr. Costa's questioning, offered testimony about the prior Planning Board application on the property, including information on the number of hearings and the relief granted (variances and site plan). He states questions were asked about the proposed operations located on the property, noting that the Board received information about the types of retail activity that would be going on at the delicatessin, including the sale of hot and cold sandwiches, grocery items, frutis, vegetables, milk. There would not be a restaurant

establishment with a "sit down" food service, he stated.
The character of the area was noted. There is a bike path along side of the gas station and a lot of people park in the bike path and come in the store. They don't need cars. In March 1996, Mr. Constantinou thought of a pizza, but figured that was a restaurant and then an optomitris was going to take it, but he is a doctor, which was not allowed. In reliance upon the approval for a dairy queen, he and his brother spent $150,000.00 which is their life savings. In March 1997, when we found out there was somthing wrong with the permit, we had already purchased all the equipment and signed all deposits, with a $15,000.00 deposit. We went back to the board for an informal meeting to find out if it was a restaurant. Most of the members present, remembered the discussion in 1993. the Mayor was there and they thought it was so ridiculous, that they really didn't want to hear it. If Mr. Cramer was at this meeting they probably would have made a decision, (March 4th).
The dry cleaners closes at 7 p.m. so there are only 2 stores, the convenience store and myself the dairy queen open after 7 p.m. The hours of the dairy queen is from 11 a.m. to 11 p.m..

Mr. Constantinou stated he thought it was understood that the dairy queen was not a restaurant, so I relied on that. I have been in the restaurant business for 20 years. We don't have any table service, public rest rooms.
Mr. W ight stated the suggestions given were by yourself. Mr. Constantinou said he gave those suggestions, as he is an accountant and his brother is in real estate. That is the only reason I gave those examples. When I went to the March meeting I wanted to get it resolved, I'm loosing money every day. When they gave a cease and decease order, I can't operate my business and I'm going to go bankrupt. Mr. Constantinou stated he owns the franchise. I can't sell as we are only allowed in a certain area. Mr. Constantinou testified when he got the work stop order, he seeked counsel.

The meeting was opened to the public for comment.
Susan Caulkin,102 Atlantic Avenue was sworn in by Mr. Byrnes.
Mr. Byrnes stated about 8 months ago he did represent Mrs. Caulin in a land matter in Wall, but has had bi representation with her or her family since, and feels it is not a conflict of interest. Mr. Miller stated he knows Mrs. Caulkin, has done work with her, but has no dealings with her at present.
Mrs. Caulin asked Mr. Constantinou if he know Monmouth County has a business directory and also utilizes listing of businesses.Mr. Constantinou said he didn't know that. She listed under their code D, which is a eating and drinking establishment, fast food restaurant, they listed Dairy Queen. She stated most of the patrons are children who come on bikes, and they eat outside. It has impaired the neighborhood because of the high volume of visitations to that area and has become a hangout. Mr. Costa, said to Mrs. Caulkin that the 2 dairy queens she

sited, are full service with bathrooms. She said yes.
Charles Plunges, 36 N. Main St. was sworn in by Mr. Byrnes. He lives across the mini market. He stated he didn't make all the meetings, but most of them and he feels that the proposal was made by the Constantinou's that they would put up the convenience store and 2 other businesses that were to be very low traffic. I fell that if they said we were going to have a convenience type and another food store, I know I would have protested. He told Mr. Costa he would like to see the dairy queen leave, not because if it was only a dairy queen fine, but if it was only a convenience store fine, but there is too much on the lot.

Mr. Delgarno returned and complained about the parking. He stated no employees were to park there, and he has made repeated complaints. Mr. Burke said if he has any complaints like that, he should go to the Code Department.

Mr. James Constantinou, 105 Turnbrook Drive, Bricktown was sworn in by Mr. Byrnes. He said if the parking lot was so full, why didn't the people park in the municipal lot. I work every day all day and there are at least 10 parking spaces empty every day.. I wish it were full. On a Saturday nite the parking lot will be full. He stated he has a white pontiac and his brother has a van.

A motion to close the public hearing was made by J.VanStolk, seconded by J.Miller, followed by the following vote: M.Parziale, T.J.Coan, J.Miller, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke.

Mr. Wight moved that all the items that you have presently marked as identification be admitted as evidence. No objection from Mr. Costa. Mr. Burke said the only thing he would not like marked are the two pictures, one of the tractor trailer and the one of the traffic in the intersection A-B&AC. Being marked into evidence will be A1-2-3-4-5-6-7 and two photos A8a and A8d without objection.

Mr. White stated Mr. Cramer said the permits been issued, can't do anything now. Mr. White said the statues he pointed out at the beginning of the meeting, 40-55D, 72A speaks in terms of an appeal by an interested party, basically the board has the power to hear appeals by interested parties to rule upon whether or not an action by an administrative officer is appropriate.
If Mr. Kenny was appealing Mr. Ratz's order then there would be no point to allowing the appeal, because he begraded any interesting party would begraded by the same argument. He read from a case of 1979. We are asking that the cease and desist order which was issued by Mr. Ratz on February 18, 1997 was correct. There was no opportunity for a public hearing, as Mr. Delgarno tried to speak but couldn't do it. By the time

they got to the April 1st meeting it was too late. The Planning Board ended up delegating it's responsibility to the Attorney. which is not proper. There was no appeal by the Constantinou's. Mr. Ratz's action wasn't appropriate, so we are asking that the cease and desist order be reinstated. This is a fast service restaurant.
Mr. Burke asked Mr. Wight, you are asking us to make a determination that the original stop work order was correct and should have stayed in place. If we tonight, make that determination that the stop order should have stayed in place, then you are asking the Dairy Queen to close tomorrow morning.
I am expecting Mr. Costa to appeal that. And the second part is - is this a restaurant and is this a fast food restaurant, and either one would keep the Dairy queen from being on that property. If we determine it is neither one, then we are done with that part. If we determine it is a restaurant, then the application would have to go back to the Planning Board and ask for an amended site plan. If we determine it is a fast food restaurant, then the applicant would have to apply to the Board of Adjustment for a Use Variance.

"Mr. Costa stated this approval realy started in 1993, when we got our site plan approval before the Planning Board. That's when the Planning Board approved the convenience store, which also sold packaged food which according to the objectors definitions will qualify as a restaurant, it also should need a use variance. It would be wrong for us to say what the Planning Board did in 1993 was in error, because that would be like saying the convenience store has food and the dairy queen is an error, maybe we should stop the whole mall.
This does not meet the requirements of being a restaurant, as there are no bathrooms. As far as parking, there are a hundred spaces across the street in the municipal lot. I don't think that is a realistic objection in this proceeding at all.
The whole matter is Mr. Kenny claims the town screwed up and there fore the Constantinous should loose their shirt. That's the whole argument. The Constantinous should loose their shirt, their over One Hundred Thousand investment. The Constintinou brothers relied upon the townships presentations, they have a right to do that, they are good law abiding citizens, going through the right channels. They received building permits, they received go aheads for dairy queen after presenting blue prints and plans with the dairy queen all over them, they received approval, they made committments, they paid their franchise fees, they made contracts, they paid for equipment, and then all of a sudden the township almost pulled the roof from under them, until we had a legal interpretation finaly made by the Planning Board Attorney, that this dairy queen is not a restaurant. Ladies and gentlemen I ask you to look at the equities in the situation, I ask you to waive the fairness to my clients, after relying on upon the township and going through the proper channels, and what's fair to them.

Mr. Costas commented upon the events leading up to this hearing, stating his client should not be penalized for any mistakes which, in his opinion, were made by the Borough. He felt at the very least a D-Variance might be required. Also, if it is determined it is a restaurant, not a fast food restaurant, but a restaurant, the matter could revert back to the Planning Board. He was unsure of which direction it should go. It was noted that the Planning Board does not handle D Variances.

The Board and counsel discussed the issues raised. Mr. Byrnes offered case law and background. After Mr. Byrnes spoke, a motion was made, seconded and unanimously carried to close the public hearing. Chairman Burke asked the Board to deal with the issues in order. A motion was made by Board Member Miller, seconded by Board Member Kazenmayer, that the Dairy Queen constitutes a fast service restaurant, according to the Manasquan Zoning Code. Motion carried y the following vote: "Yes" Board Members Parziale, Coan, Miller, VanStolk, Brittle, Kazenmayer and Burke. "No" none.

A motion was then made by Mr. Miller, seconded by Board Member Brittle, that the stop work order was proper and should not have been rescinded. Based on request from owners' counsel, it was also stated that while the stop work order was proper the owners should be allowed time in which to apply to the Board of Adjustment for variance relief. It was suggested this be done at the "soonest possible meeting." Motion carried by the following vote: "Yes" Board Members Parziale, Coan, Miller, VanStolk, Brittle, Kazenmayer and Burke. "No" none.

Mr. Byrnes stated for the record that the Board has determined that the rescinding of the cease and decease work order was improperly made and therefore the order dated February 18, 1997 has been reinstated; however, the Board also waived the effects of the order so that the owners may continue to operate. The owners are instructed that they must apply to the Board of Adjustment for the necessary use variance at the soonest possible date. Mr. Byrnes addressed Mr. Costas, stating because a law suit had been filed he had the option to request a conference/hearing in Supreme Court. If Judge Lawson determines a variance was not necessary, "so be it." It was also noted that if the application is filed this would be the only application necessary; there would be no need to go back to the Planning Board for an amendment to the original site plan.

There being no further business on the agenda, a motion was unanimously carried to adjourn the meeting at 2 a.m.

Respectfully submitted,

Marie Applegate

Marie Applegate, Board Secretary

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT

THURSDAY JULY 24, 1997 SPECIAL MEETING AGENDA

On Thurssay July 24, 1997, the Zoning Board of Adjustment of the Borough of Manasquan, will hold a special meeting at 7:00 P.M., in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

INTERPRETATION - Kenny vs Constantinou (Dairy Queen).

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

732-223-0544
Fax 732-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - AUGUST 20, 1997

The Manasquan Zoning Board of Adjustment held their regular meeting on August 20, 1997 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, called the meeting to order at 7:30 p.m.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL - PRESENT - M. Parziale, T.J.Coan, J.Miller N. Hood, R.Brittle, M.Kazenmayer, J.Burke
ABSEMT - J. Van Stolk

A motion to approve the minutes of July 17, 1997 was made by J.Miller, seconded by M.Parziale, followed by the following vote: "YES" - M.Parziale, T.J.Coan, J.Miller, N. Hood,R.Brittle, M.Kazenmayer, J.Burke.

A motion was made by J.Miller not to start any new cases after 11:30 P.M. seconded by M.Kazenmayer, followed by the following vote: "YES" - M. Parziale, T.J.Coan, J.Miller, N.Hood, R.Brittle, M.Kazenmayer, J.Burke.

Mr. Byrnes read a resolution honoring Mr. Edward Lyons, who left the Board. A motion to approve the resolution was made by J.Miller, seconded by M.Parziale,followed by the following vote: "YES" M.Parziale, T.J.Coan, J.Miller, N. Hood, R.Brittle, M.Kazenmayer, J.Burke.

Mr. Ronald Lloyd was sworn in as a new member of the Board.

APPLICATION - 13-97 - Cont.- James Hope - 79 Second Avenue.
For the record there were no carry overs for this evening except for Mr. Hope, which is about to be heard, however no testimony was taken on this at prior meetings, so Mr. Lloyd will be able to participate.
Mr. Byrnes stated this application was originally before the Board back in May, it was carried at the request of Mr. Hope and also by the Board a few times and opened by the Board on July 17, 1997. The exhibits in the file were marked, however there was a problem that was explained to us, that the title was not 100% clear in Mr. Hope's name. Mr. Hope is now in receipt of the deed. The following exhibits were marked by Mr. Byrnes, an amended denial dated 6/19/97 marked as A-2A, a survey from Charles O'Malley dated 6/10/97 marked as A-7A, also an elevation certificate also from Charles O'Malley dated 2/27/97 marked as A-9 and a copy of a deed dated 8/19/97, between Joseph H. Palmer and Lois S. Palmer, residing in North Carolina and James Hope and Bonnie Hope.

That document consists of 4 pages and was marked A-10.
Mr. James Hope, 560 Salmon Avenue, was sworn in by Mr. Byrnes.
Mr. Hope testified it is a one story 20 x 38 ft. ranch house on the north end, directly across from the Coast Guard Station. The house is currently in a 5.5ft.flood elevation where 9 ft. is required. He testified he would like to raise it and put a garage underneath it, remodel the whole house, plumbing, electric and gas heat, turning it into a year round house. Right now it has electric heat. The house will probably be sold after he gets it done, as testified. It was bought as an investment and he testified he is improving it to sell.
Photos submitted were marked as A-11 to A22 for exhibit.
Mr. Hope explained the photos to the Board.
The amended denial shows the new piece of land that Mr. Hope didn't know was his when he purchased the property.
Mr. Hope testified, on the right elevation where it shows the rear deck top and botton, he would like to get rid of the bottom deck and just put on a porch. On the top deck, it will be right up to the house. He testified there will be no outside stairs to the top deck. He testified he would like to put pavers in the driveway and pavers in the front.

The Board would like to see the height of the house approximately 26 ft., unless Mr. Ratz says otherwise.

A motion for a site inspection on Saturday August 23, 1997 at 9:00 a.m., was made by J. Miller, seconded by M.Parziale, followed by the following vote: "YES" -M. Parziale, T.J.Coan, J.Miller, J.Burke.
"NO" - R.Lloyd, N.Hood, R.Brittle, M.Kazenmayer.

A motion to continue this application to the September 17, 1997 meeting was made by J. Miller, seconded by M.Kazenmayer, followed by the following vote: "YES" - R.Lloyd, M.Parziale, T.J.Coan, J.Miller, N.Hood, R.Brittle, M.Kazenmayer, J.Burke
Mr. Hope waived the time limit.

Mr. Miller was recused at 8:40 P.M. due to a bad back.

APPLICATION - 26-97 - Brian Gillen - 181 Third Avenue. The Board's file has been marked as A-1 to A-11.
The property owner James Miller is not the James Miller on the Board.
Owner wishes to construct 20' x 24' wood deck off second floor of house. R-3Zone. Application denied for the following reasons: 107-27 - Side Setback - 5 feet required, 2.49 feet proposesd. Rear Setback - 20 Feet required, 3 feet existing. Lot Frontage 40 feet required, 31.79 feet existing. Lot Area - 3400 sq. ft. required, 3179 sq. ft. existing. And any other variance the Board may deem necessary. A-5 Flood Zone - deck must comply. HARDSHIP VARIANCE.

Brian Gillen - 97 Main St. Apt. 5, was sworn in by Mr. Byrnes. Mr. Gillen testified he and his wife just purchased the property the later part of May. Upon purchasing, it was already under contract for summer renters. Our intent is to convert the property into year round for ourselves. The property is on Third Ave., directly across the street from the miniture golf course. The house sets 67 ft. from the roadway. Mr. Gillen explained the photos he submitted. On the ground floor is a garage which will be used as storage, the left of the garage is where the utilities are and there is a small stairway going to the upstairs. The living space upstairs consists of 2 bedrooms, 1 bath, kitchen and living room. Our intent is to have 1 bedroom, bathroom, kitchen and living room. Upstairs is the only living space, so we would like to put a nice deck out front, with sliding glass doors, making that the primary entrance to the building. The deck would expand the entire front of the house, 24' wide deck x 20'. In the middle would be the stairway going up. Steel galvanized steps with wood tread on top. The deck would be fiberglass on top. He testified he intends to put a new roof on, put some sky lights in, remove all existing windows and install new, they will be Anderson sliders in the front. The front is all cement block, he testified he will put installation and siding on to give a better appearance. Mr. Gillen testified there is no living area down stairs, and there will never be a living area downstairs.

A motion by M.Kazenmayer to close the public hearing seconded by N.Hood, followed by the following vote: "YES"- R.Lloyd, M.Parziale, T.J.Coan, N. Hood, R.Brittle, M.Kazenmayer, J.Burke.

A motion for a favorable resolution was made by M.Kazenmayer, seconded by T.J.Coan with the stipulation that the wings would be eliminated, the deck would be 12x24 and there would be no living area on the first level, seconded and followed by the following vote: "YES"- R.Lloyd, M.Parziale, T.J.Coan, N.Hood, R.Brittle, M.Kazenmayer, J.Burke.

APPLICATION - 28-97 - George C.Frank, 553 Marlin Avenue. Mr. Byrnes marked the Board's file as A-1 to A-11. Owner wishes to construct a second floor addition. R-3 Zone. This application is denied for the following reasons: 107-27 Side setback - 5 feet required, 3.3 ft. proposed (west side), 3.0 Ft. existing to steps (east side). Rear setback - 20 ft. required, 5 ft. existing to deck. And any other variance the Board may deem necessary. A-5 Flood Zone - minimum first floor elevation required is nine feet above sea level. First Floor must be raised .3 feet. HARDSHIP VARIANCE. Block 182.03 Lot 1.553.

George C. Frank, 20 Doris Way, Clark, N.J., was sworn in by Mr. Byrnes.
Mr. Frank testified he purchased the house and property in 1978

with the intentions of retiring down here, and 19 years later the time has come. The first floor will stay much as it is on the blue print. Extending the second floor using existing roof overhang of 1.5 as a guide to cantilever East and West, will give us a little more room space, and a little more definition to the house instead of going straight up. He testified the house is rented until the end of August and after the construction he and his wife will move in. There is enough room for parking 4 vehicles. He testified there are 3 bedrooms now, there will be 2. They are eliminating 1 bedroom which will be where the stairs go. Mr. Frank testified if the application is granted he will remove the planter and steps on the east side of the deck, so the variance will not be needed on that side of the house. The shed on the deck will be retained.

Harold Hahn, 68 Voorhis Rd., Kinnelon, N.J. also has a home at 550 Marlin Ave. which is across the street from Mr. Frank. He testified he is really looking forward to the addition and is happy they are moving here year round.

A motion to close the public hearing was made by R.Brittle, seconded by N.Hood, followed by the following vote: "YES"- R.Lloyd, M.Parziale, T.J.Coan, N. Hood, R.Brittle, M.Kazenmayer and J.Burke.

A motion for a favorable resolution with the stipulation that the planter and steps be removed, was made by N.Hood, seconded by M.Parziale, followed by the following vote: "YES"- R.Lloyd, M.Parziale, T.J.Coan, N. Hood, R.Brittle, M.Kazenmayer, J.Burke.

Mr. Frank stated this is his 4th meeting he has attended and after reading the bad press that you people have gotten, I was curious, but after being here, I feel that you have been more than fair and your judgements have been very good. I thank you for my variance also. The Board appreciated his comments and thanked him.

A motion for a 10 minuted recess at 9:45 p.m., was made by T.J.Coan, seconded by M.Parziale and unanimously carried.

The Board returned from recess at 9:55 p.m. with the following Roll Call: R.Lloyd, M. Parziale, T.J.Coan, N.Hood, R.Brittle, M.Kazenmayer, J.Burke.

APPLICATION - 30-97 - Richard & Florence Hare - 28 First Ave. The Board's file was marked A-1 to A-8 by Mr. Byrnes. Owner wishes to raze the exterior shower. Construct addition to first floor, second floor and a third floor. R-4 Zone. Block 165 Lot 6.01-6.02. This application was denied for the following reasons. 107-27 Side Setback - 5 ft. required, 3.5 ft. existing and proposed - north, 1.74 ft. existing and proposed - south. Rear

Setback - 20 ft. required, 6.94 ft. proposed. Building Height - 2½ stories maximum allowed - 3 stories proposed. Note (f)1 - Proposed building does not comply with Option A. Note (f)3- Dormers exceed 10 ft in length and are not set back two ft. from exterior wall. Building Coverage - 35% maximum allowed, 54.4% proposed. Lot Coverage - 50% maximum allowed - 72.56% proposed. And any other variance the Board may deem necessary. A-5 Flood Zone - structure must comply. HARDSHIP VARIANCE.

Mr. Burke was noticed on this application, so he recused himself and Mr. Brittle will take over the meeting.
Mr. Byrnes in reference to A-5 notice of property owners, Dorothy Burke is a client of his in the matter of Estate Planning and believes this will not be a conflict. Mr. Henderson the Attorney for the applicant said he discussed it with his client and they do not have an objection.

Keith Henderson, Lautman, Henderson, Wight, put himself on record as Attorney representing the applicant.
Florence Hare, 110 Foxmeadow Dr, Orchard Park, N.Y., Richard Hare, 110 Foxmeadow Dr., Orchard Park, N. Y. and Paul Lawrence Architect, Richard Grasso Associates. Mr. Lawrence is a registered Architect in the State of N. J. for the past 7 years.

Mr. Hare testified he resides at 110 Foxmeadow Rd., Orchard Park, N.Y. and has resided in Manasquan for approximately 30 years in summers. My wife owns a home at 74 Second Avenue. He purchased the First Ave. property in 1972. At the present time it is not occupied and cannot be occupied at the present as it is in disrepair. The roof leaks, fireplace leaks, windows are bad. He testified it has never been rented and has no intentions of renting. He plans to retire in 3 years and hopes to retire down here. Mr. Henderson in addressing Mr. Hare, stated on the survey it shows two easements, one on the north side of your property and one on the south side of the beachfront property. Mr. Hare testified, the purpose of the easements on the north side is to have access to the beachfront house by Mr. & Mrs. Smith. The purpose of the easement on the south side is to allow myself, my wife and our family to have access to the beach. The purpose of the retaining wall on the south side of the property, is that there is a door into the garage and it keeps the sand from going into his basement. He testified on the first floor at the present time is a basement, a floor above which has 3 bedrooms, 2 bathrooms, a living room and kitchen. There is room for 4 vehicles to be parked in the garage.

Mr. Lawrence testified about the set backs. The existing lot coverage was 88.1%. They are now proposing to eliminate the concrete along the north wall and the back and replace it with a pervious board walk type of structure which will bring it down to 72.56% which is proposed. He testified the present

building coverage is 54.16% and the proposed is 54.38%. He testified Manasquan would count that as a 2 story building, but BOCA would calculate it as one story building. The proposal for the new top floor is a 1/2 story. On the 1/2 story will be the master bedroom with attached bathroom on the First Ave. side and a den on the east side with an open porch. There are 7 houses that are 3 stories on the east end of First Ave. Mr. Lawrence testified they currently adhere to the 17½ ft. beginning a 33° roof pitch. Where we are looking for a variance is, the full linial footage of dormer is allowed 15%, we're seeking 17.2%. The code states a single dormer should not exceed 10 Feet, we're seeking 12 Feet. Lastly the three dormers questioned are the same wall line as the floor below, where the code requests that they be set back 2 feet.

Barbara Smith, 1057 Bayview Rd., Middletown, Delaware came forward and was sworn in by Mr. Byrnes. She testified she believes the water comes in on the north side easement of Mr. Hare's.

Mr. Lawrence testified the master bedroom dormer is a hip dormer, the dormer that is a continuation of the east side gable of the den, would be considered a shed dormer. The dormer for the staircase coming up to the 1/2 story would best be described as a gable dormer. We have dormers on both sides. The size of the shed dormer is 12 feet. The hip dormer is 14 ft. but the chimney takes up some of that, which would make it 9 ft. Mr. Lawrence testified to get use of the steps he had to put a dormer on both sides. He said the existing site conditions are causing a hardship.

Mr. Hare testified the best view from the deck is where Paul has it. If you move the deck on the other side you don't get the view.

Mr. Coan stated we have granted variances for the stairs, it is totally understandable, but in this case to blow out both sides he doesn't believe it has been done before. He doesn't think the ordinance was taken enough into consideration.

Mr. Lawrence testified the basemanet area will be for storage only. The basement bath will not be above flood elevation. Mr. Coan wanted to know how it would exist? Mr. Lawrence could not answer that question.

Mr. Lawrence testified the reason he had steps to the outside was to give the space to stand when opening the door.

Shawn Coffee, 18 First Avenue came forward and was sworn in by Mr. Byrnes. He wanted to know why Manasquan is calling this a 3 story when Boca is calling it a 2 story. He thinks it is

a beautiful 2 story house. Mr. Lawrence stated Manasquan counts from where the building elevation is taken, and that would be for this house on First Avenue, and when you have anything greater than 5 ft. on a floor it is counted as a story, so because the basement is a full 8 feet, it's above that 5 ft.. BOCA is done on the percentage of the ground coverage around the building perimeter.

John Dowling, 45 Beachfront. Mr. Byrnes stated Mr. Dowling is no client of his. He has met him as he has been in the building that Mr. Byrnes owns for secretarial services. He stated we should be happy we are getting decent people coming into this community, and getting rid of the group rentals. He is concerned that unless we encourage these people to come in, unless we cooperate with them and approve the reasonable requests, somthing that has happened before will happen again, so lets help these people to come into this community.

A motion to close the public session was made by N. Hood, seconded by R.Lloyd, followed by the following vote: "YES"- R.Lloyd, M.Parziale, T.J.Coan, N.Hood, R.Brittle, M.Kazenmayer,

Mr. Coan asked Mr. Lawrence if the 14 ft. hip in the bathroom could be removed? Mr. Lawrence said he could cut it back but didn't think he could remove it entirely.

Mr. Hare testified it would radically change his plan. There is no room to put a decent bath in. By removing that hip you are going to really alter that floor. It is not blocking any ones view, it is over looking the roof.

A motion for a favorable resolution was made by N.Hood, with the following stipulations, that there be parking for 3 cars in the garage, the bath in the basement be raised above flood elevation, air condition compressors be put in the rear yard, and the basement will be used for storage only, seconded by M.Kazenmayer, followed by the following vote: "YES"- R.Lloyd, M.Parziale, N.Hood, R.Brittle, M.Kazenmayer. ABSTAIN - T. J.Coan.

Chairman Mr. Burke returned to the Board at 11:15 P.M..

APPLICATION - 31-97 - June Rafferty - 357 First Avenue
The Boards file was marked as A1 to A 15 by Mr. Byrnes. Owner wishes to add third floor and deck to existing dwelling. R-5Zone. This application is denied for the following reasons:
107-27 - Lot Frontage - 40 feet required, 28 feet existing. Side Setback - 5 feet required, .5 feet existing to stairs, 1.15 feet proposed -north. Height - 2½ stories maximum allowed, 3 stories proposed. Lot Coverage - 50% maximum allowed, 76.4% proposed. 107-23.3 - Curb Cuts in Residential Zones. One 12' curb cut permitted. Curb cut is full width of lot which is 28'

wide. A-5 Flood Zone - Lower level is below the base flood elevation of nine feet. The addition is less than 50% of the fair market value of the structure, therefore no upgrading and no variance is required from the flood code. HARDSHIP VARIANCE. And any other variance the Board may deem necessary.

June Rafferty, 3-38 32nd St, Fairlawn, N.J., Susan King, 357 First Avenue, Manasquan, were sworn in by Mr. Byrnes. Susan King testified she is the daughter of June Rafferty.
She testified they want to put another level on with 2 bedrooms and 1/2 bath, so that her mother can move down here and they will all be together. The house was purchased in 1963 and the property was purchased in 1991.
Ms. King testified they have 2 bedrooms on the first level and they want to change it to 1 bedroom and a porch on the back of the house. There is 20 ft. from the fence to the end of the driveway. There is parking for 3 cars in the back and 1 in the front driveway and 2 in the street. She testified on the first level (basement) you walk to the stairs, which is all open space and in the back is a laundry room, a washer, dryer, furnace, toilet, shower. no living space down there at all, storage only. The second level will be living room, one bedroom, bathroom, kitchen eating area, dining room and the deck. The thrid floor is the master bedroom, second bedroom and bath.

Mr. Coan suggested entering that door in the front and putting the stairs inside and eliminating the stairs on the outside.

A motion to close the public hearing was made by N.Hood, seconded by M.Parziale, followed by the following vote: "YES"- R.Lloyd M.Parziale, T.J.Coan, N.Hood, R.Brittle, M.Kazenmayer, J.Burke.

T.J.Coan thinks the application is fine if they agree to complete the curb on first Ave, putting some pervious surface in that concrete area in the front, removing the front exterior steps and providing their egress and ingress from the front of the house from the internal stair case, also have them stipulate that the first floor will be used only for storage except for a foyer to get upstairs and no spiral stairway outside.
Mrs. Kazenmayer feels the same as Mr.Coan. Mr. Hood agrees with what was said, but would like to see flower boxes or shrubberyin the front.

A motion for a favorable resolution was made by T.J.Coan with the following stipulations, eliminate front curb cut on First Avenue, eliminate the outside steps and put them inside with a foyer. eliminate the pervious surface in the front, install a curb across the front, no spiral staircase between the 2 decks in the rear, a 30 ft. height limitation, air condition compressors in the rear, storage on the first level only, except

wide. A-5 Flood Zone - Lower level is below the base flood elevation of nine feet. The addition is less than 50% of the fair market value of the structure, therefore no upgrading and no variance is required from the flood code. HARDSHIP VARIANCE. And any other variance the Board may deem necessary.

June Rafferty, 3-38 32nd St, Fairlawn, N.J., Susan King, 357 First Avenue, Manasquan, were sworn in by Mr. Byrnes. Susan King testified she is the daughter of June Rafferty.
She testified they want to put another level on with 2 bedrooms and 1/2 bath, so that her mother can move down here and they will all be together. The house was purchased in 1963 and the property was purchased in 1991.
Ms. King testified they have 2 bedrooms on the first level and they want to change it to 1 bedroom and a porch on the back of the house. There is 20 ft. from the fence to the end of the driveway. There is parking for 3 cars in the back and 1 in the front driveway and 2 in the street. She testified on the first level (basement) you walk to the stairs, which is all open space and in the back is a laundry room, a washer, dryer, furnace, toilet, shower. no living space down there at all, storage only. The second level will be living room, one bedroom, bathroom, kitchen eating area, dining room and the deck. The thrid floor is the master bedroom, second bedroom and bath.

Mr. Coan suggested entering that door in the front and putting the stairs inside and eliminating the stairs on the outside.

A motion to close the public hearing was made by N.Hood, seconded by M.Parziale, followed by the following vote: "YES"- R.Lloyd M.Parziale, T.J.Coan, N.Hood, R.Brittle, M.Kazenmayer, J.Burke.

T.J.Coan thinks the application is fine if they agree to complete the curb on first Ave, putting some pervious surface in that concrete area in the front, removing the front exterior steps and providing their egress and ingress from the front of the house from the internal stair case, also have them stipulate that the first floor will be used only for storage except for a foyer to get upstairs and no spiral stairway outside.
Mrs. Kazenmayer feels the same as Mr.Coan. Mr. Hood agrees with what was said, but would like to see flower boxes or shrubberyin the front.

A motion for a favorable resolution was made by T.J.Coan with the following stipulations, eliminate front curb cut on First Avenue, eliminate the outside steps and put them inside with a foyer. eliminate the pervious surface in the front, install a curb across the front, no spiral staircase between the 2 decks in the rear, a 30 ft. height limitation, air condition compressors in the rear, storage on the first level only, except

for a foyer area, and the rear curb cut will be 20 feet. and a new set of plans to be provided, seconded by R.Lloyd, followed by the following vote: "YES" - R.Lloyd, M.Parziale, T.J.Coan, N.Hood, R.Brittle, M.Kazenmayer, J.Burke.

The Board went into executive session at 12:35 A.M. with a motion from N.Hood, seconded by R.Lloyd, followed by the following vote: "YES"- R.Lloyd, M.Parziale, T.J.Coan, N.Hood, R.Brittle, M.Kazenmayer, J.Burke.

The Board came out of executive session at 1:25 A.M. with the following Roll Call: R.Lloyd, M.Parziale, T.J.Coan, N.Hood, R.Brittle, M.Kazenmayer, J.Burke.

RESOLUTION - 20-97 - Kevin Toomey - 59 Rogers Avenue
A motion to approve the resolution was made by N.Hood, seconded by T.J.Coan, followed by the following vote: "YES"- T.J.Coan, N. Hood, R.Brittle, J.Burke

RESOLUTION - 19-97- Joseph Carlet - 113 Ocean Avenue
A motion to approve the resolution was made by. R.Brittle, seconded by M.Kazenmayer, followed by the following vote: "YES" N.Hood, R.Brittle, M.Kazenmayer, J. Burke.

RESOLUTION - 21-97 - Doris Kymer - 497 Long Avenue
A motion to approve the resolution was made by M.Kazenmayer, seconded by N.Hood, followed by the following vote: "YES"- N.Hood, R.Brittle, M.Kazenmayer, J.Burke.

RESOLUTION - 23-97 - Brian & Kathy Wick - 6 Gardners Lane
A motion to approve the resolution was made by. R.Brittle, seconded by M.Kazenmayer, followed by the following vote: "YES" R.Brittle, M.Kazenmayer, J. Burke.

RESOLUTION - 24-97 Katherine Kolon - 19 McGreevey Drive
A motion to approve the resolution was made by. M.Kazenmayer, seconded by. N.Hood, followed by the following vote: "YES"- N.Hood, R.Brittle, M.Kazenmayer, J.Burke.

RESOLUTION - 25-97 - Gordon Strout, Jr. - 24 McGreevey Dr.
A motion to approve the resolution was made by N.Hood, seconded by M.Kazenmayer, followed by the following vote: "YES"- T.J.Coan, N.Hood, R.Brittle, M.Kazenmayer, J.Burke.

RESOLUTION - 34-97 - Peter Kenny -
A motion to approve the resolution was made by T.J.Coan,seconded by M.Kazenmayer, followed by the following vote: "YES"- M.Parziale, T.J.Coan, R.Brittle, J.Burke.

There being no more business, a motion to adjourn at 1:40 A.M., was made by M.Parziale, seconded by R.Brittle, followed by the following vote: "YES" M.Parziale, T.J.Coan, N.Hood, R.Brittle, M.Kazenmayer, J.Burke.

Respectfully submitted

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

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

WEDNESDAY - SEPTEMBER 17, 1997 MEETING AGENDA

On Wednesday September 17, 1997, 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 ACATION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 13-97 - Cont. James Hope - 79 Second Avenue

APPLICATION - 32-97 - Anthony & Annmarie Fernandez -6 Acpoan

APPLICATION - 33-97 - Robert & Ann Battista - 480 Brielle Rd.

RESOLUTION - 26-97 - Brian Gillen - 181 Third Avenue

RESOLUTION - 28-97 - George Frank - 553 Marlin Avenue

RESOLUTION - 30-97 - Richard & Florence Hare -28 First Ave.

RESOLUTION - 31-97 - June Rafferty - 357 First Avenue

OLD / NEW BUSINESS
(Work session will be conducted immediately after the regular meeting).

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

JGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD
MANASQUAN ZONING BOARD OF ADJUSTMENT

WEDNESDAY AUGUST 20, 1997 MEETING AGENDA

On Wednesday August 20, 1997, 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 - 13-97 - Cont. James Hope - 79 Second Avenue

APPLICATION - 26-97 - Brian Gillen - 181 Third Avenue

APPLICATION - 28-97 - George C. Frank - 553 Marlin Avenue

APPLICATION - 30-97 - Richard & Florence Hare - 28 First

APPLICATION - 31-97 - June Rafferty - 357 First Avenue

RESOLUTION - 20-97 - Kevin Toomey - 59 Rogers Avenue

RESOLUTION - 19-97 - Joseph Carlet - 113 Ocean Avenue

RESOLUTION - 21-97 - Doris Kymer - 497 Long Avenue

RESOLUTION - 23-97 - Brian & Kathy Wick - 6 Gardners Lane

RESOLUTION - 24-97 - Katherine Kolon - 19 McGreevey Drive

RESOLUTION - 25-97 - Gordon Strout, Jr. - 24 McGreevey DR.

OLD / NEW BUSINESS
(Work session will be conducted immediately after the regular meeting).

RESOLUTION - Edward Lyons

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

732-223-0544
Fax 732-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT

MEETING MINUTES - SEPTEMBER 17, 1997

The Manasquan Zoning Board of Adjustment held their regular meeting on September 17, 1997 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, called the meeting to order at 7:30 P.M.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL - PRESENT - R.Lloyd, M.Parziale, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, J.Burke, M.Kazenmayer.

A motion was made by R.Lloyd, seconded by M.Parziale to approve the minutes of August 20, 1997, followed by the following vote: "YES" - R.Lloyd, M.Parziale, T.J.Coan, N. Hood, R.Brittle, M.Kazenmayer, J. Burke. ABSTAIN - J. Miller, J.VanStolk.

APPLICATION - 13-97 - Cont. James Hope - 79 Second Avenue
Mr. Byrnes stated, for the record, there is one additional exhibit, a certification from J.VanStolk, certifing she has listened to the tapes of the August 20, 1997 meeting although she was not in attendance. For the record all the other board members who are here tonight, were present at that meeting, including Mr. Lloyd who was sworn in as a new member after the attendance had been taken. Certification has been marked as exhibit A-23.

Mr. Hope had been placed under oath at the prior meeting.
Mr. Robert Zanes, 430 Long Avenue, came forward and was sworn in by Mr. Byrnes. Mr. Zanes submitted a drawing which was marked as exhibit Z-1. Mr. Zanes testified his concern is the size of the lot and in fact the size of the building that is going up. His contention is that the lot is too small to over burden it with really more than what's on it initially. He testified there are 2 structures on either side of this building all on 25 ft. lots. The Hope structure is 14 ft. 7 inches tall and he wants to raise it to 24'4". Side yard set backs are 2'2" onthe south side and 2.1' on the north side and in fact to the structure next door, approximately 4' on the south side and a little bit over 4' on the north side.

If the structure is allowed to be built as it is, rain, ice what have you, when blown off is just going to fall on the neighboring structures. From eve to eve on the north side there is 22" and from the south side 16". He hopes that the board would turn this application down.

Mr. Hope testified, as far as rain and ice, gutters will take care of that. That drawing is not the way the house is going

to look. There will be standard doors, full glass, shutters on the house, it will be done in desert tan, it will look like a colonial house. Mr. Zanes made reference to the notice sent to the people within 200 ft. and the notice which appeared in the paper.
For the record, Mr. Zanes is Vice Chairman of the Planning Board, but he is here as a private citizen. He testified the area in question has not been rezoned in the 5 years he has been on the board. He testified he has never had any discussions with any planning board members, either in a meeting or executive session or outside of a meeting about this particular property.

Steven Smith, 104 Ocean Avenue, Manasquan, N. J., his permanent residence is in Manhattan, 36 W 71st St. in New York. This is my summer home, which I purchased back in May 1997. He testified his property is directly behind the house in question. He testified, he has several places on his property that have unobstructed ocean views. If this house goes up it will block my view.

Mr. Byrnes stated, Mr. Smith you purchased your house in May of 1997, Mr. Hope filed his application in February of 1997, are you aware of that. Mr. Smith said he was not aware of that. He testified he became aware when Mr. Zanes gave him the notice sometime in June or July whenever the first meeting was.

Mr. Hope stated when he came before the Board he said it was a group rental house, it'a a winter rental, it's in a flood zone, it had 2 ft. of water in it in 1992, it can stay that way if that is what Manasquan wants. I am only trying to make this into a decent house, it will not be a group rental any more.

A motion to close the public portion was made by T.J.Coan, seconded by J.Miller, followed by the following vote: "YES" - R.Lloyd, M.Parziale, T.J.Coan, J.Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke.

A majority of the Board felt the lot was too small and too congested, not enough light and air.

Mr. Hope withdrew his application without prejudice.

APPLICATION - 32-97 - Anthony & Annmarie Fernandez - 6 Acpoan
Board's file has been marked as A-1 to A-11.
Owner wishes to install central air-conditioning units in the side yard setback and have an 18'x28' on grade concrete patio.
R-2 Zone.
This application is denied for the following reason:
107-27 - Side Setback - 5 feet required, 3 feet to air conditioner proposed. (House is 6 feet from lot line)

Lot Coverage - 45% maximum allowed, 49% proposed. And any other variance the Board may deem necessary. Not a Flood Zone.
HARDSHIP VARIANCE.
NOTE: This house is under construction and the above items are changes proposed by the owner to the original conforming plans.

For the record, James Miller listed on the noticing of the property owners within 200 ft. is not the James Miller on the Board.
Anthony Fernandez, 301 Clairmont Terrace, Union, N. J. was sworn in by Mr. Byrnes.
Mr. Fernandez testified he would like to relocate his air compressors from the front of the house to the side. He did talk to his neighbor on that side and he had no problem. Mr. Fernendez stated he would like to enlarge his concrete patio. Mr. Fernandez is 6 ft. from his property line, his neighbor is 5 ft. to the garage and the house is about 12 ft., that is why he feels there is no problem putting the air compressor on that side of his house.
It was suggested putting it on the right side of his driveway or in the front next to the steps. Mr. Fernandez purchased the property January 1997.

A motion to close the public meeting on this application was made by N. Hood, seconded by M.Kazenmayer, followed by the following vote: "YES" R.Lloyd, M.Parziale, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke.

The Board had a problem with the condensors being put next to the neighbors, increasing the concrete slab, unless it was in pavers. Mr. Burke stated "you have so many options to not create a variance, that if you want anything that is going to create a variance on this property, he feels it is not going to get an approval tonight". The Board suggested he talk to Mr. Ratz. Mr. Fernandez withdrew without prejudice.

A motion for a 10 minute recess was made at 9:05 p.m. by Mr. Miller, seconded and carried by the following vote: "YES"- R.Lloyd, M.Parziale, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke

The Board returned from recess at 9:15 p.m. with the following roll call: R. Lloyd, M.Parziale, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke

APPLICATION - 33-97 - Robert & Ann Battista - 480 Brielle Rd.
The Board's file was marked A-1 to A-10 by Mr. Byrnes.
Owner proposes to construct addition to existing dwelling.
R-3 Zone.
This application is denied for the following reason(s):
107-27 - West Side Setback - 5 feet required, 3.7 feet existing.

(NOTE: Addition will meet five foot setback)
East Side Setback - 5 feet required, 0 feet to shed.
Rear Setback - 20 feet required, 9 feet existing. And any other variance the Board may deem necessary. HARDSHIP VARIANCE
A-5 Flood Zone - Addition must meet flood code requirements.

Mr. Byrnes swore in Ann Battista, 480 Brielle Rd, Robert Battista, 480 Brielle Rd, and Paul Amelchenko, Architect, Amelchenko Design Inc.. Mr. Amelchenko is licensed in the State of N. J. Mr. Parziale recused himself, as Mr. Amelchenko is the Architect on his mother's project.

An artist's rendering in full color was submitted and marked as evidence A-10.
Ann Battista testified her husband's 15 year old daughter is living with them and they need another bedroom. They would like to add a bedroom over the living room, which would give his daughter a bedroom. The windows to the rear of the house will all be new, which will give them a view of the river.
The house and property were purchased in 1996.
The shed, an accesory structure in the rear, is on the easterly side yard of the neighbors line by 2 inches off of one side.
It is an additional 2½ft. from the rear property line. A purvious deck has been constructed around that entire area, that is terraced and ties in with the dock. Removing that shed would become quite painfull.
Mr. Amelchenko stated they are proposing a 2nd floor bedroom 18x12' in width, for their daughter. It will not affect light and air and will enhance the neighborhood. There will not be an outside stairway to the deck. There is a spiral stairway in the kitchen leading up to the bedroom.

A motion to close the public portion was made by R.Brittle, seconded by M. Kazenmayer, followed by the following vote: "YES" - R.Lloyd, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke.

A motion for a favorable resolution with no stipulations was made by M.Kazenmayer, seconded by T.J.Coan, followed by the following vote: "YES" - T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J. Burke.

For the record Mr. Parziale returned to the board.
Mr. Miller was excused from the board.

RESOLUTION - 26-97 - Brian Gillen - 181 Third Avenue
Amended plans were submitted and marked as A-8B
A motion to approve the resolution was made by M.Kazenmayer, seconded by N.Hood, followed by the following vote: "YES" - R.Lloyd, M.Parziale, T.J.Coan, N.Hood, R.Brittle, M.Kazenmayer, J.Burke.

RESOLUTION - 28-97 - George Frank - 553 Marlin Avenue
The resolution was read by Mr. Byrnes. A motion to approve the resolution with an amendment to eliminate the condition of submitting a revised set of plans and reworded so that the existing plans are acceptable with the condition that the steps and planter on the east side are removed and the deck will comply with the setback requirements, was made by M.Kazenmayer, seconded by R.Brittle, followed by the following vote: "YES" - R.Lloyd M.Parziale, T.J.Coan, N.Hood, R.Brittle, M.Kazenmayer, J.Burke.

RESOLUTION - 30-97 - Richard & Florence Hare - 28 First Avenue
A set of plans have been submitted and marked as A-8A
A motion to approve the resolution in accordance with the new plans was made by R.Brittle, seconded by M.Parziale, followed by the following vote: "YES" - R.Lloyd, M.Parziale, N.Hood, R.Brittle, M.Kazenmayer.

RESOLUTION - 31-97 - June Rafferty - 357 First Avenue
The resolution was read by Mr. Byrnes. Revised sets of plans were marked A-9A and A-10A.
A favorable resolution was made by N.Hood, with the following conditions, that there is no living area on first floor, storage only, elimination of the existing curb cut, driveway and impervious surface in the front of structure, and provisions for a curb cut not to exceed a width of 20' in the rear on Timber Lane, seconded by M.Parziale, followed by the following vote: "YES" - R.Lloyd, M. Parziale, N.Hood, R.Brittle, M.Kazenmayer, J.Burke. "NO" - T.J.Coan.

OLD/NEW BUSINESS

Mr. Parziale suggested recommending to the Planning Board that on new construction, the electric, telephone and cable wires be put under ground.
Mr. Miller will make the recommendation to the Planning Board next month.

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

A motion to adjourn at 11:50 p.m. was made, seconded and unanimously carried

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT

WEDNESDAY - OCTOBER 15, 1997, MEETING AGENDA

On Wednesday October 15, 1997, 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 - 36-97 - Squan Village Historical Society, Inc.
105 South Street

APPLICATION - 29-97 - Joseph DeGenova & Donna Perez
54 Iroquois Road

APPLICATION - 35-97 - Joseph Rufolo - 104 McLean Avenue

RESOLUTION - 33-97 - Robert & Ann Battista - 480 Brielle Rd.

OLD / NEW BUSINESS
(Work session will be conducted immediately after the regular meeting).

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

732-223-0544
Fax 732-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT

SPECIAL MEETING - OCTOBER 15, 1997

The Manasquan Zoning Board of Adjustment held a special meeting on October 15, 1997 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke called the special business meeting to order at 6:30 P.M.. This meeting has been called to talk about pending litigation before the Board.

ROLL CALL: PRESENT _ R.Lloyd, T.J.Coan, J.Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke.
ABSENT - M. Parziale.

Motion to go into executive session at 6:30 P.M. was made by J.Miller, seconded by R.Lloyd, followed by the following vote: "YES"- R.Lloyd, T.J.Coan, J.Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J. Burke

The Board came out of executive session at 7:35 P.M. with the following ROLL CALL: R. Lloyd, T.J.Coan, J. Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke.

The Executive Session was closed at 7:40 P.M. with the following Roll Call: R.Lloyd, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke

Chairman John Burke, opended the Special Meeting at 7:45 P.M.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: Present -R.Lloyd, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke.
ABSENT - M.Parziale.

APPLICATION - 5-97 - Gertrude Rossetti - 50 First Avenue
Mr. Burke has to step down as Chairman as he lives within 200 ft. of the applicant. The meeting has been turned over to Vice Chairman Mr. R.Brittle. For the record Mr. Lloyd will recuse himself as he was not able to hear the tapes, as they were at the transcribers.

Ms. Nancy Wright, Attorney with the Law firm of Bathgate, Wegener & Wolf is on record as appearing on behalf of Gertrude Rossetti and Mr. & Mrs. Gordon Twadell.

Mrs Gordon Twadell, daughter of Mrs. Rossetti, and John Milligan the contractor came forward.
Ms. Wright stated, as the Board knows, the purpose of this meeting is to reopen the hearing at the direction and order of Judge Lawson for the purpose of what was originally intended when she last appeared here, to give them an opportunity to address mistakes in the record and to request that the condition of the deed restriction be rescinded. At this time the areas that will be addressed are the date that the apartment was first known to exist and the date of the first zoning ordinance that was enacted in Manasquan. The purpose of introducing the date is to demonstrate that the apartment was a pre-existing use before the first zoning went into effect and to also add testimony showing that the front porch area was capable of being enclosed prior to this application. That's important to show the minimal, minimal, nature of this application.

Mr. Byrnes stated the last exhibit was A-19, additional exhibits A-20 is affadavit of publication for this meeting, A-21 proof of service of public notice, A-22 copy of the notice appearing from the applicants dated 10/2, and marked as A-6A the list of property notices being served, also in the file is a copy of the order from Superior Court signed by Judge Lawson dated September 30, 1997.

Mr. John Milligan, 2908 Garfield St. Wall, the Carpenter for the applicant, was sworn in by Mr. Byrnes. Mrs. Twadell had been sworn in at a previous meeting.

Mrs. Twadell testified she is the daughter of Mrs. Rossetti. The property was added to the property in 1946 by her parents. She knows that because in 1947 she graduated from Junior High School and at that time her parents allowed a friend and herself to stay in that apartment after their graduation, when they came down on that weekend. That apartment was finished and furnished when they stayed in there in June of 1947. The apartment at that time was the same as it is now, a kitchen, bathroom, living room and 1 bedroom. She testified the first zoning ordinance enacted in Manasquan was December 1947.
Mrs. Twadell stated she got the 1947 ordinance from Mr. Szymanski. The 1947 ordinance was approved and published on December 2, 1947, a copy of which was marked into evidence as A-23 by Mr. Byrnes.

Mrs. Twadell testified, when the house was purchased by her parents the beginning of 1942, there were windows that were used off and on on that porch area. The windows that were used on that porch were stored in the garage. When we started work on that porch, Mr. Milligan disposed of them when he got rid of the debris that they had to get rid of.

Mrs. Twadell testified, the rear porch is enclosed and has always been enclosed.
Mr. Hood would like to submit somthing into evidence, but Mr. Byrnes stated this is cross examination of a witness, if you have a question of the witness, you are permitted to ask it.

Mr. Milligan testified, he had been working for the Twadells and was asked about remodeling and winterizing Mrs. Rossetti's property. In connection with that, the changes that were part of the permit, that he did the work for, called for the removing of a bearing wall. In working on the structure, in connection with the front porch, he did find windows that Mrs. Twadell referred to. He testified, the windows were the old fashion storms, the hooks on the house and the windows latch into and fall down on the frame and closed with turn buckles. He testified he threw the windows in the dumpster. He testified the porch had an outlet for a light.

Mr. Coan asked Mr. Milligan, when you do renovations, do most porches have electricity, and are you a licensed contractor. Mr. Milligan replied yes, he is a carpenter.

Ms. Wright stated the purpose of the testimony was already stated and presented on the record, and what is important to remember is that the apartment was there before the zoning. The property has protected rights as it relates to the existing non-conforming uses on the property. The apartment was not in any way affected by the application to change the roof line on this property. There was testimony before, of the nature of the area of other properties existing exactly the same, there was testimony that demonstrated the apartment was not changed in any way, accordingly the condition that was placed by this Board on the work being able to be completed to make the property safe and upgraded and modernized, was unreasonable and unreasonably burdened the property owner. As a matter of law, it interfered with the rights of the property owner in a way which was not intended for a zoning board on such a minimal application to do so. It interfered by prohibiting the renting of that apartment, that goes to the nature of the use of that apartment in the sense that it discriminates or distinguishes between whether it's the property owner or a tenant whether it's a renter or whether it's friends or family member. That has no bearing on the non-conforming use. That goes to concerns that the board might have about enforcement concerns, but enforcement concerns are police power concerns, there not zoning board use concerns when it comes to an application of such a minimal nature.
For the record, Ms. Wright referred to the Urban case as it relates to that and also in connection with imposing severe restriction on a non-conforming use, it needs to be stated that in the Beers Case, it states that the test of a non-conforming

use is use not ownership or tenancy. Ms. Wright states there is no basis in any way to justify the condition that was imposed. The Urban Case states that as the matter of fact and law that it is not the intent for zoning to interfere with police powers or to try to regulate in that fashion. Essentially for those reasons and because it was an unnecessary restriction totally irrelevant to this application, I would ask that that condition be rescinded".

Mr. Byrnes instructed the board, that the limited nature pursuant to the order of Judge Lawson, the Board is to consider only facts which are presented to them by the plaintiff, as the history of the application is applicable to appeal of construction official Ratz's February 29, 1997 denial for this application for a building permit. Any vote that will be taken will be in regard only to paragraph 4 on page 6 of the resolution of 5-97- " Approval of this application is subject to the applicant preparing and filing a Deed with the Clerk of Monmouth County in which a restriction whall be set forth that the applicant will not rent the auxiliary apartment that is attached to the main structure, and; applicant shall provide proof that she has applied to the Water and Sewer Dept. to have the two dwelling units on the subject property consolidated into a single account with a single water meter".

Mr. Byrnes noted that Ms. Wright submitted to him the signed and notarized deed, which did contain that declaration of restrictions.

Ms. Wright stated she believed it was clearly understood by the Board before, but while the term was used to winterize the apartment, it is important for the Board to note the apartment and main dwelling was heated in the past. Mrs. Twadell testified that was on the record.

Mr. Hood wanted to rebut Mrs. Twadell's as she said the apartment was there since 1946. He would like to present in evidence 2 journals from 1941 to 1947, Building, plumbing and alterations. Ms. Wright objected on the grounds," that the order from Judge Lawson expressly seeks, to start, that the purpose of this hearing is to be limited to the presentation of the applicant. She would also like to say, in the past, in this very same application Mr. Hood was instructed by Mr. Byrnes that the nature of the application is limited to the sworn testimony of the people that appear before this board, the exhibits that are marked into evidence and it is not a board members roll, job, duty and in fact the opposite, it is a board members job to be imparcial, not to go on his own independant hunt to try to find facts and or information and put pieces together that are not a part of this application, that are in fact hearsay, because no one is here to swear or enter any kind of evidence or proof.

The only oath that these people took, was that they would tell the truth. The oath that you took as a board member is that you would be impartial. You have been instructed on this record before by Mr. Byrnes, that you don't do that. I have nothing more to say, in fact I said enough".

Mr. Byrnes stated to Mr. Hood, "your journals that you have, will not be admitted into evidence, will not be presented to this board, based on #1 - upon the order of Judge Lawson and # 2 - Ms. Wright is absolutely correct, you have been instructed before, that your conduct was imporper and that you were not to do it and that instruction still applies, you are not to go out on your own, you are not to go look things up, in this or any other application. I will ask all of the members of the Board to set aside any comments made by Mr. Hood, made in their determination, I will strongly urge that the Board set aside any comments made by Mr. Hood in your determination, when you vote, and Mr. Hood I will specifically instruct you to set aside any thing that you have read, looked up, researched or any thing else that is not part of this record. Can you do that sir". Mr. Hood replied - yes.

Mr. Coan asked Ms. Wright if she was familiar with the two previous evenings that we sat here before you came on and you read the transcripts of those evenings? She replied she listened to the tapes. Mr. Coan stated - and you don't recall Mr. Twadell's testimony that the houses weren't heated.
Ms. Wright stated to the contray, there was heat in the house.
Ms. Wright stated to Mr. Coan " heating is heating, rights go with it, it doesn't matter if you have the most efficient or the least efficient, if there is anything that provides heat that is sufficient to protect your rights".

Mr. Twadell came forward and Mr. Coan asked him - in our meeting on February 19, 1997, the minutes show that you stated "the house is 80 years old and Mrs. Rossetti would like to make it a winter home. The building will be resided. It is not heated at present, only temporarily". Mr. Coan wanted to know exactly what that means. Mr.Twadell replied, it means that there was a space heater there, a chimney, an outlet to the chimney, and that is what heated the house. Mr. Coan wanted to know if there was a building permit for that space heater? Mr. Twadell replied that space heater has been there since they bought the house and it was kerosene, located in the center of the house. The downstairs was heated by electric plug in heater. There were 2 plug in's and one was a fixed unit.
Mr. Coan asked Mr. Twadell if it was his signiture. Ms. Wright objected, as it is outside the scope of the application.
She would also like to remind Mr. Coan that the only area that was subject to any change under this application would be the area that we have been talking about, not the apartment. Mr.

Coan stated that you stated in the past it is not a use variance.

Ms. Wrightsaid "what she has stated and what Mr. Twadell is stating is that there was heat on the building - that's all. So in terms of what this application is sought to do, this application didn't seek to do any thing much at all. It was probably the smallest application that could be before this board".

Mr. Byrnes stated Ms. Wright has made objection to a document that you have produced Mr. Coan. Is it a document that we have made as part of the record on prior occasions. Mr. Coan answered no. Mr. Byrnes told Mr. Coan to take the document back and the same instructions he gave to Mr. Hood less than 10 minutes ago, applies to you also. Mr. Coan wanted to know just what are we voting on.

Mr. Byrnes stated what we are voting on is paragraph 4 page 6 of the original resolution of 5/97. " Approval of this application is subject to the applicant preparing and filing a Deed with the Clerk of Monmouth County in which a restriction shall be set forth that the applicant will not rent the auxiliary apartment that is attached to the main structure, and; applicant shall provide proof that she has applied to the Water & Sewer Department to have the two dwelling units on the subject property consolidated into a single account with a single water meter".
Mr. Byrnes stated that whole paragraph will be deleted if the Board votes that way.
Mr. Coan stated then the house will be considered a two family home again and now it would be a winterized family home - is that what we are voting on. Mr. Byrnes said you are voting on what is contained in this paragraph, whether it is going to stay or not. Mr. Coan said it is not really staying, so we gave them permission before to keep this entire house, based on the fact that it would be inspected as a single family home, we also granted a variance for parking, based on the fact that it was a single family home, now it is going to be a two family home, there is still the issue of parking variance, which I would view differently, if it's going to be a two family home, and there is the issue of adding the heat which would be viewed differently. I'm really puzzled, if you drop that, then it really changes the application as a whole.

Mr. Coan stated Mr. Twadell has testified thoroughly enough for me that the upstairs unit did have heat, but I don't think testimony to be thorough enough that the downstairs unit had heat. Mr. Coan said when he did his site inspection, he did not see any hard wire unit and I'm limiting my comments to the record. If we remove that paragraph, it's a completely different

application.

Mr. Miller made a motion to rescind the restrictions that were previously placed in this resolution of 5/97 which had approved the original application, (a yes vote is to remove or rescind a no vote), seconded by M.Kazenmayer, followed by the following vote: "YES" - J.Miller, J.Van Stolk, R.Brittle, M.Kazenmayer. "NO"- T.J.Coan. ABSTAIN -N.Hood. with the explaination that he feels this has only been a one-sided thing, we haven't heard the whole case.

For the record, the Chairman Mr. Burke has returned to the Board, also Mr. Lloyd has returned.

A motion to close the special meeting was made by J.Miller, seconded by J.VanStolk, followed by the following vote: "YES"- R.Lloyd, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustmen

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT

WEDNESDAY OCTOBER 15, 1997 SPECIAL MEETING AGENDA

On Wednesday October 15, 1997, the Zoning Board of Adjustment of the Borough of Manasquan, will hold a special meeting at 7:00 P.M., in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION - 5-97 - Gertrude Rossetti - 50 First Avenue

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

732-223-0544
Fax 732-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT

MEETING MINUTES - OCTOBER 15, 1997

The Manasquan Zoning Board of Adjustment held their regular meeting on October 15, 1997 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, called the meeting to order at 7:45 P.M.. He staterd this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL:- PRESENT - R.Lloyd, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke.
ABSEMT - M. Parziale

A motion to approve the minutes of September 17, 1997 was made by J. VanStolk, seconded by J.Miller, followed by the following vote: "YES" - R.Lloyd, T.J.Coan, J.Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke.

APPLICATION - 36-97 - Squan Village Historical Society Inc.
105 South Street

Keith Henderson, Lautman, Henderson & Wight, is on record as the Attorney for the applicant.
Mr. Brittle and Mr. Hood are members of the Historical Society, and will have to recuse themselves. Mr. Lloyd has volunteered his time to do work for the historical, but does not have to leave the Board. Mrs. Van Stolk is going to be represented by Mr. Henderson on her case coming before the Board, but does not have to step down.

The Board's file has been marked as A-1 to A-7. Mr. Henderson submitted the following exhibits to be marked as A-8 a map from the Beers Atlas of Monmouth County of 1873, A-9 a map from the Wolverton Atlas of Monmouth County of 1889, A-10 a letter from the Prespyterian Chuch of Manasquan, A-11 a proposed rough site plan prepared by Mr. O'Malley and 3 photos marked A-12-A13-A14.

The Society wishes to convert the existing residence into a museum. R-2 Zone.
This application is denied for the following reason: 107-9 - One family residential zone - not a permitted use. USE VARIANCE. And any other variance the Board may deem necessary.

Marshall Brown, 466 Long Avenue, Manasquan, the president of the Society and John D.Maczuga, Planner and Engineer, of Bay Pointe Engineering Associates, Inc., 304 Hawthorne Ave. Pt. Pleasant Beach, N. J., were sworn in by Mr. Byrnes.

Mr. Brown testified he has been a member of the Historical Sociey for 5 years. He was born and raised here, went off to college

and returned and is now retired here 10 years ago. He testified the Society was established to discover, collect and preserve information that might help to illustrate the history of Manasquan and the surrounding territories. We assumed title to and provide preservation of such materials so that any one that wants to may be able to examine them and research these items. The Society also cooperate with the Boro officials and other historical societies and local groups to insure the preservation of the records and they undertake the preservation of historical buildings, monuments and markers.
Until the disasterous fire in late April of 1996 which destroyed the railroad station in which the society maintained headquarters and a museum. They had most of their materials there. They were looking for a historical site and the Reed house is one of the buildings. The Reed family felt that they wanted to keep the house as a historical item for the community and offered the Society a chance to purchase it.
The deed has been traced back as far as 1812, and the first transfer they were able to find was from John and Ann Baily to John Jr. Baily in 1812. There were 15 transfers recorded and 3 were from the same person to the same person. Essentially all the transfers have been from the Baily family to McKnight for a short period of time and then to the Osborn Curtis family, to the Voorhees family for 20 years and then back to the Baily family and then in 1921 to the Reed family.

The construction in the older part of the house, which is the back part was probably built before the turn of the century, probably the late 1700's. Photos submitted showed the way buildings were built then compared to now. Red brick was used as insulation between the walls. This building is probably one of the 37 original homes listed in Monmouth County. If this building was left unattended it would probably fall down.

Mr. Brown stated if granted the building would become a historical landmark, people would be able to go through and see what it was like itself and it would also be a depository for some or all of the artifacts we have saved from the fire and hopefully a lot of the records we have saved also. It will be open to selected people by request during general working hours. They also hope the building will be available for regular meetings of the society which takes place the second wednesday of each month for approximately 1½ to 2 hours, except for August when they don't meet. They do not intend to have hours open to the public on regular basis.

Mr. Henderson stated the only thing he is asking of the Board tonight, is if they have some guidance for us. We want to cooperate, but we're not quite sure what to cooperate with and there is no guidence in your ordinance.

John Maczuga, Engineer and Planner from Bay Pointe Engineering Assoc., came forward and addressed the Use Variance Criteria. He testified the area is a mixed area and quite unique, mostly old homes. The dimensions of the property are 104.6 ft. frontage along South St. and approximately 222 ft. of depth over 2200 sq. ft. over a half acre of land. Side setback on north side is 28 ft. and almost 42 ft on the south side and a substantial area behind the existing structure back to the barn and shed area on the property. There is a lot of old vegetation along the rear and side. The property is located in the R-2 Zone and is in exess over 4 times the required minimum lot size required. Mr. Maczuga testified the area has a unique historical character of their own as part of the the Boro's history. There is clearly a historical significance and the granting of the application and the granting of the use variance that has been requested will promote the preservation of the historic site, that may otherwise be left to deteriorate and or be removed and replaced by more modern structures.

The application was amended to include the front steps. The total square footage of the house and barn was calculated as around 2000 sq. ft..
Mr. Burke opened the meeting to the public.
Warren Mulhall, 15 Iroquois Rd. came forward and was sworn in by Mr. Byrnes. He stated he is under the understanding this is a preliminary hearing tonight, Mr. Burke responded no, it can be decided tonight unless the Board determines it has to extend for another month, otherwise it will be heard tonight.
Mr. Mulhall is concerned about the parking in the rear, how far back will it go, also the lighting. Mr. Burke stated as far as parking and lights, that will be taken up at a future date, when this Board hears site plan approval for a final site plan on this particular property. There will be no approval for lights tonight.

Christine Danish, 111 South St. was sworn in by Mr. Byrnes. She stated the people in the Sociey are friends and neighbors in the area and town and I live right next door to the Reed house. Being next door there has been a lot of construction, sanding the siding, the dust was blowing all over, but above all I am concerned about the lighting and parking. It's a residential area, it's an area primarily families live there. People interested in what they are doing are walking on my property, which is private property. To think they are going to black top and lights being put in, is very disturbing. Any thing the Board can do to help us will be appreciated.

Mr. Henderson satated the Society does not want to put in asphalt nor do they want a lot of parking. The only reason we put in for a site plan is to get some imput from the Board and the neighbors, to tell us what they want and don't want.

Mary Lou Moriarty, 28 Iroquois Rd, was sworn in by Mr. Byrnes. She stated she resides to the back of the barn area. She is also concerned about the following issues - parking and lighting. She is also concerned about putting black top in the rear for parking.
Duane Danish, 111 South St. and John Mullery, 32 Iroquois Rd. were sworn in by Mr. Byrnes. Both had concerns about the parking and lights, and the walk through from Iroquois to South St..
Mr. Brown stated the property was purchased on July 24, 1997.

A motion to close the public portion of the meeting was made seconded and followed by the following vote: "YES" R.Lloyd, T.J.Coan, J.Miller, J.VanStolk, M.Kazenmayer, J.Burke.

Mr. Burke stated, what the Board is being asked to vote on tonight, is a use variance with primarily 107-9 one family zone not a permitted use, and also a front yard set back violation.
He suggested to the board, that if there is a vote in the affirmative that the Board also stipulate that this Board or if there is a future joint board, that the jurisdiction be transferred to them, but this Board hold this jurisdiction over this application for any future site plan or expansion etc. of the property.
Mr. Byrnes stated to Mr. Burke, that in regards to your comment about this board retaining juristiction, certainly that's a condition that can be put into any resolution, as far as retaining jurisdiction for a potential Land Use Board that may be in the future, wouldn't it be obvious that if there is a Land Use Board, it will be the only Board in this town, and they would have jurisdiction.

Mr. Henderson stated there will be no public access to this property, except for members only, until a site plan is taken up with the Board. Mr. Henderson stated before and in connection with a site plan application, we might schedule a meeting with the neighbors at the site to explain what is proposed.

A motion for a favorable resolution for the Historical Society with the stipulation of adding a front yard setback and the Board retain juristiction over a Site Plan application, was made by J.VanStolk, seconded by M.Kazenmayer, followed by the following vote: "YES"- R. Lloyd, T.J.Coan, J.Miller, J.VanStolk, M.Kazenmayer and J.Burke.

A motion for a 10 minute recess was made, by J.VanStolk, seconded by M.Kazenmayer and unanimously carried at 9:40 p.m..

The Board returned from recess at 9:50 p.m. with the following roll call: R.Lloyd, T.J.Coan, J.Miller, J.VanStolk, M.Kazenmayer, J.Burke, R.Brittle.

APPLICATION - 29-97 - Joseph DeGenova & Donna Perez-54 Iroquois
Mr. Byrnes marked the Board's file as A-1 thru A-9 Photos were marked as A-10A to 10D.
Owner wishes to add second floor to existing dwelling. R-2 Zone.
This application was denied for the following reasons:
107-27 - Front Setback - 25 feet required, 21.7 ft to front of house (17 ft. to front porch). Side Setback - 5 feet required, 3.8 feet existing and proposed. And any other variance the Board may deem necessary. Not a Flood Zone. HARDSHIP VARIANCE.

Donna Perez, 54 Iroquois Rd. and Joseph DeGenova, 54 Iroquois Rd. were sworn in by Mr. Byrnes. There were no witnesses.

Donna Perez testified they purchased the property on January, 24, 1997. Mr. DeGenova testified they want to add a second floor on the house as the house is very small. Photo A-10D is a picture of what they would like the house to look like. A-10B and C is what the house looks like now. All the houses are in line on the street. There is an easement on the driveway between the neighbor. There is a curb cut across the whole driveway. The second floor will have one big room, a bath, closet and a deck. The house will be resided with vinyl siding.

Mr. DeGenova testified, the house is a big eye sore and it will make it much nicer looking for the neighborhood and increase the value of the neighborhood. It will not block air or light to the neighbors.

A motion to close the public hearing was made by N.Hood, seconded by J.VanStolk, followed by the following vote: "YES"- R.Lloyd, T.J.Coan, J.Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke.

A motion for a favorable resolution was made by J.VanStolk, seconded by N.Hood, followed by the following vote: "YES"-T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke.

APPLICATION - 35-97 - Joseph Rufulo - 104 McLean Avenue.
The Board's file was marked as A-1 thru A-12 by Mr. Byrnes.
Owner wishes to elevate house to create a new first floor under existing and construct additions. R-1 Zone
This application is denied for the following reason(s):
107-27-Front Setback - 25 feet required, 14.65 feet proposed.
Maximum Lot Coverage - 35% maximum allowed, 40.6% proposed.
107-23.3 - Curb cuts in residential zones. No curb cut shall exceed 12 feet. Not more than one curb cut permitted. The applicant already has one curb cut of 25 feet on Lake Avenue. A second curb cut of 20 feet on McLean Avenue is proposed.
A-5 Flood Zone - Construction must comply with flood regulations.
HARDSHIP VARIANCE. And any other variance the Board may deem

necessary.
Mary Rufulo, 29 Brant Avenue, Clark and Joseph Rufulo, 29 Brant Avenue, Clark, N.J., were sworn in by Mr. Byrnes.
Mr. Rufulo testified he has owned the property for 9 or 10 years and is used principally for a summer home. He testified they will be retired soon and would like moving here for good. The house is small and we would like to enlarge it. They decided to go up with the house instead of going out on the sides. The house will be a bi-level with the entrance on the side. The steps will be on the left hand side of the house with a one car garage. The front of the house will be brick and aluminum siding on the rest of the house. We are planning to make it an attractive addition to the neighborhood, such that it will improve the property values. It will have no impact on light and air on the neighbors. Mr. Rufulo testified page 3 of A-7 is showing the first floor of the property as it is now.
Page 2 is what the first floor will look like when it is raised up to be the 2nd floor. The garage in the rear which is on Lake Avenue will remain there. It is single floor and will be used for second car and storage. The deck will be behind the kitchen and the deck is approximately 12 ft. wide.
Mr. Rufulo testified the room behing the garage would be used for future expansion in the house. At the present time the only interest is to have the TV room down stairs. There will be a door behind the TV room leading outside. There will be steps coming down into the yard from the upstairs deck.

The Board had a concern about the 20 ft. curb cut in the front. Mr. Rufulo would have no problem making the curb cut in the front to 12 ft..

James Flood, 110 Lake Avenue, came forward and was sworn in by Mr. Byrnes. Mr. Flood testified he is directly across from the back of the applicant. His main concern is the curb cut in the back and the garage in the back. His concern is that the garage in the rear will become an apartment, being he will have a garage in the front.

Mr. Rufulo testified there is only electric in the back garage and the switch to turn the light on is in the house. There is no water hook up out there.

A motion to close the public portion of the meeting was made by J.Miller, seconded by J.VanStolk, followed by the following vote: "YES" R.Lloyd, T.J.Coan, J.Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke.

A motion for a site inspection for Saturday October 18, 1997 at 9:00 a.m. was made by N.Hood, seconded by T.J.Coan, followed by the following vote: "YES"- R.Lloyd, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke.

Mrs. VanStolk asked Mr. Rufulo if he had any intentions of putting a kitchen in the botton level. Mr. Rufulo testified no he had no intentions of doing that.
Mr. Rufulo waived the time limit.

A motion to continue the Rufulo application to November 19, 1997 was made by J.Miller, seconded by R.Lloyd, followed by the following vote: "YES"- R.Lloyd, T.J.Coan, J.Miller, N. Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J.Burke.

RESOLUTION - 33-97 -Robert & Ann Battista - 480 Brielle Rd.
The resolution was read by Mr. Byrnes.
A motion for approval of the resolution was made by N.Hood, seconded by M.Kazenmayer, followed by the following vote: "YES" - T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, M.Kazenmayer, J. Burke.

OLD/ NEW BUSINESS

Every Board member was given a list of the applications that have come before the Board in 1997. Mr. Burke would like the members to list the applications they would like to check on to see how they are progressing.

Mr. Hood would like Mr. Byrnes give the Board case law on what he ruled on tonight as far as a board member cannot do any research law. Mr. Hood would like to see case law on that.

A motion by R.Brittle, seconded by J.Miller to adjourn the meeting at 11:55 p.m. was made and unanimously carried.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

GH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
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Fax 908-223-1300

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT

WEDNESDAY - NOVEMBER 19, 1997, MEETING AGENDA

On Wednesday Novemaber 19, 1997, 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 - 35-97 - Cont. Joseph Rufolo - 104 McLean Avenue

APPLICATION - 37-97 - Michael & James Constantinou -
95-99 Atlantic Ave. (25 N. Main St.)

RESOLUTION - 36-97 - Squan Village Historical Society, Inc.
105 South Street

RESOLUTION - 29-97 - Joseph DeGenova & Donna Perez
54 Iroquois Roa

RESOLUTION - 5-97 - Gertrude Rossetti - 50 First Avenue

OLD / NEW BUSINESS

(Work session will be conducted immediately after the regular meeting).

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

732-223-0544
Fax 732-223-0587

COLLEEN SCIMECA
Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - NOVEMBER 19, 1997

The Manasquan Zoning Board of Adjustment held their regular meeting on November 19, 1997 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, called the meeting to order at 7:30 P.M.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: PRESENT - M.Parziale, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, J.Burke
ABSENT - M.Kazenmayer, R.Lloyd,

A motion to approve the minutes of October 15, 1997 was made by J.Miller, seconded by J.VanStolk, followed by the following vote: YES - J.Miller, N.Hood, J.VanStolk, R.Brittle, J.Burke "NO" - T.J.Coan. ABSTAIN - M.Parziale.

A motion to approve the special minutes of October 15, 1997 was made by J.Miller, seconded by J.VanStolk, followed by the following vote: "YES" - J.Miller, N.Hood, J.VanStolk, R.Brittle, J.Burke. "NO"- T.J.Coan. ABSTAIN - J.Parziale.

For the record, R.Lloyd arrived at 7:35 P.M..

The approval of the minutes of July 24, 1997 was put off until later on.

APPLICATION - 35-97 - Cont. Joseph Rufolo - 104 McLean Avenue
Mr. Keith Henderson put himself on record as Attorney for the applicant.
A site inspection was done by the Board on October 18, 1997.
A request for a rear elevation measurement was not done by Mr. Rufolo, as he forgot. Mr. Henderson stated as they move on he may be able to stipulate and apply one afterwards.
Mr. Byrnes in summarizing stated the applicant agreed that the driveway in front will be constructed with some kind of impurvious paver, agreed to a 12 ft. curb cut on McLean Ave. and stated there was no intention of installing a second kitchen in the dwelling. We also heard testimony from Mr. James Flood.
A set-back survey of the block was marked into evidence as A-13, from Mr. O'Malley dated 11/19/97.
Mr. Henderson stated there was some discussion about the lot coverage variance, and he stipulated regardless of whether converting the front drive to purvious material as opposed to impurvious material, cuts us back to the maximum allowed, we will stipulate it will not require a variance for that reason and we will take what ever steps are necessary to do that.
The two driveway cuts, one on McLean and one on Lake, his client is not prepared to give up either one of those requests, we are prepared to take the existing [illegible]

is 20 ft., we are willing to cut that back to the width of the rear garage which is 16.2 ft. which will allow some relief and allow ample off street parking on the site.

Mr. Hood's concern was with the front set-back. Mr. Rufolo testified he is not bringing the house itself out, he is staying within the existing set-back of the house itself, The only part of the house that would come out further than the existing house is the box windows, which will not come out further than the steps.
For the record, Mr. Parziale was not here at the previous meeting and did not listen to the tapes, therefore he will not be voting on this application.
The Board's concern was the two curb cuts.
Mr. Rufolo testified he purchased the property January 1988, the land and the building.
If a favorable vote is given tonight, a rear elevation will have to be shown. If pavers are done in the front, there will be no variance for lot coverage.

A motion for a favorable resolution by J.VanStolk, with the stipulations that the 12 ft. curb cut on McLean and the 12 ft. curb cut on Lake Ave., no kitchen in the downstairs area,and the driveway on Lake Ave. be cut back to 16 ft. seconded by J.Miller, followed by the following vote: "YES"- J.Miller, N.Hood, J.VanStolk, R.Brittle. "NO" - T.J.Coan, J.Burke, ABSTAIN - R.Lloyd.

A motion for a 10 minute recess was made by J.Miller, seconded by J.VanStolk, followed by the following vote: "YES"-R.Lloyd, M.Parziale, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, J.Burke.

The Board returned from recess at 8:40 p.m. with the following roll call: R.Lloyd, M.Parziale, T.J.Coan, J.Miller, N.Hood, J.VanStolk, R.Brittle, J.Burke

Mr. Hood was recused from sitting in on the following case. Mr. Burke stated Mr. Coan has been elected an official of the Borough, and the legal counsels have determined that Mr. Coan should not start any new cases this year. We would like to thank Mr. Coan for his service to the Borough. Mr. Byrnes thanked Mr. Coan for his service on this Board, although it has been less than a year, it has been a very interesting year and good luck on the Council.

APPLICATION - 37-97 - Michael & James Constantinou-95-99 Atlantic
A motion to approve the minutes of July 24, 1997, was made by J.Miller, seconded by M.Parziale, followed by the following vote: "YES" - R.Lloyd, M.Parziale, J.Miller, J.VanStolk, R.Brittle, J.Burke.

Mr. Burke pointed out to Mr. Costa, that being this is a Use Variance and we do not have a full board present. We do have one missing board member tonight who could vote on this if she was her, so there is a possibility of having a full 7 person board. You need 5 affirmative votes, do you want to proceed tonight with the 6 of us or would you like to wait to a future date, when you migh have 7. If the town disbands this Board and forms a joint Board, that joint Board will contain members of the Planning Board and those members of the Planning Board will probably be deemed ineligable because this case stareted before the Planning Board 6 years ago, and we may have to reinstate the Board of Adjustment just to hear your case. We would rather do it tonight, but as a courtesy we always discuss this with the Attorney and applicant. Mr. Costa said they would proceed.

Mr. Byrnes marked the Board's file as A-1 to A-8.
Owner is raequesting a Use Variance to operate a "Fast Service" restaurant (Dairy Queen) at 95-99 Atlantic Avenue. B-1Zone
This applicantion is denied for the follwoing reason(s):
107-13 - A "Fast Service Restaurant" is not a permitted use in the B-1 Zone. 107-36 - Off Street parking
Required for Retail Uses - 18 Spaces, Required for Fast Service Restaurant - 9 spaces. Total required 27 spaces, Total Provided 19 spaces. NOTE - The Planning Board granted a variance as to the number of parking spaces as part of the original resolution approving the site. And any other variance the Board may deem necessary. USE VARIANCE. Not a flood hazard area.

Theodore M.Costa, put himself on record as Attorney representing the applicant.
Christine Constantinou, 48 Woodlake Dr. Marlton, N. J., James Constantinou, 105 Tunesbrook Drive, Bricktown, Michael Constantinou, 48 Woodlake Drive, Marlton N. J., Joel Schlesinger, 3 Spruce Ct. Highland Lakes, N.J., President of Dairy Queen Enterprises of N. J., were all sworn in as witnesses by Mr. Byrnes.

Mr.Costa gave a brief overview of the application before giving any testimony. He stated some information will be repeated as before, simply for the record. We have before us an existing Dairy Queen Ice Cream Parlor, that has been there for several months. We are coming here today for a Use Variance because of a determination by this Board at a prior meeting, that the Planning Board was in error in allowing the Dairy Queen permit to be issued, without first getting a use variance. The mistake was very reasonable, because it was a gray area in legal issues as to whether the Dairy Queen facility as it exists is a restaurant or not. The Building Inspector at this last meeting before this Board did give the opinion that in his opinion the Dairy Queen as it exists is not according to the building codes a restaurant, because it didn't have public bathrooms. He stated

the B-1 Zone in this town, does allow restaurants, it allows eating and drinking facilities. What it doesn't allow in the B-1 Zone is Fast Food or Drive-in Restaurants. A fast food restaurant would be somthing like a Mc Donalds, who have a drive through and a high volume of business. We have here a Dairy Queen that doesn't have public bathrooms or a drive through, it is just a modest ice cream parlor. Back on January 16, 1997,the town did issue a permit for a construction of a Dairy Queen facility. After the cease and desist order was issued, the Planning Board did address the matter and finally came to a conclusion that the Dairy Queen was not prohibited by the local ordinances, and therefore the cease and desist order was lifted, on March 26, 1997 by the Building Inspector. Mr. Kenny did file an appeal of that lifting of the cease and desist order, which was held timely, even though it was filed more than 20 days after and therefore that is the matter it came before this Zoning Board, the issue is whether a use variance was indeed necessary to have this Dairy Queen zoned B-1

Michael Constantino came forward as one of the owners of the Dairy Queen. He testified his brother James Constantino is part owner.There are 3 stores, the Mini Mart, Dairy Queen and a Dry Cleaners. Michael testified, he checked the public records and the Haagan Dasz ice cream store in the railroad plaza did not have to obtain a use variance. There is also another ice cream shop on Main St. (Candy Kitchen) and they are also in the B1 zone. He testified, there is no difference between the other two ice cream stores and the Dairy Queen, in the way the product is served. Mr. Constantino stated before they bought the property, there was an old service station there with 4 or 5 entrances into the lot. He testified we have improved the property greatly, it is a benefit for us to be there. We put in shrubbery, a parking lot and a clean operation. It's a new block building, cost a lot of money to build, and we did every thing the Planning Board recommended. We also put in a bike rack, which they recommended, as it was so close to the Bicycle path. Our busiest time is after dinner, which is after rush hour. We are going to close probably in December as it is a seasonal business. There are spaces for 19 cars - 23 required, but there is ample parking across the street.

Mr. Byrnes stated Mr.John Garrity - Traffic Safety Officer from the Manasquan Police Department is here to testify as a witness for the Board of Adjustment. Sergeant John Garrity, Manasquan Police Department was sworn in by Mr. Byrnes. He testified he is the senior traffic safety officer for the Manasquan Police Dept., has had extensive background in training to include accident investigation, accident construction and motor vehicle law. He has held the position since 1981.
Sergeant Garrity testified he doesn't have any data as to volume of traffic on that corner, as he didn't have time to do a study. As far as accidents back to 1995, on or at that area, there

were 3 accidents, resulting in no injuries, in 1996 there were 9 accidents resulting in 5 injuries and too date this year we have had 6, resluting in 5 injuries. In order to do a traffic study it would take about 4 weeks in order to do all 4 directions. He testified there was no equipment prior to the Dairy Queen being open to do that study. He testified all accidents this year have occured at the intersection, they were not related to going in or out of the Dairy Queen.

Alex Delgarno, 104 Atlantic Avenue came forward and was sworn in by Mr. Byrnes. He asked Sergeant Garrity what he would classify that intersection as a serverity of accidents, compared to any other intersection in this town? Sergeant Garrity would probably rate it about 6th. Mr. Delgarno stated that in 1993, a letter from Sergeant Garrity stated it was the most dangerous intersection in town. He wanted to know if he changed his mind on that. Sergeant Garrity said he would say it is a dangerous intersection, but not as bad since they put a traffic light there. Sergeant Garrity stated there is no parking on the North Main Street or Atlantic Avenue corners.
Mr. Burke asked Sergeant Garrity about the enforcement of signs on the property. There is a no entrance sign on N. Main St. and the entrance on Atlantic Avenue - if someone was to turn in on the N. Main St. side, would there be any juristiction by the Police Dept.? Sergeant Garrity said no, not at this time. There being no more questions of Sergeant Garrity he was excused by the Board.

Michael Constintino testified, once the town gave them the o.k. to go, all plans were approved by the Building Inspector and town attorney, then we went ahead to purchase our franchise. We had to put a franchise fee up and we started to order equipment and all the changes inside. It needed special plumbing, walk in boxes etc. The franchise fee was $15,000. and we had to put a deposit on all the equipment that was ordered.

James Constintino came forward stating that they had to inform the Board of Health for the chilling systems and that was a great expense. One machine cost about $13,000. and there were 2 of them, a walk in box which cost about $8,000. and that's not including all the plumbing and electrical work that goes behind that. The tile floor was very expensive, also all the counters had to be purchased, every thing the Dairy Queen required.
Michael and James testified, they have never seen the parking lot over flowing at any time. The town made a stipulation that there are to be no tractor trailers on the property at any time. James testified the Dairy Queen only has 2 small trucks coming twice a week. Ice cream delivery truck is a Welsh Farms truck, and he is there 10 minutes at the most twice a week and parks in the back where the loading dock is and the other vendor for paper supplys comes once a month.

Mr.Joel Schlesinger, President of Dairy Queen enterprises of New Jersey came forward. He is supervisor of 90 stores in N. J.. There are 2 types of stores, one is a straight Dairy Queen, just ice cream and the other is a braiser, which is generally a bigger store, seating, drive through if possible, and most are in the 2500 ft. range and free standing buildings. He stated the Constantino's store would be considered a straight Dairy Queen. He stated the store is very clean. Dairy Queens are the number 2 purveyor of hot dogs in the country. It is more of a convenience item for customers, half of the 90 stores have hot dogs. Mr. Schlesinger stated they are trying to build a kids business through premiums, like star track toys. We did a promotion this year with Nickleoden that was probably the biggest kids promotion we ever did. There is realy no way to sell kids meals without hot dogs.

Paul Szymanski, Planner consultant for the Borough, asked Mr. Schlesinger, a store like this, in the town of Manasquan, can you estimate the number of customers, that a store like this on daily basis, during the peak hours, as those are the real questions. Mr. Schlesinger calculated on a peak day, the transaction could be 400 transactions a day, which he hopes they can grow to that. This figure is for a weekend, and most of that would be between the 7 and 10 P.M. time period. Being this store is in a school district, I'm not claiming that this would be walking or driving transactions. Each transaction would be each ring of the register.

Susan Caulkin, 102 Atlantic Avenue was sworn in by Mr. Byrnes.
She stated she lives across the street from the Dairy Queen.
For the record the Board or Mr. Costa does not feel there is a conflict with Mr. Byrnes and Mr. Miller being they worked for Mr. & Mrs. Caulkin at some time.
She wanted to knowfrom Mr. Schlesinger, if he had any idea of how many cakes or ice cream cones are sold. He had no answer for her. When asked if they support the stores with advertising, he answered yes. He stated they do coupons in ValPak one mailing a year, other than that the stores do their own mailing.

Mr. Costa to Michael Constantino, are you claiming that as a result of potentially, this town is stopping you from operating your Dairy Queen, that you experienced some kind of hardship.
Mr. Constantino said yes, I invested a lot of money and I now owe a lot of money, it required a lot of capital to do this.
It is my business, I would loose a lot, I would have to sell all my equipment, and I could never get back the money for all the electric and plumbing work.
When the Planning Board approved the parking, they knew about the convenience store which is the biggest store 3400 ft. and there were two smaller stores, as testified by Michael Constantino. At the time I said a Real Estate and an Accounting office, as my brother is in Real Estate and I'm an accountant,

but I really didn't know for sure. It was never a part of the condition. There was a condition set up, since the convienent store was a higher count for traffic, they wanted to have 2 smaller stores for traffic, and also that all the employees park in the municipal lot across the street. The restrictions were Cafe, Restaurant and Medical office.
Mr. Szymanski stated the basic issue was the parking at that time. Mr. Szymanski stated based on occasional visual observations as he drives past the Dairy Queen, he has never seen the parking lot full, and he has been past there even in the summer and evenings.

Alex Delgarno came forward and asked Joel Schlesinger, you said 400 transactions per day, and you said 300 of these between the hours of 7 and 10 P.M., so we're looking at 100 transactions per hour? Mr. Schlesinger said yes that is right.

Mr. Szymanski, stated this is a use variance application, although in 1993 you determined this to be a fast service restaurant, might have been allowed a conditional use in the B-1 Zone, subject to certain standards. In May of 1995 when the Zoning Board was changed this kind of use was no longer a permitted use in the B-1 Zone, so for a use variance the proofs are under the statue besides all the facts you've heard tonight, there has to be a proof showing why the site is particularly suited for the property in question.
Mr. Byrnes agrees with all Mr. Szymanski said, but did not agree with his comment that it is not a prohibited use. Under the ordinance 107-13, there are permitted uses and conditional uses. Uner the permitted uses -Restaurant establishments, but not including fast food drive-in facilities. Under Conditional uses - under no circumstances should it be considered a conditional use and therefore the criteria for a conditional use, which is somewhat less than a regular use variance would not apply here. It's obviously not a permitted use and the way I read it under the ordinance it must be considered a prohibited use. As we all know, it's not a drive in but it is a fast food facility. If the Boro had given us a definition of a restaurant maybe none of us would be here, but they haven't and that's the problem we are trying to solve.

Mr. Costa said on the positive criteria, we have improved the aesthetic's of this area, as it was an eyesore, even the neighbors testified on that. When you look at the addition that is there, it's a nice blend of services to add to the community. As far as negative criteria the biggest legal hook the Constantino's can hang their hats on is the hardship. After all, the town actually mislead them into believing they had certain approval of the permits. The permits were issued for the establishment. It's already zoned for B-1, it's already zoned for retail food products. The applicants have already invested their life savings into this project. I believe

the positive and negative criteria have been met.
James Constantino said the positive criteria is the aesthetics, it's a clean operation, complements the neighborhood by the bike path, kids don't have to cross the steet to get ice cream, it complements the other stores, it's a clean family run establishment.

Mr. Burke and Mr. Miller don't believe they have met the positive criteria yet.

Peter Kenny, 38 N. Main St. was sworn in by Mr. Byrnes.
Mr. Kenny stated in looking at the Haagen Daze establishment and candy kitchen, he wanted to know if there was off site parking at these establishments? Mr. Constantino said there was off street parking at the candy kitchen, but he didn't think there was any at the Haagen Daze. Mr.Kenny asked Mr. Szymanski if it was a trade off, or taking away a specific uses to give allowances for less parking spaces allowed, and what do you think it was in this case? Mr. Szymanski said it wasn't a trade off, it was a recommendation that I made not only on this matter but also initially on the Station Plaza application, that because of the way what was being proposed, the number of cars, I recommended that they be limited from having restaurants and offices as occupants of the stores beacause of greater parking requirements. I made that recommendation and that's what the initial resolution includes.

Mr. Kenny said "the town of Manasquan has put myself and my neighbors in a hardship roll. I have expended many dollars, I feel for their cause and I feel for the position they are in. I also feel very strongly that if they had an attorney that knew they were putting every thing in this, that he should bear some responsibility in this. I think the town did make a mistake, but it does put a hardship on us as well as the Constantinous, and I do feel that the Boro of Manasquan alone is not at fault".
Mr. Kenny said " his house is set back and one house down across from the Dairy Queen. He spends a lot of time outside in the summer months and I hear increased foul language, I hear a lot more traffic, very loud music, garbage (wrappers, papers) on his lawn". Mr. Miller wanted to know if the Dairy Queen was eliminated, would that lessen the traffic congestion in your estimation, would it lessen the foul language, the garbage in front of your house? Mr. Kenny answered yes.

Mr. Byrnes repeated the law for the Board -"under this type of variance, in addition to meeting the negative criteria, the applicant must show a positive criteria, and it is the same 16 ennumerated catagories that we have always dealt with up here. Under the Supreme Court decision of 1990 -Burberich vs Minehill Township, that there are sufficient special reasons for the grant of a variance of this type, where a proposed

project carries out a purpose of zoning which is in the 1 to 16 catagory, or their refusal to allow the project would impose on the applicant an undue hardship". That is in addition to meeting the negative criteria.

Frank Caulkin stated he lived there before the Dairy Queen was put up and I realize there was one business there before, not 3. He stated he lives across the street and he can't emphasize enough what Mr. Kenny says about the language, it is coming from the cars, from the kids on the bikes. It was never there before. The applicants Mother is out there every morning sweeping up and keeps it clean, but she doesn't come over and clean up the papers in my yard. The lights shine into my front yard also back yard - it is very offensive. He stated being there is no bathroom, little kids urinate on the side of the building. People eat outside all around the cars. He stated if it was a low volume business, he would not be here.
Mr. Constantino testified, he would be willing to make any adjustments necessary, so the lighting is according to code.
Mrs. Caulkin's concern is safety and the parking. There are not enough parking spaces. She is also concerned about advertising.

Charles Plunges, 36 N. Main St.,across from the Dairy Queen. He agrees with all his neighbors concerns about the Dairy Queen, parking and trash.

Sally Walker, 37 N.Main St., directly across from the strip center, she has seen the parking lot full and it is too dangerous a corner for a Dairy Queen.

David Walker, 37 N.Main St., he agrees with his neighbors complaints and he believes safety is the issue.

Mr. Delgarno complained about employees parking on the lot and Mr. Burke told him he has to complain to the Code Dept. that is their job.

Mr. Burke asked the Board if they think they have sufficient information here tonight to make a decision on this in relation to the traffic and parking. Most of the Board felt they did not have enough information. Mr. Burke felt they have to get more information on the parking, and he would like to know how Mr. Ratz came up with the count on spaces for parking, what he based that on.

Mr. Szymanski said they have a choice, either asking the applicant to return with a traffic expert who will address those issues, or have the Board hire someone to do it and in either way have the applicant pay for the expense.

Mr. Costa said they would like the opportunity to bring a traffic

expert before the board and will consent to an extension of the meeting to December 17, 1997.
Mr. Burke stated, right now your case hasn't been proven, we need more information from you on the parking and better proofs.

A motion and a second to continue this application to the December 17, 1997 meeting, followed by the following vote: "Yes"- R.Lloyd, Parziale, J.Miller, J.VanStolk, R.Brittle, J.Burke.
Mr. Costa waived all time requirements.

RESOLUTION - 36-97- Squan Village Historical Society, Inc.
105 South Street.
The resolution was read by Mr. Byrnes.
A motion by J.Miller seconded by J.VanStolk, for a favorable resolution, followed by the following vote;"Yes"- R.Lloyd, J.Miller, J.VanStolk, J.Miller.

RESOLUTION - 29-97 - Joseph DeGenova & Donna Perez-54 Iroquois
Mr. Byrnes read the resolution.
A motion by J.VanStolk, seconded by N.Hood for a favorable resolution, followed by the following vote: "YES" - J.Miller, N.Hood, J.VanStolk, R.Brittle, J.Burke

RESOLUTION - 5A-97 - Gertrude Rossetti - 50 First Avenue.
The resolution was read by Mr. Byrnes.
A motion for a favorable resolution was made by J.Miller, seconded by R.Brittle, followed by the following vote: "YES"- J.Miller, J.VanStolk, R.Brittle.

All bills were signed by Mr. Burke.

Mr. Hood requested the Board to go into executive session on personal matters.

A motion and second was made to adjourn the meeting at 12:40 A.M. and unanimously carried.

Respectfully submitted,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

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Mayor

Incorporated December 30, 1887

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Municipal Clerk

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

MANASQUAN ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - DECEMBER 17, 1997

The Manasquan Zoning Board of Adjustment held their regular meeting on December 17, 1997 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, called the meeting to order at 7:30 P.M.. He stated this is an open public meeting held in accordance with the Open Public Meeting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: PRESENT - Ronald Lloyd, Michael Parziale, J.Miller, Noel Hood, Joanne VanStolk, Robert Brittle, John Burke.

A motion to approve the minutes of November 19, 1997 was made by J.Miller, seconded by J.VanStolk, followed by the following vote: "YES"- R.Lloyd, M.Parziale, J.Miller, N.Hood, J.VanStolk, R.Brittle, J.Burke.

APPLICATION 38-97 - Michael & Joanne VanStolk-440 Cedar Avenue
For the record, Joanne VanStolk being a member of the Board will step down for her own application.
Mr. Burke was called out for a phone call, Mr. Brittle took over the meeting.
Mr. Byrnes marked the file as A-1 through A-11. Mrs. VanStolk has recused herself as she is a member of this Board.
Michael A.VanStolk, 440 Cedar Avenue and Paul Lawrence,Architect with Richard Grasso Associates, Manasquan, were sworn in by Mr. Byrnes. Mr. Lawrence a N.J. licensed architect for the last 4 years. Mr. Burke the chairman has returned to the Board.

Mr. VanStolk testified they are trying to add a little spaace to bring the family living room into one place. Currently they have a small play room downstairs which is away from the family living area. They are trying to convert their existing exterior back porch off the kitchen making that family living area.
The existing porch as is there is no room for a couch. They will move the washer and dryer from the garage area, we would enclose the lower portion of the porch and leave it unheated.
We are asking for the right to extend the existing foot print a few feet so that the logical place for a family room, would actually be large enough for a family room.

Mr. Lawrence testified, they are basically trying to increase the living area. We are going out the back 4 feet creating a sun room on the first floor, a larger living, dining, kitchen area on the second and a family room and study on the half floor to the west side. On the first floor they are creating a new foundation in the rear to support the second floor that is being expanded out. The second floor they are trying to maintain as must of the first floor in it's existing form and only adding to it. The bedrooms as they are laid out are all existing the

bath at the west side to the back is existing, the living room on the south east corner is existing, the kitchen is existing. The new construction is centered upon the rear portion of the building. The half story above that is all new. They are reconstructing a good portion of the roof on the 1/2 story to gain a standing room at that level. There will be a 3 ft. deck on the back of the addition.

Mr. VanStolk testified he purchased the property in 1991.
Mr. VanStolk amended the denial on the side setback from 5ft. required to 4.8ft. existing. Mr. Burke stated if there is a favorable resolution tonight, there will be a stipulation that the site plan will have to be changed to go along with the numbers that appear on the 1991 survey.

A motion to open the public hearing on VanStolk, was made by R.Brittle, seconded by M.Parziale, followed by the following vote: "YES"- R.Lloyd, M.parziale, J.Miller, N.Hood, R.Brittle, J.Burke.

A motion for a favorable resolution with the stipulation that a new site plan be produced, was made by J.Miller, seconded by N.Hood, followed by the following vote: "YES"- R.Lloyd, M.Parziale, J.Miller, N.Hood, R.Brittle, J.Burke

APPLICATION - 39-97 - Paul Koyce - 127 Second Avenue.
Mr. Byrnes marked the board's file as A-1 through A-12
Paul F.Koyce, 74 Mountain Lane, Morris Plains, N. J. was sworn in by Mr. Byrnes.
Mr. Koyce testified he would like to have a dining area and 2 additional bedrooms in the rear, making 4 bedrooms. He purchased the house in 1989. He is looking to expand the rear of the foundation that was put in in 1991. He is not violating any lot coverage, height violation - the only reason he is here is because of the two variances that are pre-existing.
Albert P. Ratz, Jr., Construction Official for the Boro was sworn in by Mr. Byrnes.
Mr. Koyce amemded his application to include a request for variances for the rear and side yard setback violations for your accerssory structure under section 107-27 Schedule I footnote G. Mr. Koyce purchased the property on Jan. 3, 1989, both the land and structure. It will not affect light or air to his neighbors.

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

A motion for a favorable resolution was made by J. Miller, seconded by J.VanStolk, followed by the following vote: "YES"- R.Lloyd, M. Parziale, J.Miller, N.Hood, J.VanStolk, R.Brittle, J.Burke.

A motion for a 5 minute recess at 8:55 p.m. was made by J.VanStolk, seconded by J.Miller and unanimously carried.

The Board returned from recess at 9:05 p.m. with the following roll call: R.Lloyd, M. Parziale, J.Miller, J.VanStolk, R.Brittle, J.Burke.
For the record Mr. Hood has recused himself from this application.

APPLICATION - 37-97 - Cont. Michael & James Constantinou-
95-99 Atlantic Ave. (Dairy Queen)
Mr. Byrnes stated this matter was first heard on November 19, 1997, we heard testimony from both applicants, as well as Sergeant John Garrity, Traffic Safety Officer - Manasquan Police Dept. amd from Paul Szymanski, the Boro Planner, also Mr. Joel Schlesinger, President of Dairy Queen Enterprises of N.J..
We also heard testimony and comments from a number of citizens including Susan Caulkins, Frank Caulkins, Alex Delgarno, Peter Kenny, Charles Plunges, Sally Walker and David Walker. There were certain stipulations that were entered into and agreed upon, including that all exterior lighting for the entire complex will be up to code and any adjustments that need to be made will be made, also a stipulation that all cardboard waste material will be kept inside the outside trash enclosures and will not be stacked up on the outside next to the trash bin.
The Board made a request for additional information from the applicants in regard to the issue of traffic studies, and parking and also had an inquirey as to Construction Official Ratz and how he had calculated and arrived at the need for a total of 27 spaces required for this property, which is located in the B-1 Zone. A reminder, this is a use variance application.
We did receive a letter from Mr.Costa, the applicants Attorney dated December 11, 1997 which was marked as exhibit A-9 for identification.

Mr. Byrnes swore in the following witnesses - John H. Rea, President of McDonough and Rea Associates, Traffic and Transportation Consultants - Hwy. 35, Wall, N.J.and Brian McMullin, Dairy Queen store owner.

Mr. Burke stated we are here tonight to hear testimony on the traffic and parking. There will only be comments on new testimony tongiht.

Mr. Albert P.Ratz, Jr., Construction Official for the Boro, was sworn in by Mr. Byrnes.
He testified he determined the number of parking spaces for this property. The Deli space is 3,420 sq. ft. required 11.4 or 12 spaces. The Cleaner was 1710 requiring 5.7 or 6 spaces, the Dairy Queen being defined as a fast service restaurant requires 1 space for every 2 seats, there are no seats, so he

couldn't use any data on that, 1 for every 2 employees and 1 for every 3 takeout service patrons, estimated at peak hour periods. He testified he didn't have any information on what those estimates would be, so he referred back to the restaurant requirement, 1 space for every 200 square feet of gross floor area, which came up to 9 spaces. There are 19 space provided.

Mr. Costa stated that Mr. Schlesinger asked another person who has 2 Dairy Queen's himself to comment on traffic at a Dairy Queen. Mr. McMullin is here tonight.
Mr. Costa read a letter from Mr. Schlesinger, who was not able to be here tonight, as he has Chicken Pox. The letter was marked as A-10 into evidence, as an introduction to Mr. Mullin who is here tonight.

Mr. McMullin came forward and testified he owns 2 Dairy Queens in Middletown, N. J.. They are both on Highway 3 35. He has owned one since 1994 and one since 1997. The one since 1994 is in a shopping center, approximately 1200 sq. ft.. There are stores on both sides of his store. He testified his peak volume times are between 7 and 9 at night between May and July. The applicants store is very similar to his store in size. He testified he researched for about 5 years, whether to go into a free standing store or a strip center store. The reason he did his first 2 stores at strip centers, where his third one is going to be free standing, as he wanted to get his feet wet. Everyone that had a strip center store did low volume typical Mom & Pop operation, everyone that had free standing had high numbers. He testified on a strip center store your not going to get more than 50 people through the door during peak hours and that's on a hot summer night at 90°. Over 3 years he has spent over $10,000. advertising trying to get bigger sales, and it showed no increase on sales. He testified his store in the Middletown shopping center is about 2400 sq. ft., it has seating, a public bathroom, it's open from 7 A.M. until 10 P. M., lunch and dinner. He has worked in about a half dozen other stores. All top standing Dairy Queen stores are free standing.
Mr. Costa offered Mr. McMullin as an expert witness in the area talking about volume generated by Dairy Queens.
Mr. McMullin testified what he was doing in his stores in 1995, is about the same volume the applicants are doing in their store.

Mr. Ratz testified, he doesn't think this is a restaurant as it doesn't have restrooms and seating.

Mr. Rea came forward stating he is a licensed engineer in the State of N.J., N. Y. and Pa.. His specialty is traffic engineering. Has been employed in that field for the last 23 years, 10 years in public sector, 13 years in the private consulting sector in the state of N.J.. He has been accepted

as an expert in the field of traffic engineering.

Mr. Rea testified he is familiar with the property in question. He is here to point out what constitutes a restaurant to a traffic engineer. One is a quality restaurant which is a sit down restaurant where there is a lounge a liquor license where people spend longer than an hour, which is not the catagory in which the Dairy Queen fits in. Two is a high turnover sit down restaurant, which is typical of a Dennys, Pizza Hut, where the average length of stay in this type of restaurant is 45 minutes to an hour, there is seating, restrooms, clearly this doesn't fit the Dairy Queen. Third catagory is a fast food restaurant, which is typical of a McDonalds, Burger King, Wendy's and again those restaurants do have seating, restrooms, it doesn't quite fit what the Dairy Queen is. He stated when you break down the parking for these strip centers, you don't necessarily break down every use that's in the center and say o.k. the convenience store needs X number of parking spaces,the Dairy Queen needs X number and the Cleaners need X number of parking spaces. If you looked at everyting seperately, you's come up with a very high parking demand which quite frankly would cause you to overbuild prking lots all across the state.
The Dairy Queen will generate more parking during the peak hours of 7p.m. to 9 p.m. and during the 2 summer months. The convenient store will generate more parking during the morning hours commuting hours, lunch hour and during the afternoon house when people are coming home from work. None of those peak hours coincide with the peak hours of the Dairy Queen. He testified the Dairy Queen wouldn't be a use that he wouldn't expect in a small strip center. He testified, in his mind it is not a restaurant, it doesn'tgenerate any where near the amount of parking and traffic that a fast food restaurant like McDonald's would generate. He testified he believe's the parking for this application is adequate.
Mr. Miller read the Codeand Mr. Rea, stated that the code should be rewritten, as this is not a fast food store.

Michael Constantinou testified he and his brother have invested $ 143,000. in this project. Mr. Costa stated the brothers had a petition signed and one of the questions, was should the Dairy Queen stay open at this location, and they have received over 230 names. Some people live right in the area. HE witnessed about 40% of the signitures on the petitions. Michael testified the lot has never been crowded nor has it been full to the fullest extent.

The neighbors have brought in their own traffic expert.
Mr. Burke stated at the end of the last meeting, the public session was not closed, so it does not have to be reopened.

Peter Kenny came forward asking Mr. McMullen how far away he

was from the beach. Mr. McMullen stated about 2 miles. He asked Mr. McMullen if he would be a potential invester in this kind of Dairy Queen with this parking problem. He said the parking would not bother him.
Mr. Kenny asked James Constantinou what is your hourly peak. He answered the peak is in the summer time. He said he will not advertise as much as he did this year.

Susan Caulkin, 102 Atlantic Avenue came forward and stated the testimony were for Dairy Queens on major highways, and not in residential areas.

Alex Delgarno, 104 Atlantic Avenue came forward and asked the Board- there are two things you have to cover - a positive and negative criteria. Have you covered that? Mr. Burke stated we haven't heard all the testimony yet.
Mr. Costa asked Mr. Delgarno if he owned his house. Mr. Delgarno answered no.

John Maczuga, Bay Pointe Engineering Associates, Inc. was sworn in by Mr. Byrnes. He testified he is a principal in Bay Pointe Engineering Assoc., he is a licensed professional planner in the State of N. J. for 21 years and has been active in the planning field for 25 years.
Mr. Maczuga testified he has been asked by the home owners to look at this particular application and render certain opinions relative to this application and he has reviewed the application. He has looked at the possibility of there being effectively meeting the positive criteria and there is none. He has looked at the purposes of the land use law and he doesn't see that this application promotes any of those purposes. He doesn't feel this site is particularly suited for that particular use. He feels there are no reasons that would meet the criteria for the granting of this application and the relief sought.
The negative criteria he has some concerns about the parking and the safety. He feels there is a substantial deficiency at this location, given the types of use that are in here. He stated in his mind both the Deli/Convenience store and the Dairy Queen are both high trip generators.
Mr. Costa questioned Mr. Maczuga on his testimony.

MR. Rea came forward and was questioned by Mr. Costa.
HE testified he disagreed with Mr. Maczuga on how he interpreted the institute of transporation engineers data. I've been a member of the institute of transportation engineers for over 20 years, I can tell you the statistics that he saved when he came up with this 37 spaces for parking based on this fast food definition, I can tell you from the studies, that it did not include any Dairy Queens, where you would come up with 37 parking spaces. He stated he stands by what he said before that 10 spaces is a reasonable maximum parking for this particular outfit.

Mr. Ratz stating - not being a traffic expert, he would say around 17 spaces is adequate for this site, based on the town zoning.

Peter Kenny came forward with the following comments.
His feelings towards the Dairy Queen, not only does the Dairy Queen present a hardship on both sides, he feels that for the applicants to say there is no responsibility on their part is reckless, and he feels that the town may fear based on your ruling they may get sued from the brothers on any number of damages. He said he would ask that you not consider that, the facts are in front of you, there are negative and positive criteria to meet and I would also remind you that townships are not liable for the construction officials and the mistakes that happen. He stressed yes there is a major issue of responsibilty here and there may be a law suit one way or the other, who's to say it's not for me. He really does feel a hardship, aside from the traffic and everything you've heard, he feels there has been a loss of the value of his home. He feels less safe in the neighborhood he lives in.

Charles Plungis came forward stating he hasn't seen where the Constantinou brothers have shown any reason why we should have this there, why we should grant a variance to have their store in there. He believes it is too much to have the Dairy Queen in there, it's a residential area.

A motion by J. VanStolk to close the public protion of the hearing, seconded by R.Brittle, followed by the following vote:
"YES"- R.Lloyd, M.Parziale, J.Miller, J.VanStolk, R.Brittle, J.Burke.

Mr. Costa in his summary stated"this is an ice cream shop in a B-1 Zone. The fact that the Planning Board had already granted a parking variance, 19 spaces allowed. The reason was that the type of stores in this zone, # 1, had staggered hours of operation in terms of peak hours. We have also talked about the definition of a restaurant and fast service restaurant in the ordinances, and that's been stated by such, even the members of this board. We have had testimony from Mr. Ratz, the Building Inspector, that in his own mind the Dairy Queen without bathrooms or stools is not a restaurant, and so in my mind I down't know how it can be called a fast food restaurant. This is a very limited operation, less intensive than all the other fast food restaurant. The parking expert did testify that an appropriate allocation would be 10 parking spaces. This is a classic case of equitable estoppel where the rug is being pulled from under the land owner after permission has already been given to build the facility. That does support a special reason under the terms of the statue. The negative criteria what the board has to look at is this a substantial

detriment to the public good. There are other ice cream parlors in the area as well. That has to be considered as well. This Dairy Queen ice cream palor does not present a substanial detriment to the public good. We've seen signitures of 140 some people to the contrary of what the objectors state it is bad for the community. It doesn't impair the substantial intent and purpose of the zoning plan because you've already allowed other ice cream shops throughout the B-1 Zone and it's zoned commercial and you can't discriminate against this ice cream facility as compared as opposed to the other ones. According to the ordinances that convenience store would also fit the definition of fast food restaurant, and yet no use variance was required for the delicatesen. I would suggest to you that it is some what of an errational discrimination, to require it of the Dair Queen and not the coffee dispensing delicatesen, not to mention the other ice cream stores in town that didn't have to get use variances to operate their ice cream parlors. To conclude, the applicant has satisfied the special reasons, the positive and negative criteria of the statues, certainly the Constantinous would never have built the facility had they not had the permission of the town. This is a family that has followed the law and that is why they are here tonight.
They have sacrificed most of their life savings to get into this and it is unfair to pull the rug from under them now, and to demand that they accept a full loss of their investment, by having to rip out this Dairy Queen facility. For those reaseons, Ladies and Gentlemen, I ask that you grant this use variance, I think it is in the best interest not only of the applicant but also the community. Thank you very much".

Mr. Brittle stated there should be more trash condainers through out the property, instead of just one in front of each store. It will probably help the neighborhood. He stated he has been coming by there at 12 oclock at night and there is no reaseon for the lights to be on when the store is closed. If you can cut that down it will improve the whole neighborhood.

Mr. Burke stated you have already agreed to the garbage, there should be some way of cutting down on the light spillage out of that shopping center. It's only in your best interest to do somthing like that for the neighborhood.

Mr. Parziale stated he has driven by during the peak hours and I can't see it being a constant problem for us to warrant closing them down, I just can't see that happening. I feel for the objectors, but it is a tough call, it just doesn't warrant to shut them down.

Mrs. VanStolk agrees with Mr. Parziale, both sides have valid points, she thinks a lot of problems that have been heard, could be solved by communication between the owners and neighbors.

She feels it is not just the Dairy Queen that is causing the parking and traffic problems. She can't see where the problem is as long they don't expand by addomg a lot of seating or types of food, she can't see shuting them down.

Mr. Burke's comments are similarto Joanne's and Mike's. A lot of the objections from the neighbors can be allevoated with a little common sense between the neighbors and Constantinou's. Some give and take on both sides, there are ways of getting around just about every single objection.

Mr. Byrnes thanked Mr. Costa and all his witnesses, the Constintinou brotheres and all the objectors for helping to make this application go very smothly this evening.

Mr. Brittle made a motion to grant a favorable resolution for the use variance with the following stipulations that all lighting will be brought up to code, do somthing with the lighting, all card board be kept in recepticals, and more trash facilities around, seconded by M.Parziale, followed by the following vote: "YES" - M. Parziale, J.Miller, J.VanStolk, R.Brittle, J. Burke. "NO" - R. Lloyd.

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

908-223-1480
If No Answer
908-223-0544
Fax 908-223-1300

BOROUGH OF MANASQUAN

COUNTY OF MONMOUTH
NEW JERSEY 08736
JOHN L. WINTERSTELLA, Mayor
COLLEEN SCIMECA, Municipal Clerk

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT

WEDNESDAY - DECEMBER 17, 1997, MEETING AGENDA

On Wednesday December 17, 1997, 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 - 38-97 - Michael & Joanne VanStolk
440 Cedar Avenue

APPLICATION - 39-97 - Paul Koyce - 127 Second Avenue

APPLICATION - 37-97 - Cont. Michael & James Constantinou
95-99 Atlantic Ave. (25 N.Main St.)

RESOLUTION - 35-97 - Joseph Rufolo - 104 McLean Avenue

OLD / NEW BUSINESS
(Work session will be conducted immediately after the regular meeting).

RESOLUTION - T.J.Coan

Very truly yours,

Marie Applegate

Marie Applegate, Secretary
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE

Incorporated December 30, 1887

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BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
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ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

MANASQUAN ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES - DECEMBER 29, 1997

The Manasquan Zoning Board of Adjustment held a Special meeting on December 29, 1998 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N. J..

Chairman John Burke, called the meeting to order at 7:30 P.M.. He stated this is an open public meeting held in accordance with the Open Public Me eting Act and held according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL: PRESENT - R.Brittle, J.Burke, J.VanStolk, J.Miller
ABSENT - R.Lloyd, M.Parziale, N.Hood, T.J.Coan.

The recording tape did not work for the first 15 minutes.

RESOLUTION - 35-97 - Joseph Rufolo -104 McLean Avenue.
The resolution was read by Mr. Byrnes. It was noted the revised plans were submitted.
A motion to approve the resolution was made seconded and followed by the following vote: "YES" - R.Brittle, J.VanStolk, J.Miller. ABSTAIN - J.Burke

RESOLUTION - 38-97 - Michael & Joanne VanStolk - 440 Cedar Ave.
The resolution was read by Attorney Byrnes. Revised site-plans by Richard Grosso were submitted to the Board's satisfaction, and were marked as A-10-A.
A motion to approve the resolution was made seconded and followed by the following vote: "YES" - R.Brittle, J.Burke, J.Miller.

RESOLUTION - 39-97 - Paul Koyce - 127 Second Avenue
Attorney Mr. Byrnes read the resolution.
A motion to approve the resolution was made, seconded and followed by the following vote: "YES" - R.Brittle, J.Burke, J.VanStolk, J.Miller.

RESOLUTION - 37-97 - Michael & James Constantinou -
95-99 Atlantic Avenue.
The resolution was read by Attorney Byrnes.
A motion by R.Brittle to approve the resolution, seconded by J.Miller and followed by the following vote: "YES"- R.Brittle, J.Burke, J.VanStolk and J.Miller.

There being no comments from the Board or audience, a motion by J.Miller to adjourn, seconded by J.VanStolk and followed by the following vote: "YES" - R.Brittle, J.Burke, J.VanStolk and J.Miller.

Respectfully submitted,
Sharon Bogie for M.Applegate Sec.
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE
POST OFFICE BOX 199

JOHN L. WINTERSTELLA
Mayor

Incorporated December 30, 1887

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

732-223-0544
Fax 732-223-0587

COLLEEN SCIMECA
Municipal Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT

MONDAY, DECEMBER 29, 1997 MEETING AGENDA

On Monday, December 29, 1997, 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 NJ.

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

RESOLUTION 35-97 - Joseph Rufolo - 104 McLean Avenue

RESOLUTION 38-97 - Michael & Joanne VanStolk - 440 Cedar Ave.

RESOLUTION 39-97 - Paul Koyce - 127 Second Avenue

RESOLUTION 37-97 - M. & J. Constantinou - 95-99 Atlantic Ave.

Very truly yours,

M. Applegate /smb

Marie Applegate, Secretary
Manasquan Board of Adjustment