

Attorney Deppeler asked Mr. Parziale if it would be fair to say that Mr. Parziale's objections were not solely altruistic and that there was some self interest involved. Mr. Parziale reiterated his statement that he was concerned about the competition.

Carmela Parziale, 305 Beachfront, commented that the part of the garage that would be used for the Sub Shop had never been used for a business, it had only been used as a garage.

Larry Ross, owner of Carlson's Corner, residence Perrine Boulevard, Manasquan, testified that many people do come to the inlet in cars to eat as well as the people on the beach and there is a parking problem in the area and he felt those two factors and not competition should be considered in the decision on this application. Attorney Deppeler questioned him regarding Mr. Ross's concern for the competition but Mr. Ross felt that he would not be selling the same foods that would be sold in the Sub Shop.

There being no further comments from the audience, Claudia Pincus made a motion to close the hearing seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick, Walsh, Trafford. "No" none.

The Board Members discussed the application. Mrs. Kazenmayer made a motion to deny the application seconded by Robert Griffith. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Trafford. Abstain: Walsh, Van Schoick. "No" none.

Application 9-88 - James and Janice Julian - 14 $\frac{1}{2}$  Main Street - Mr. & Mrs. Julian were administered the oath by the Board Attorney. The Board Attorney marked the file. Mrs. Julian explained the project and the fact that they had increased the size of the replacement deck not understanding that they would need a building permit if they increased the size of the deck or changed the location of the steps. The Board Members questioned Mr. Julian about the project.

James Van Schoick commented about a flexible oil line that was showing on the ground. Mrs. Julian explained that this was a temporary measure because the oil line had frozen during the winter.

There being no comments from the audience or from the Board Members a motion to close the public hearing was made by James Van Schoick seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick, Walsh, Trafford. "No" none.

Margaret Kazenmayer made a motion to approve the application providing the applicants go to the Construction Official and have him check out the construction of the deck. Patricia Walsh seconded the motion and the motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick, Walsh, Trafford, "No" none.

The next application on the Agenda 10-88 - Michael Collins was deferred to later in the meeting since Mr. Collins' Attorney, Kevin Thomas was not yet present.

Application 10A-88 - Dr. Byron Marriner - 312 E. Main Street - Dr. & Mrs. Marriner were present and were administered the oath by Attorney Byrnes. The Board Attorney marked the file. The Chairman informed Dr. Marriner that a site inspection had been done by the Board Members prior to this meeting.

Dr. Marriner explained the problem and the reason for the application, construction of a basement below flood elevation. The builder had received a C O, Dr. Marriner had purchased the house but had been unable to get insurance for the house unless he could have a letter from the town or a copy of the variance stating that the house was allowed to have a basement in that flood zone. The building inspector had allowed the house to be built with the basement and Dr. Marriner, the purchaser, had been unable to get flood insurance and if he could not get flood insurance, this would become a problem with getting a mortgage.

The Board Members discussed the problem with Dr. Marriner and reviewed the plans of the house. Mrs. Kazenmayer advised the Board Members that two neighbors of Dr. Marriner's had called the Construction Office and advised her that they also had basements under their houses and had never had any water for many years.

The Chairman asked for comments from the audience.

Noel Hood, 161 Beachfront made some comments regarding flood insurance coverage. He felt the Board would be remiss if they grant a variance.

Mr. Hood presented a newspaper clipping regarding flood insurance coverage however, the Board Attorney advised the Board that this could not be used as evidence since there was no time, date or paper identified or substantiated and could not be used as a basis for a decision. It could be used as information only. There being no further discussion James Van Schoick made a motion to close the hearing seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick, Walsh, Trafford. "No" none.

There being no further discussion on the case, a motion was made by James Van Schoick to draw up a favorable Resolution seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick, Walsh, Trafford. "No" none.

Claudia Pincus made a motion for a seven minute recess seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick, Trafford. "No" Walsh.

The meeting was reconvened at 9:30 p.m.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer, James Mastrian, Claudia Pincus, James Van Schoick, Patricia Walsh, Christopher Trafford. Absent: Edward Lyons.

Application 10-88 - Michael E. & Claire S. Collins - 69 Beachfront - Michael Collins Jr. was present and Attorney Kevin Thomas was present to represent Mr. & Mrs. Collins. The Board Attorney marked the file and administered the oath to Michael Collins Jr., 614 Brooklyn Boulevard, Sea Girt. Attorney Kevin Thomas questioned Mr. Collins regarding the plans for the addition that would be built on the beachfront house. Mr. Collins' parents owned the property. Mr. Collins explained that a prior application had been made to the Board of Adjustment to have the present structure put on pilings in anticipation of this project of expansion, for a retirement home for his parents. Mr. Collins explained the layout of the present structure and the plans for the proposed structure which would be two and a half stories high. There would be four bedrooms in the house and four bathrooms plus a mezzanine. Board Members questioned the height of the houses surrounding this structure in relation to the height

of the proposed structure and reviewed the plans with Mr. Collins. They also expressed concern with the height of the structure and felt they would like to do another site inspection now that they had the plans to review. In doing a site inspection prior to this time they were not aware of the plans for the addition. Mr. Thomas explained that there had been a problem with the architect that had drawn the plans but that the problem had been straightened out and there was no reason that the house could not be built according to the plans submitted to the Board.

John Donowski, 43 Deep Creek Drive, Builder, was administered the oath by the Board Attorney to give testimony about the construction of the new addition. Mr. Donowski explained the specifics of the plans to the Board. Mr. Donowski explained that the only change that might be made in the plans was from a flat roof to a peaked roof to coincide with the design of the other houses in the area.

The Board Members asked that a set of exact plans be submitted to the Board for their approval. They were very uncomfortable with the fact that there would be changes in the plans that were submitted. The Board Attorney suggested that the testimony of the applicants and an overlay of the plans drawing the changes be submitted at the next meeting and be made a part of the Resolution if approved. Mr. Griffith expressed a desire to have the outside stairs, as drawn, eliminated. He felt that these stairs made it a possible rental unit in the future.

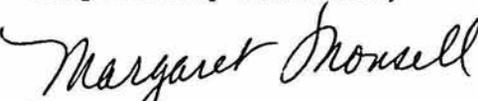
There being no questions from the audience on the application thus far, a motion was made by Margaret Kazenmayer to continue the application until the next meeting June 15, 1988, and do a site inspection on Saturday, May 21st. The motion was seconded by James Van Schoick and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick, Walsh, Trafford. "No" none.

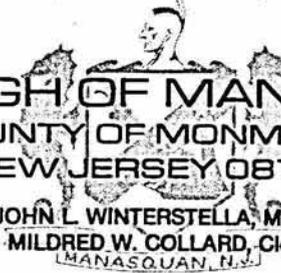
Attorney Thomas agreed to waive the time limit on the application. Also, Attorney Thomas asked Mr. Collins to state for the record that this structure was on owned land.

The Chairman reviewed the applications scheduled for the hearing June 15, 1988. The Board decided that they would do site inspections on these applications before the next meeting.

Claudia Pincus made a motion to adjourn the meeting and the motion was seconded by Robert Griffith. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Mastrian, Pincus, Van Schoick, Walsh, Trafford. "No" none.

Respectfully submitted,

  
Margaret Monsell  
Secretary



**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

BOARD OF ADJUSTMENT

On Wednesday, June 15, 1988, the Zoning Board of Adjustment of the Borough of Manasquan, N.J. will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N.J.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Resolution 8-88 - Kenneth Hartranft/Geraldine Finan - 426 First Avenue

Resolution 9-88 - James & Janice Julian - 14½ Main Street

Resolution 10A-88 - Dr. Byron Marriner - 312 E. Main Street

Application 10-88 (Cont.) - Michael & Claire Collins - 69 Beachfront

Application 11-88 - John S. Tawgin - 129 Sea Girt Avenue

Application 12-88 - Erna L. Drum - 29 Atlantic Avenue

**BOROUGH OF MANASQUAN**  
**COUNTY OF MONMOUTH**  
**NEW JERSEY 08736**

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

MANASQUAN BOARD OF ADJUSTMENT  
MINUTES  
REGULAR MEETING  
JUNE 15, 1988  
BOROUGH HALL, MANASQUAN, N.J.

The Regular Monthly Meeting of the Board of Adjustment was called to order at 8:00 p.m. by Robert Griffith, Vice Chairman of the Board.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer Edward Lyons, Claudia Pincus, Patricia Walsh, Christopher Trafford.  
Absent: James Mastrian, James Van Schoick

The Vice Chairman noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mr. Griffith announced that this was an Open Public Meeting held in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

The Vice Chairman, Robert Griffith read the letter of resignation from James Mastrian the Chairman of the Board. Patricia Walsh made a motion to accept the resignation with regret, seconded by Claudia Pincus. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Walsh, Trafford. "No" none. Election of a new Board Chairman was postponed until the next meeting.

Patricia Walsh made a motion to accept the minutes of the previous meeting as submitted by the Secretary of the Board seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Walsh, Trafford. "No" none.

Resolution 8 - 88 - Kenneth Hartranft/Geraldine Finan - 426 First Avenue was read by the Board Attorney, William Byrnes. There being no further comments on the Resolution, a motion was offered to approve the Resolution by Patricia Walsh, seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Walsh, Trafford. "No" none.

Attorney Byrnes read Resolution 9-88 - James & Janice Julian - 14½ Main Street. There being no further comments a motion was made by Margaret Kazenmayer to approve the Resolution seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Walsh, Trafford. "No" none.

Resolution 10A-88 - Dr. Byron Marriner - 312 E. Main Street was read by the Board Attorney. There being no further comments on the resolution, Christopher Trafford offered a motion to accept the Resolution as read seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Walsh, Trafford. "No" none.

Application 10-88 (Cont.) - Michael & Claire Collins - 69 Beachfront

Michael Collins Sr. and Attorney Kevin Thomas representing Mr. Collins, were present. The Board Attorney marked a new set of plans for the file. Mr. Collins Sr. was administered the oath by the Board Attorney. Mr. Collins explained changes in the plans that had been made since the last meeting. Instead of a flat roof there would be a peaked roof and there would be two bathrooms deleted from the plans. Mr. Collins was planning to use this home for his retirement and the builder would be John Donowsky. He noted that the plans had been redrawn with the approval of the Building Inspector, Sandy Ratz and did not violate the zoning code.

The Board Members reviewed the plans with Mr. Collins, particularly the changes in the plans. Mrs. Kazenmayer questioned Mr. Collins about the size of the proposed house in relation to the houses surrounding it. Mr. Donowsky testified regarding the measurements of the new plans. Mr. Collins explained that he had already invested \$63,000 in the present structure and planned to invest another \$100,000 in these new renovations. He felt that the house had been badly in need of repair when he purchased it and upgrading the house would make it an asset to the area. Several of the Board Members were apprehensive about the overall size of the house as planned, their feelings being that the lot size was too small for such a large house. Mrs. Kazenmayer advised Mr. Collins that she did not object to the upgrading of the house, her only objection being the size of the house. She felt it wasn't fair to the surrounding neighbors with smaller homes. Mrs. Walsh felt that this was no higher than some of the other houses on the beachfront and did not object to the size of the house.

Mr. Griffith asked for any questions from the audience.

Mrs. Evelyn Hyer, 76 Second Avenue, asked if the house was going to be any larger than any other house on the beachfront in height or width. Mr. Collins answered that it was not. Mr. Donowsky answered that the area of the house stays the same.

There being no further comments from the audience, Patricia Walsh made a motion to close the hearing seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Walsh, Trafford. "No" none.

The Board Members discussed the plans for the structure. Several members were apprehensive about the height of the proposed structure and some were in favor of the application. Patricia Walsh made a motion that a favorable resolution be drawn up seconded by Christopher Trafford. Motion was denied by the following vote: "Yes" Board Members Walsh, Trafford. "No" Board Members Griffith, Kazenmayer, Lyons, Pincus. The Application was denied.

Application 12-88 - Erna L. Drum - 29 Atlantic Avenue. Mrs. Drum was present. The Board Attorney marked the file and administered the oath to Mrs. Drum. The Board attorney questioned the size of the addition and Mrs. Drum advised the Board that the correct size was 12x20 feet. Mrs. Drum explained her plans for the addition of a sun room. The Board Members reviewed the plans and questioned Mrs. Drum regarding the drawings and measurements of her property.

The members finding no problems with the application and there being no one in the audience to comment, a motion was made to close the public hearing by Edward Lyons seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Walsh, Trafford. "No" none.

Christopher Trafford offered a motion to draw up a favorable resolution seconded

by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Walsh, Trafford. "No" none.

Patricia Walsh made a motion that a resolution be drawn up in honor of James Mastrian for his service to the Board seconded by Claudia Pincus. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Walsh, Trafford. "No" none.

Patricia Walsh made a motion to adjourn the meeting seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Walsh, Trafford. "No" none.

Respectfully submitted,



Margaret Monsell, Secretary  
Zoning Board of Adjustment



**BOROUGH OF MANASQUAN**  
**COUNTY OF MONMOUTH**  
**NEW JERSEY 08736**

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

MANASQUAN BOARD OF ADJUSTMENT  
MINUTES  
REGULAR MEETING  
JULY 20, 1988  
BOROUGH HALL, MANASQUAN, N.J.

The Regular Monthly Meeting of the Board of Adjustment was called to order at 8:00 p.m. by Robert Griffith, Vice Chairman of the Board.

Roll Call - Present: Robert Griffith, Claudia Pincus, Christopher Trafford, James Van Schoick, Patricia Walsh, Alma Roberts, James Bogan.

Absent: Margaret Kazenmayer, Edward Lyons

The Vice Chairman noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mr. Griffith announced that this was an Open Public Meeting held in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

Mr. Griffith announced that the minutes of the previous meeting were posted on the bulletin board in the lobby of Borough Hall and asked for a motion to approve the minutes as submitted by the Secretary. Motion was made by James Van Schoick seconded by Claudia Pincus. Motion carried by the following vote: "Yes" Board Members Griffith, Pincus, Trafford, Van Schoick, Walsh, "No" none. Abstain: Roberts.

The Board Attorney welcomed Mrs. Alma Roberts as a Board Member and administered the oath.

Resolution 10 - 88 - Michael & Claire Collins - 69 Beachfront was read by the Board Attorney, William Byrnes. There being no further comments, a motion was made by Christopher Trafford seconded by Claudia Pincus. Motion was carried by the following vote: "Yes" Board Members Griffith, Pincus, Trafford. "No" Walsh. Abstain: Van Schoick.

Resolution 12 - 88 - Erna L. Drum - 29 Atlantic Avenue was read by the Board Attorney. There being no further comments on the Resolution a motion was made to approve the Resolution by Claudia Pincus, seconded by Patricia Walsh. Motion carried by the following vote: "Yes" Board Members Griffith, Pincus, Trafford, Van Schoick, Walsh. "No" none.

The Board Attorney, William Byrnes read a resolution recognizing James Mastrian for his service on the Board and as Board Chairman. James Van Schoick made a motion to approve the Resolution seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Griffith, Pincus, Trafford, Van Schoick, Walsh, Roberts. "No" none.

Application 11-88 - John W. Tawgin - 129 Sea Girt Avenue - The Board Attorney marked the file. Ron R. Ernish Jr., Architect, represented Mr. Tawgin and was sworn in by the Board Attorney. Mr. Ernish resides at 45 South St. in Brielle.

Mr. Ernish presented two drawings of the proposed alterations and parking facilities and described the plans for an addition of a second story on the warehouse and the parking spaces planned. He stated that they were willing to conform to any restrictions that the Fire Department would require for fire safety. Mr. Ernish explained that the owner would not be increasing the business activity but needed more storage space and was seeking to improve the parking facilities. There are approximately eight full-time employees working in the building. The house in the rear of the property is used for employees or guests from out of town. He also stated that they had tried to design the building to blend in with the surrounding residential community and would try to enhance the looks of the property with landscaping as well as improvements to the exterior of the building. The Board members questioned Mr. Ernish about certain aspects of the drawing.

There being no further questions from the Board Members, Kenneth Miller, Fire Protection Official was sworn in by the Board Attorney to give comments on the plans as submitted. The drawing Mr. Miller had submitted for the hearing was marked B1 for the file. Mr. Miller testified that he had done a routine fire inspection on the building and set aside a fire zone alongside the building and marked off the possible parking spaces on the property since this hearing would be taking place. He explained his reasons for his drawing the plan as submitted.

There being no further questions for Mr. Miller, the Chair recognized Carl Bartell, 158 Curtis Place a neighbor of Mr. Tawgin's. Mr. Bartell asked to view the plans for the building since they had not been presented before this meeting. Mr. Ernish endeavored to explain questions by Mr. Bartell and resolve his apprehension regarding the parking problem.

Diana Nobel, 125 Sea Girt Avenue, the next door neighbor of Mr. Tawgin expressed the same concerns with the parking problems in this area and the limitations of parking on Mr. Tawgin's property. She also expressed concern with garbage disposal i.e. where will garbage cans be placed if this area is used for parking and where will cardboard etc. be placed. She asked the Board to consider all of the problems with the parking in that area when they consider approving the application for the variance.

Mr. Ernish explained to the Board that the Sea Girt School of Dance is allowed to use available spaces on Mr. Tawgin's property when they are not being used as a courtesy to the dance school.

There was concern on the part of the Board Members regarding no sidewalks in this area making it dangerous for cars backing out of the spaces in the front of the building.

There being no further questions on the application by the Board, a motion was made to close the hearing by Claudia Pincus seconded by Christopher Trafford. Motion was carried by the following vote: "Yes" Board Members Griffith, Pincus, Trafford, Van Schoick, Walsh, Roberts. "No" none.

A motion was made to continue the hearing at the August 17, 1988 meeting and do a site inspection on Saturday, July 23, 1988 at 9:00 a.m. by James Van Schoick seconded by Patricia Walsh. Motion carried by the following vote: "Yes" Board Members Griffith, Pincus, Trafford, Van Schoick, Walsh, Roberts. "No" none. Mr. Griffith requested a set of floor plans for the building and a full set of plans for all the members of the Board at the next meeting.

The Vice-Chairman advised the members of the Board that the next two applications on the agenda had been postponed.

Christopher Trafford made a motion to adjourn the meeting seconded by Patricia Walsh. Motion carried by the following vote: "Yes" Board Members Griffith, Pincus, Van Schoick, Trafford, Walsh, Roberts.

A motion was made to reopen the meeting by James Van Schoick seconded by Claudia Pincus. Motion was carried by the following vote: "Yes" Board Members Griffith, Pincus, Trafford, Van Schoick, Walsh, Roberts. "No" none.

Mr. James Bogan was welcomed as an alternate member of the Board of Adjustment by Attorney, William Byrnes, who administered the oath of office.

The Vice-Chairman of the Board asked for nominations for the position of Chairman of the Board. Mr. Griffith accepted the nomination until the first of the year. James Van Schoick made a motion to this effect seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Pincus, Trafford, Van Schoick, Walsh, Robert, Bogan. "No" none. Abstain: Griffith.

A motion was made to nominate James Van Schoick as Vice Chairman by Patricia Walsh seconded by Christopher Trafford. Motion carried by the following vote: "Yes" Board Members Griffith, Pincus, Trafford, Walsh, Roberts Bogan. "No" none. Abstain: James Van Schoick.

A motion was made to readjourn the meeting by Patricia Walsh seconded by Claudia Pincus. Motion carried by the following vote: "Yes" Board Members Griffith, Pincus, Trafford, Van Schoick, Walsh, Roberts, Bogan. "No" none.

Respectfully submitted,

Margaret Monsell  
Secretary



BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

BOARD OF ADJUSTMENT

On Wednesday, August 17, 1988, the Zoning Board of Adjustment of the Borough of Manasquan, New Jersey will hold their Regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N.J.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Application 11-88 (Cont.) - John S. Tawgin - 129 Sea Girt Avenue

Application 15-88-Dominic J. Bossone - 21 Broad St.

Application 15A-88 - Florence E. Moor - 33-35 Atlantic Avenue

Application 16-88 - H.T. Hall - 125 Parker Avenue

Application 16A-88 - Elks Lodge #2534 - 17 Stockton Lake Blvd.

Application 13-88 - Dr. Louis Lustrino - 87 Broad Street

**BOROUGH OF MANASQUAN**  
**COUNTY OF MONMOUTH**  
**NEW JERSEY 08736**

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

**MANASQUAN BOARD OF ADJUSTMENT**  
**MINUTES**  
**REGULAR MEETING**  
**AUGUST 17, 1988**  
**BOROUGH HALL, MANASQUAN, N.J.**

The Regular Monthly Meeting of the Board of Adjustment was called to order at 8:00 p.m. by Robert Griffith, Chairman of the Board.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, James Van Schoick, Patricia Walsh, Alma Roberts.

Absent: James Bogan

The Chairman noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mr. Griffith announced that this was an Open Public Meeting held in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

Mr. Griffith noted that the minutes of the previous meeting were posted on the bulletin board in the lobby of Borough Hall and asked for a motion to approve the minutes as submitted by the Secretary. Motion was made by Patricia Walsh seconded by James Van Schoick. Motion carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Van Schoick, Walsh, Roberts. "No" none.

Application 11-88 (Cont.) - John S. Tawgin - 129 Sea Girt Avenue - Mr. Tawgin and Architect Ernish were present for the hearing. Mr. Tawgin was administered the oath by the Board Attorney. Mr. Ernish presented the Board with some new plans of the project. Mr. Tawgin presented copies of correspondence with Mr. Iannelli, the Construction Code Official regarding the type of business he was conducting in the building. Mr. Ernish explained the changes in the new plans he had presented. The Board Members questioned Mr. Tawgin and Mr. Ernish regarding the plans and discussed the changes.

Mrs. Diane Noble, 125 Sea Girt Avenue, presented evidence of the parking problems in the area and questioned the type of business being conducted in the building. Mrs. Noble reviewed the plans and urged the Board to carefully consider the application before granting the variance.

Mr. Tawgin also presented pictures of cars parked around the building to prove that the parking spaces were adequate. The photographs that Mrs. Noble presented and the ones that Mr. Tawgin presented were marked for the file.

Again, the Board Members discussed the plans with Mr. Tawgin and Mr. Ernish. There being no further discussion by the Board Members and no questions from the audience, Christopher Trafford made a motion to close the hearing seconded by Patricia Walsh. Motion carried by the following vote: "Yes" Board Members Griffith Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh, Roberts. "No" None.

Patricia Walsh made a motion to draw up a favorable resolution with the understanding that the plans for parking be approved by Mr. Miller, Fire Protection Official. The Motion was seconded by Christopher Trafford and carried by the following vote: "Yes" Board Members Trafford, Van Schoick, Walsh, Roberts. "No" Griffith, Kazenmayer, Pincus.

Application 15-88 - Dominic Bossone - 21 Broad Street - The Board Attorney marked the file and administered the oath to Mr. Bossone, 713 Howell Drive, Brielle. Mr. Bossone distributed some material he had brought with him to the Board Members. A question was raised regarding whether a corporation had to be represented by an attorney. The Board Attorney advised that since Mr. Bossone had not been made aware of this fact, they could waive the requirement and hear the case. Mr. Bossone explained the problem he had encountered with installing a dish antennae on the roof of his business property. He was not aware of the Ordinance that prohibited dish antennae being installed on the roof of buildings and he had depended on his installer to obtain the permit necessary for installation. He also explained his reasons for having to install the antennae on the roof for safety and reception. The Board Members discussed the case with Mr. Bossone and some Members expressed concern about the fact that this application was submitted after the fact. The installer did not have a permit to place the antennae on the roof and the Board was being asked to make a decision about something that had already been done. Some of the Board Members felt that this was a way of accomplishing something that might not be approved, and the applicants were willing to pay the fine for this reason. Mr. Bossone assured the Board Members that he had asked his installer if they had gotten the permit and he was told they would take care of it. The Chairman asked if there were any comments from the audience.

Margaret Kazenmayer made a motion to close the public hearing seconded by James Van Schoick. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh. "No" none.

After the Board Members discussed the application, James Van Schoick made a motion to draw up a favorable Resolution with a recommendation to the Building Inspector that the Installer be fined \$300.00. Motion was seconded by Edward Lyons and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh. "No" none.

A motion was made to adjourn the meeting at 11:00 p.m. by James Van Schoick seconded by Patricia Walsh. Motion carried by the following vote: "Yes" Board Members Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, James Van Schoick, Patricia Walsh, Alma Roberts.

Application 15A-88 - Florence E. Moor - 33-35 Atlantic Avenue - The Board Attorney marked the file and administered the oath to Karen Olsen, 2650 Mercer Street, Philadelphia, Pa., Marilyn Olsen 33-35 Atlantic Avenue, Manasquan Mrs. Moor's daughter and granddaughter. Mrs. Marilyn Olsen explained the need to build a deck for her mother who is handicapped and had previously included in the application a ramp descending from the deck, however, her mother, would not allow them to build the ramp and with special permission from the building inspector for emergency reasons, a deck had been built on the rear of the property. They were now seeking a use variance for the deck. The Board Members discussed the plans that were submitted the applicants.

There being no further discussion by the members of Board and no comments from the audience, Board Member Van Schoick made a motion to close the hearing seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members

Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh.

Board Members discussed the application and Christopher Trafford made a motion to draw up a favorable resolution seconded by Margaret Kazenmayer. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh. "No" none.

Application 16-88 - H.T. Hall - 125 Parker Avenue was postponed until the September meeting.

Application 16A-88 - Elks Lodge #2534 - 17 Stockton Lake Boulevard - The Board Attorney marked the file and administered the oath to Gilbert Thompson, 147 No. Main Street, Manasquan representing the Elks Lodge. It was noted that this was also a corporation that should be represented by an attorney. However, again, since they had not been notified of this requirement, it would be waived.

William Byrnes, the Board Attorney, noted for the record that he was a member of the Elks Lodge and if there were any objections to his serving as the Board Attorney for this case he would disqualify himself. Mr. Byrnes also noted that there were some other members of the Board that were members of the Elks Lodge. Mr. Van Schoick noted that there had been a previous application before the Board and there had been no problem with this fact. The members of the Board conducted themselves impartially.

Mr. Thompson, a member of the Board of Trustees explained that the main thing they wanted to do was enclose the back of the lodge, where things are stored. There had been a lot of vandalism recently and they wanted to be able to store things safely. They have two walk-in refrigerators that are outside the building storing produce and some beer and although they were under cover of a roof and locked, they had never had trouble with them before. On the drawing of the plans for this enclosure they had also included a drawing of a proposed sign and planting they are planning for the future and were hoping the Board would approve this also, so they do not have to come before the Board again.

The Board Members discussed the plans with Mr. Thompson and some of the Members of the Board expressed concern that the plans were really not adequate to make it possible to visualize the project. Mr. Griffith suggested a site inspection and the Board Members agreed. They advised Mr. Thompson that they would not vote on the sign unless they saw complete drawings of the plans. Claudia Pincus made a motion to hold a site inspection on Saturday, August 20th, at 9:00 a.m. seconded by Margaret Kazenmayer. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh. "No" none. The application will be continued at the September 21, 1988 meeting.

Claudia Pincus made a motion to have a five minute recess seconded by Christopher Trafford. Motion was carried by the following vote: "Yes" Board Members Griffith, Pincus, Trafford, Van Schoick, Walsh. "No" Kazenmayer, Lyons, Roberts.

Roll Call after recess: Present: Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh, Roberts. Absent: Bogan.

Application 13 - 88 - Dr. Louis Lustrino - 87 Broad Street - The Board Attorney marked the file. Patrick J. Greene, Jr. represented Dr. Lustrino and explained

the plans for enlarging the dental office and adding two or three parking spaces to accomodate the additional space. John Wasmer, 209 Stockton Blvd., Sea Girt, architect for the addition explained the plan as drawn. He also explained that seven parking places would be added rather than the minimum of two or three. There were two deeds to the property since the first one issued was incorrect and omitted 44 feet to the rear of the property. Dr. Lustrino explained the need for rearranging the space in his office and the need for another examining room. At the present time he has no personal office and a very small lab. The Board Members discussed the plans with Mr. Wasmer and Dr. Lustrino.

There being no further discussion by the Board Members and no comments from the audience, James Van Schoick made a motion to close the hearing seconded by Margaret Kazenmayer. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh. "No" none.

Margaret Kazenmayer made a motion to draw up a favorable resolution seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh. "No" none.

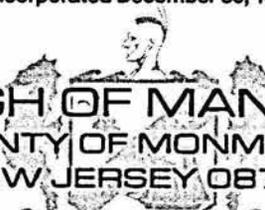
The Board Members discussed a letter that had been received from Robert W. Gardell regarding a request for a Special Meeting. The Board decided that the meeting would really not save Mr. Gardell that much time and was not convenient for the members of the Board, therefore, Patricia Walsh made a motion to deny the request seconded by James Van Schoick. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh, Roberts. "No" none.

Patricia Walsh made a motion that in the instructions that are given out with the application for a hearing, it should state that if a corporation is making out an application they must be represented by an attorney at the hearing. The motion was seconded by James Van Schoick and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh, Roberts. "No" none.

There being no further business, Margaret Kazenmayer made a motion to close the meeting seconded by Patricia Walsh. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Van Schoick, Walsh, Roberts. "No" None.

Respectfully submitted,

Margaret Monsell  
Secretary



BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

BOARD OF ADJUSTMENT

On Wednesday, September 21, 1988, the Zoning Board of Adjustment of the Borough of Manasquan, New Jersey, will hold their Regular Meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N.J.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Resolution 11-88 - John S. Tawgin - 129 Sea Girt Avenue

Resolution 15-88 - Dominic J. Bossone - 21 Broad Street

Resolution 15A-88 - Florence E. Moor - 33-35 Atlantic Avenue

Resolution 13-88 - Dr. Louis Lustrino - 87 Broad Street

Application 16A-88 (Cont.) Elks Lodge 2534 - 17 Stockton Lake Boulevard

Application 14-88 - Janes H. & Jane Swift - 412 First Avenue

Application 17-88 - Anthony & Phyllis Ianone - 564 Trout Avenue

Application 18-88 - Jean Cassidy - 207 Stockton Lake Boulevard

**BOROUGH OF MANASQUAN**  
**COUNTY OF MONMOUTH**  
**NEW JERSEY 08736**

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

MANASQUAN BOARD OF ADJUSTMENT  
MINUTES  
REGULAR MEETING  
SEPTEMBER 21, 1988  
BOROUGH HALL, MANASQUAN N.J.

The Regular Monthly Meeting of the Board of Adjustment was called to order at 8 p.m. by Robert Griffith, Chairman of the Board.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts, James Bogan Jr.

Absent: James VanSchoick, Patricia Walsh

The Chairman noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mr. Griffith announced that this was an Open Public Meeting held in accordance with the Public Meetings Act of 1975 and had been published according to law.

Mr. Griffith noted that the minutes of the previous meeting were posted on the bulletin board in the lobby of Borough Hall and asked for a motion to approve the minutes as submitted by the Secretary. Motion was made by Edward Lyons seconded by Claudia Pincus. Motion made by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts. "No" none. "Abstain" Board Member Bogan.

Resolution 15-88- Dominic Bossone - 21 Broad Street was read by the Board Attorney, William Byrnes. There being no further comments, a motion was made to vote on the favorable resolution by Board Member Kazenmayer seconded by Board Member Trafford. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts. "No" none. "Abstain" Board member Bogan.

Resolution 15A-88-Florence E. Moor-33-35 Atlantic Avenue was read by the Board Attorney. There being no further comments, a motion was made to vote on the favorable resolution by Board Member Lyons seconded by Board Member Trafford. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts. "No" none. "Abstain" Board member Bogan.

Resolution 13-88 - Dr. Louis Lustrino-87 Broad Street was read by the Borough Attorney. There being no further comments a motion was made to vote on the favorable resolution by Board Member Kazenmayer seconded by Board Member Trafford. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts. "No" none. "Abstain" Board Member Bogan.

Application 16A-88 (cont) Elks Lodge 2534-17 Stockton Lake Boulevard- Mr. Schmeling, attorney for the applicant, discussed the three variances requested, the first regarding the enclosure of the lodge refrigerator units, the second regarding a storage area by the garage and the third location of a sign on the property. Mr. Schmeling submitted plans for the area, which were marked for the file by the Board Attorney. Mr. Schmeling stated that the sign would be placed in an area currently designated as a parking spot and would affect traffic.

Mr. Walter Litzbauer, 500 Lenape, chairman of the board of trustees, was administered the oath by the Board Attorney. He testified that the sign would allow out-of-town visitors to find the lodge.

After further discussion with Mr. Schmeling and Mr. Litzbauer, the Board requested that more detailed information regarding the dimensions of the sign and area be provided. The applicant agreed to go to the site, secure the measurements and return. The Board agreed to hear their information upon their return if time permitted.

Application 14-88 - James H. and Jane Swift-412 First Avenue-The Board Attorney stated that Board Secretary Margaret Monsell had advised him that the mailing list and other necessary materials had not been submitted regarding the application.

John Deppeler, attorney for the applicants, presented the items. The Board Attorney stated that under local ordinances such materials were required to be submitted before the meeting and that he left it up to the Board as to whether they would hear the application. The Board agreed to hear the case and the Board Attorney marked the file.

The Board Attorney administered the oath to James H. Swift, 403 First Avenue. Questioned by Mr. Deppeler, Mr. Swift testified that he and his wife own the land on the application. He testified that a permit was issued by the Manasquan Building Department in 1986 to replace the deck area exactly. Construction was done that year.

Mr. Swift testified that he was called and told to come down for a second permit to replace the shower in the deck area. The permit, he testified, was dated March 2, 1988. On March 15, A.P. Ratz, C.O., dated a letter to Mr. Swift advising him that the original permit called only for the exact replacement of the deck area and that Mr. Ratz felt the deck had been enlarged. A letter from Mr. Ratz dated March 22 advised Mr. Swift that a variance was needed before May 31 to keep the deck.

Mr. Deppeler submitted the original permit, dated September 18 1986 and numbered 7967, the two letters from Mr. Ratz, permit 8936 for the shower and a letter from Dooco Siding and Home Improvement which stated that the replacement was exact. The letter was dated September 15, 1988 and was signed by Robert Doolittle, owner. The material was marked for the file by the Board Attorney.

Frank Diana, 401 First Avenue, called the new deck a substantial improvement.

There being no further discussion by the members of the Board and no further comments by the public, Board Member Kazenmayer made a motion to close the hearing seconded by Board Member Pincus. Motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, Bogan. "No" none.

Board Member Pincus made a motion to grant the variance seconded by Board Member Kazenmayer. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, Bogan. "No" none.

The Board Attorney discussed options regarding the application. He stated that he could either draw up a variance allowing the Swifts to keep the deck or he could compose a letter stating that based on the evidence put before the Board, there is no need for a variance and that it is the decision of the Board that the deck was replaced in conformity with the permit. He also stated that the Board would determine whether to keep the fee, refund it or partially refund it.

A motion was made by Board Member Lyons that a 50 percent refund be granted to the applicant seconded by Board Member Roberts. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, Bogan. "No" none.

Application 17-88 - Anthony and Phyllis Ianione - 564 Trout Avenue - The Board Attorney administered the oath to Anthony Ianione, 930 Leland Avenue, Plainfield. Ianione offered testimony regarding the application, which involved an addition to the rear of a house on the property.

A site inspection was requested but the Board did not feel it necessary.

There being no further discussion by the members of the Board and no further comments by the public, Board Member Kazenmayer made the motion to close the hearing seconded by Board Member Pincus. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, Bogan. "No" none.

Resolution 18-88 - Jean Cassidy - 207 Stockton Lake Boulevard- The Board Attorney marked the file and administered the oath to Jean Cassidy, 605 Grove Street, Clifton. Ms. Cassidy discussed the application, which involves the set backs for the property and the replacement of the porch on the property.

There being no further comment by members of the Board and no further comments by the public, Board Member Trafford made the motion to close the hearing seconded by Board Member Lyons. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazemayer, Lyons, Pincus, Trafford, Roberts, Bogan. "No" none.

A motion was made by Board Member Kazenmayer to approve a resolution seconded by Board Member Roberts. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, Bogan. "No" none.

Application 16 A - 88 (cont) Elks Lodge 2534 - 17 Stockton Lake Boulevard - continued from earlier in the meeting - Mr. Schmeling and Mr. Litzbauer returned with the measurements regarding a projected sign. The applicant discussed the measurements with the Board.

There being no further discussion by members of the Board and no further comments from the public, Board Member Trafford made the motion to close the hearing seconded by Board Member Pincus. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, Bogan. "No" none.

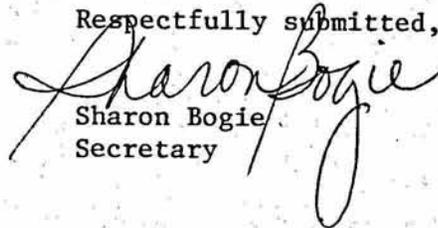
A motion was made by Board Member Trafford to approve the resolution based on the plans at the September 21 meeting seconded by Board Member Lyons. The motion carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Pincus, Trafford, Bogan. "No" Board Members Griffith, Roberts.

Resolution 11-88 - John S. Tawgin - 129 Sea Girt Avenue - The Board Attorney discussed questions regarding the nature of Mr. Tawgin's business and recommended that the resolution be held in obedience until such time as Mr. Tawgin may testify before the Board. The Board Attorney agreed to send a letter to Mr. Tawgin requesting that he appear at the next meeting; if he chooses not to appear, the application and resolution may be dismissed by default.

A motion was made by Board Member Trafford to hold the resolution in obedience seconded by Board Member Kazenmayer. The motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, Bogan. "No" none.

A motion was made for adjournment and unanimously carried.

Respectfully submitted,

  
Sharon Bogie  
Secretary



BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

ADDITION - MINUTES  
BOARD OF ADJUSTMENT

September 21, 1988 meeting

Application 17-88 - Anthony and Phyllis Ianione - 564 Trout Drive-  
A motion was made by Board Member Christopher Trafford for a  
favorable resolution seconded by Board Member Lyons. The motion  
was carried by the following vote: "Yes" Board Members Griffith,  
Kazenmayer, Lyons, Pincus, Trafford, Roberts, Bogan. "No" none.

Respectfully submitted,

  
Sharon Bogie, Secretary  
Zoning Board of Adjustment

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

On Wednesday, October 19, 1988, the Zoning Board of Adjustment of the Borough of Manasquan, New Jersey, will hold their Regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, N.J.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Resolution 14-88 - James H. Swift - 412 First Avenue

Resolution 16A - 88 - 2534 Holding Co.-Elks Lodge

Resolution 17-88 - Anthony and Phyllis Ianione-564 Trout

Resolution 18-88 - Jean Cassidy - 207 Stockton Lake Blvd.

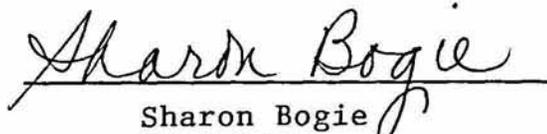
Application 19 88- Iris and Helen Maziekien - 464 Euclid

Application 20-88- R.W. Gardell Jr.-171 Beachfront-cancelled  
at request of applicant

Application 16-88- H.T. Hall-North end Parker

Application 25-88- Walter and Susan Dreyer-15 Riddle Way

Resolution 11-88 (cont.) John S. Tawgin - 129 Sea Girt Ave.

  
Sharon Bogie  
Secretary

Dated at Manasquan  
October 14, 1988

**BOROUGH OF MANASQUAN**  
**COUNTY OF MONMOUTH**  
**NEW JERSEY 08736**

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

MANASQUAN BOARD OF ADJUSTMENT  
MINUTES  
REGULAR MEETING  
OCTOBER 19, 1988  
BOROUGH HALL, MANASQUAN, N.J.

The Regular Monthly Meeting of the Board of Adjustment was called to order at 8 p.m. by Robert Griffith, Chairman of the Board.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer, Claudia Pincus, Christopher Trafford, James VanSchoick, Alma Roberts, James Bogan

Absent: Edward Lyons, Patricia Walsh

The Chairman noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mr. Griffith announced that this was an Open Public Meeting in accordance with the Public Meetings Act of 1975 and had been published according to law.

Mr. Griffith asked for a motion to be made for the meeting to end at 11 p.m. The motion was made by Board Member Kazenmayer and seconded by Board Member VanSchoick. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Roberts, Bogan. "No" none.

Mr. Griffith noted that the minutes of the previous meeting were posted on the bulletin board in the lobby of Borough Hall and noted that there was an addition to the minutes. He asked for a motion to approve the minutes and addition as submitted by the Secretary. The motion was made by Board Member Pincus seconded by Board Member Trafford. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, Roberts, Bogan. "No" none. "Abstain" Board Member VanSchoick.

Mr. VanSchoick noted for the record that his abstention came as a result of not being able to listen to the tapes of the meeting.

Resolution 14-88 - James H. Swift - 412 First Avenue - Board Attorney William Byrnes stated that in lieu of a resolution he was directed to prepare a letter discussing the Board's findings. The letter, read by the Board Attorney, stated the background of the case and that based on testimony and evidence placed before it during the hearing, it was the decision of the Board that the application would be amended so that it will be heard under N.J.S.A. 40:55D-70 (a), i.e., an appeal from the Construction Officials' decision for a determination as to whether or not a variance is needed. The letter further stated that it is the decision of the Board that a variance will not be required as the

replacement deck was constructed in compliance with building permit 7967. The Board also agreed that a fifty percent refund be granted in regards to the two hundred dollar application fee.

Chairman Griffith asked the Board Attorney if a vote was necessary on the letter; Mr. Byrnes responded that a vote was not needed.

Resolution 16A-88 - 2534 Holding Co. - Elks Lodge - 17 Stockton Lake Boulevard- was read by the Board Attorney. There being no further discussion or comments, a motion was made to vote on the favorable resolution by Board Member Trafford seconded by Board Member Kazenmayer. The motion was carried by the following vote: "Yes" Board Members Kazenmayer, Pincus, Trafford, Bogan. "No" Board Members Griffith, Roberts. "Abstain" Board Member VanSchoick.

Resolution 17-88 - Anthony and Phyllis Ianione - 564 Trout - was read by the Board Attorney. There being no further discussion or comment, a motion was made to vote on the favorable resolution was made by Board Member Kazenmayer seconded by Board Member Trafford. The motion passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, Roberts, Bogan. "No" none. "Abstain" Board Member VanSchoick.

Resolution 18-88 - Jean Cassedy - 207 Stockton Lake Boulevard- was read by the Board Attorney. There being no further discussion or comments, a motion was made to vote on the favorable resolution by Board Member Kazenmayer seconded by Board Member Roberts. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, Roberts, Bogan. "No" None. "Abstain" Board Member VanSchoick.

Application 19-88 Helen and Iris Maziekien - 464 Euclid - The Board Attorney marked the file and administered the oath to Iris Maziekien, 9 Watson Place. Questioned by attorney Kevin Thomas, Maziekien testified that she owns the property and that there are two dwelling on the plot, with the smaller one identified as 7 Watson Place and the larger 9 Watson Place. Ms. Maziekien lives with her mother, former owner of the property, in the 9 Watson Place dwelling.

Ms. Maziekien discussed the application, which requested that porches be incorporated into the main house and the rear house be reactivated and a bathroom added. She testified that if the expansion was granted into the porch area, kitchen renovation, closet placements and enlargement of the living room could be realized. She testified that the present porch is enclosed in that it has screens and windows, but it has no heat.

Under further questioning from Mr. Thomas, Ms. Maziekien also discussed possible plans for siding, new windows, raising of the ceiling /new roof and a staircase to the attic area.

Prevailing setbacks in the area were discussed by the Board, Mr. Thomas and Ms. Maziekien.

Ms. Maziekien then discussed her plans for the smaller house, including installation of a shower. There was also discussion about the raising of the house for safety purposes in case of a storm.

Mr. Thomas asked Ms. Maziekien if she would have any objections to a condition, if deemed necessary by the Board, that would prohibit any present or future owners of the property from seeking a subdivision. She stated she had no objection.

The Board Attorney administered the oath to David Kinsel, a representative of TRC Contracting, Wall, builder of the project. Kinsel testified that he has been a residential builder and home renovator for seven years.

When Mr. Thomas asked Mr. Kinsel about the plans for the project, Mr. Kinsel stated he would like to take out the living room wall, take the porch down, place a new foundation in the area the porch presently exists and place a new floor and walls on top. Mr. Kinsel said the porch is basically build on fence posts. Mr. Thomas asked if this was safe and Mr. Kinsel responded that in his opinion it was not because it could wash out.

In regards to the smaller house, Kinsel stated there were plans for a shower to be installed, roof work and raising of the house to the level of the main house. The raising, Mr. Kinsel noted, was for flood protection.

Stella Vojton, 465 Euclid Avenue, stated that Ms. Maziekien's plans were in consideration for her mother's health and she had no objections. Anne E. Jackson, 6 Watson Place, stated the the improvements would make the area look nicer.

A motion was made by Board Member Trafford to continue the hearing, seconded by Board Member Kazenmayer. The motion passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Roberts, Bogan. "No" none.

A motion was made to conduct a site inspection on October 22. The motion was passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Roberts, Bogan. "No" none.

Resolution 11-88 (cont.) - John S. Tawgin - 129 Sea Girt Avenue - Kevin Thomas, Mr. Tawgin's attorney, announced his client's intention to withdraw his previous application. Mr. Thomas stated that Mr. Tawgin will file a new application at a later date.

The Board Attorney stated that the resolution had been voted on but not yet memorialized; thus the matter will be treated as if it was never in existence and an entirely new application would be submitted.

Application 16-88 - H.T. Hall - Parker Avenue - The Board Attorney marked the file and administered the oath to Harold T. Hall Jr, 6 Stockton Lake Boulevard. Under questioning from Attorney John Wooley, Mr. Hall testified he is president, operating officer of H.T. Hall.

Mr. Hall discussed the application, which involves the expansion of an existing metal building on the property. He explained that he had always believed the area to be light industrial zoned, but when he went for the permit to add to the metal structure he found it was residentially zoned and the uses were non-conforming.

The Board discussed surrounding properties with the applicant.

There being no further questions or comments from the public and no further discussion by the Board, a motion was made to close the hearing by Board Member VanSchoick seconded by Board Member Pincus. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Roberts, Bogan. "No" none.

Board Member Kazenmayer made the motion that a favorable resolution be granted seconded by Board Member Roberts. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Trafford, VanSchoick, Roberts, Bogan. "No" none. "Abstain" Board Member Pincus.

A motion was made and carried for a five minute recess. Roll call after the recess: "Present" Board Members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Roberts, Bogan. "Absent" Board Members Walsh, Lyons.

Application 25-88 - Walter and Susan Dreyer - 15 Riddle Way - Board Attorney William Byrnes gave a brief disertation on the case and explained to the members of the Board that they were only determining whether the applicant stayed within the scope and spirit of Resolutions 28-87 and 7A-88. He stated that the scope would be determined by the previous resolutions and spirit referred to "substantial compliance."

The applicants and their attorney John C. Carton discussed with the Board the problems regarding the project and cinderblock which needed to be taken down. Builder John Mishinkis also testified about the project.

Board Member Kazenmayer asked the Board Attorney if the reasons for a variance disappear, as in the walls in this case, does it invalidate the resolution. Mr. Byrnes said not necessarily.

Mr. Dreyer testified that A.P. Ratz, CO, had said he would stop by and see the work at the time. Board Member Kazenmayer said she had asked Mr. Ratz about the situation and was told that he had been over there prior to the removal of the cinderblock and that it (the cinderblock) looked fine.

The applicant submitted photographs showing the damaged cinderblock. The photographs were marked as evidence.

Mr. Mishinkis was asked whether he should have gone to Mr. Ratz regarding the problems with the cinderblock and tell him that wooden walls were to be constructed instead. He responded that that is why he took the pictures. He said he had seen Mr. Dreyer and told him a decision had to be made regarding the walls.

Testimony provided also stated that the only difference between the prior plans and what was being done now was the wooden instead of cinderblock walls.

The Board Attorney asked if there would be consideration regarding raising the structure six inches, which would meet the flood zone requirements. That, he

explained, would make the 7A-88 resolution moot. The 28-87 resolution could then be amended to allow for the raising of the structure and provide for the wood frame.

Board Member Kazenmayer stated that in her opinion the resolutions were violated and that while the problems were not intentional, the CO should have been informed when they occurred.

The Board Attorney once again explained that the Board would be dealing with whether or not the stop work order issued by Mr. Ratz would be continued or lifted. This would be determined by the decision of the Board as to whether or not the applicant followed the scope and spirit of the resolutions.

The Board Attorney also noted that months of delay could prove fatal to the project, commenting on testimony by Mr. Dreyer that he would let the house stand as is and winter weather. He stated that if the Board determined the change from cinderblock to wood framing was enough of a change, the Dreyers would be required to resubmit; if not, the stop work order would be lifted and work could continue.

Noel Hood, 161 Beachfront, spoke in opposition to the application.

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

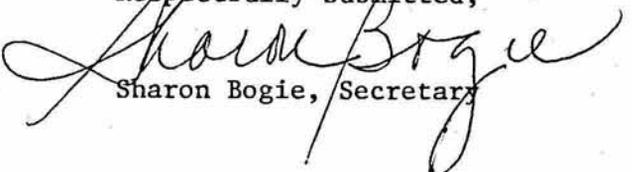
Board Member Trafford made a motion that a variance was not necessary to repair the damage. The motion was lost when there was no second.

Board Member Kazenmayer made the motion to rescind the stop work order providing the elevation was raised seconded by Board Member Bogan. The motion was defeated by the following vote: "Yes" Board Members Griffith, Kazenmayer. "No" Board Members Trafford, VanSchoick, Roberts, Bogan. "Abstain" Board Member Pincus.

Board Member James VanSchoick made a motion to rescind the stop work order seconded by Board Member Trafford. The motion was carried by the following vote: "Yes" Board Members Pincus, Trafford, VanSchoick, Roberts, Bogan. "No" Board Members Griffith, Kazenmayer.

A motion was made to adjourn and unanimously carried.

Respectfully Submitted,

  
Sharon Bogie, Secretary

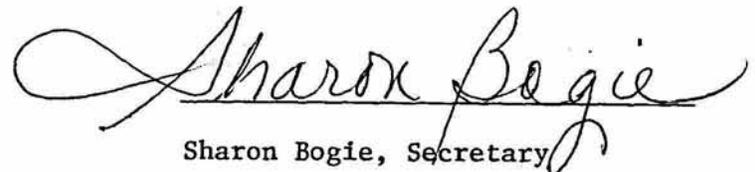
BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

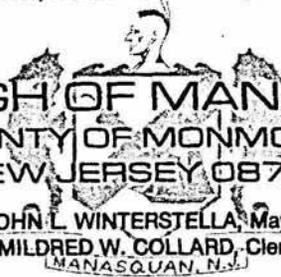
On Wednesday, November 16, 1988, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

- Resolution 16-88 - H.T. Hall - 125 Parker Avenue
- Application 19-88 (cont) - Iris and Helen Maziekien - 464 Euclid
- Application 21-88 - Mr. and Mrs. E. Borghoff - 344 Euclid - Cancelled at request of owners
- Application 22-88 - Florence Fox - 62 Lakewood Road
- Application 23-88 - Kathryn L. Miller - 157 Second Avenue

  
Sharon Bogie, Secretary

Dated at Manasquan  
November 9, 1988

  
BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

MANASQUAN BOARD OF ADJUSTMENT  
MINUTES  
REGULAR MEETING  
NOVEMBER 16, 1988  
BOROUGH HALL, MANASQUAN, N.J.

The Regular Meeting of the Manasquan Board of Adjustment was called to order at 8 p.m. by Robert Griffith, Chairman of the Board.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer, Edward Lyons, Christopher Trafford, Patricia Walsh, Alma Roberts, James Bogan Jr.

Absent: Claudia Pincus, James VanSchoick

The Chairman of the Board noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mr. Griffith announced that this was an open public meeting in accordance with the Public Meetings Act of 1975 and had been published according to law.

Mr. Griffith noted that the minutes of the previous meeting were posted on the bulletin board in the lobby of Borough Hall. He then asked for a motion to approve the minutes as submitted by the Secretary. The motion was made and passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Trafford, Roberts, Bogan. "No" none. "Abstain" Board Members Walsh, Lyons.

Resolution 16-88 - H.T. Hall - Parker Avenue- was read by Board Attorney William Byrnes. There being no further discussion or comments, a motion was made to vote on the favorable resolution by Board Member Trafford and seconded by Board Member Kazenmayer. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Trafford, Roberts, Bogan. "No" none. "Abstain" Board Members Lyons, Walsh.

Application 19-88 - (cont.) - Helen and Iris Maziekien - 464 Euclid Avenue - The Board continued to hear testimony in the case from Iris Maziekien, property owner, and David Kinzel, builder. Also discussing the case with the Board was Kevin Thomas, attorney for the applicant.

The Board noted that a site inspection had been done, as requested at the October 19 meeting. The site has two houses, the larger known as 9 Watson Place and the smaller 7 Watson Place.

Mr. Thomas noted that the applicant has agreed that no future subdivisions would be sought for the property, if the Board deemed this a condition for the case.

Mr. Ginzel provided the Board with measurements for the projected windows at 9 Watson Place. One will be 3'6" across front porch. There will be two windows 4'9" wide in one section across the front of the house, he testified.

Chairman Griffith asked if Mr. Ginzel felt the improvements are 25 percent of the house's value. Mr. Ginzel said yes, 25 - 30 percent.

Board Member Roberts also questioned the estimate.

Chairman Griffith also asked what 7 Watson Place would be used for. Plans before the Board project installation of a shower and elevation of the house.

Ms. Maziekien testified that 7 Watson Place would be used for visitors and possibly summer rental.

Board Member Bogan asked if it is any trouble to raise a house such as 7 Watson Place, since testimony has been offered that the house lies close to the ground.

Board Member Walsh stated that since the home is being raised, why not raise it to bring it up to code. Board Member Trafford agreed.

Mr. Thomas said Ms. Maziekien is willing, but she is concerned over the appearance of the home in regards to other structures in the area.

Mr. Thomas suggested that the case be carried over to the next regular meeting when more information could be offered to the Board.

Special Meeting Request - William and Jane Marriott, John Shawn Tawgin - Mr. Thomas, representing the Marriotts in regards to the case with their property at Lockwood Avenue, and Mr. Tawgin in regards to his property at 129 Sea Girt Avenue, requested that a special meeting be held for both matters.

Board Member Walsh made the motion to grant the special meetings, seconded by Board Member Roberts. The motion was passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Walsh, Roberts, Bogan. "No" none.

Board Member Walsh made a motion that the meeting be held January 11, 1989, 8 p.m., seconded by Board Member Kazenmayer. Motion was passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Walsh, Roberts, Bogan. "No" none.

Application 22-88 - Florence P. Fox - 62 Lakewood Road - The Board Attorney marked the file and administered the oath to Florence P. Fox, 62 Lakewood Road.

Mrs. Fox testified that her son built the deck structure in question on the property in response to the noise problems on Lakewood Road, which Mrs. Fox stated do not allow reading or conversation on her front lawn. It was after the construction that she was advised a permit was needed.

The deck was constructed on top of existing concrete patio between the house and garage. A letter of denial was issued by A.P. Ratz, CO, because setback requirements were not met.

There being no further questions from the Board or questions and comments from the audience, Board Member Walsh made the motion to close the hearing, seconded by Board Member Trafford. The motion was passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Walsh, Roberts, Bogan. "No" none.

Board Member Walsh made the motion to vote on favorable resolution, seconded by Board Member Kazenmayer. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Walsh, Roberts, Bogan. "No" none.

Application 23-88 - Kathryn Miller - 157 Second Avenue - The Board Attorney marked the file and administered the oath to Kathryn L. Miller, 170 Stewart Avenue, Kearny, owner of the property. Ms. Miller was represented by attorney John C. Carton.

Ms. Miller, Mr. Carton and the Board discussed the application, which involves the enclosing of an existing rear porch and addition of a sunroom approximately 11' x 12' (12' includes width of existing porch).

Mr. Carton clarified the survey information for the Board.

There being no further questions from the Board or any comments or questions from the audience, Board Member Walsh made a motion to close the hearing, seconded by Board Member Lyons. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Walsh, Roberts, Bogan. "No" none.

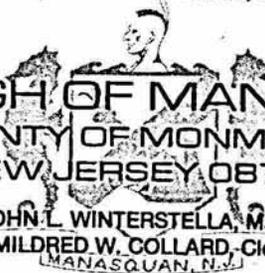
Board Member Trafford motioned to vote on a favorable resolution, seconded by Board Member Walsh. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Walsh, Roberts, Bogan. "No" none.

There being no further cases on the agenda, the Board discussed such business as membership in the New Jersey Federation of Planning Officials, and a planning seminar offered by Rutgers University.

A motion to adjourn was made by Board Member Walsh and unanimously carried.

Respectfully Submitted,

*Sharon Bogle*  
Sharon Bogle, Secretary

  
BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

On Wednesday, December 21, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

- Resolution 22-88 - Florence P. Fox - 62 Lakewood Road
- Resolution 23-88 - Kathryn F. Miller - 157 Second Avenue
- Application 19-88 (cont.) - Iris and Helen Maziekien - 464 Euclid Avenue
- Application 24-88 - Dawn Borloglou - 35½ Broad Street
- Application 26-88 - Marshall and Harriet Brown - 466 Long Avenue

  
Sharon Bogie, Secretary  
Zoning Board of Adjustment

Dated at Manasquan  
December 13, 1988

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

MANASQUAN BOARD OF ADJUSTMENT  
MINUTES  
REGULAR MEETING  
DECEMBER 21, 1988  
BOROUGH HALL, MANASQUAN N.J.

The Regular Meeting of the Manasquan Board of Adjustment was called to order at 8 p.m. by James VanSchoick, acting chairman in the absence of Robert Griffith, Chairman of the Board.

Roll Call: Present: Edward Lyons, Claudia Pincus, Christopher Trafford, James Van Schoick, Patricia Walsh, Alma Roberts and James Bogan.

Absent: Robert Griffith, Margaret Kazenmayer.

Mr. VanSchoick noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mr. VanSchoick announced that this was an open public meeting in accordance with the Public Meetings Act of 1975 and had been published according to law.

Mr. Van Schoick noted that the minutes of the November 16, 1988 meeting were posted on the bulletin board in the lobby of Borough Hall. He then asked for a motion to approve the minutes as submitted by the Secretary. The motion was made by Board Member Walsh, seconded by Board Member Trafford and passed by the following vote: "Yes" Board Members Lyons, Trafford, VanSchoick, Walsh, Roberts and Bogan. "No" none. "Abstain" Board Member Pincus.

Mr. Van Schoick wished to state for the record that he had listened to the tapes of the November 16, 1988 meeting and would be able to vote on the cases.

Resolution 22-88 - Florence P. Fox - 62 Lakewood Road - was read by Board Attorney William Byrnes. There being no further discussion or comments, a motion was made to vote on the favorable resolution by Board Member Christopher Trafford, seconded by Board Member Bogan. The motion was carried by the following vote: "Yes" Board Members Lyons, Trafford, VanSchoick, Walsh, Roberts, Bogan. "No" none. "Abstain" Board Member Pincus.

Resolution 23-88 - Kathryn L. Miller - 157 Second Avenue - was read by the

Board Attorney. There being no further discussion or comments, a motion was made to vote on the favorable resolution by Board Member Bogan, seconded by Board Member Trafford. The motion was carried by the following vote: "Yes" Board Members Lyons, Trafford, VanSchoick, Walsh, Roberts, Bogan. "No" none. "Abstain" Board Member Pincus.

Application 19-88 - Iris and Helen Maziekien - 464 Euclid Avenue - (cont) - Testimony was offered by attorney Kevin Thomas and builder David Kinzel regarding the project.

In response to questions from the Board at the November 12, 1988 meeting, Mr. Thomas offered information on the elevation of the 7 Watson Place structure while Mr. Kinzel offered testimony on the projected foundation.

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

Board Member Trafford moved to have the Board Attorney draw up a favorable resolution, with the motion seconded by Board Member Walsh. The motion was passed by the following vote: "Yes" Board Members Lyons, Pincus, Trafford, VanSchoick, Walsh, Roberts, Bogan. "No" none.

Application 26-88 - J. Marshall and Harriet Brown - 466 Long Avenue - The Board Attorney administered the oath to J. Marshall Brown, 401 Dogwood Terrace, Easton, PA, owner of 466 Long Avenue; and John Dinyovsky, 43 DeepCreek Drive, Manasquan, carpenter. The Board Attorney marked the file.

The application, which involves the addition of a recreation room / den to the back of the existing structure, was denied because of sideyard setback requirements; 5' is required and 3.7' were shown on the plans. The application was discussed by the Board with Mr. Brown and Mr. Dinyovsky. The Board noted that the only problem with the project seemed to be the side yard setback requirement.

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

Board Member Walsh made a motion that a favorable resolution be drafted by the Board Attorney, seconded by Board Member Pincus. The motion was carried by the following vote: "Yes" Board Members Lyons, Pincus, Trafford, VanSchoick, Walsh, Roberts, Bogan. "No" none.

Moor Letter - The Board discussed a letter received from Florence Moor, 35 Atlantic Avenue, Manasquan.

The letter, dated December 12, 1988, was in response to correspondence from A.P. Ratz, C.O., which stated that she was liable for a \$500 fine if she

did not have a ramp. Mrs. Moor stated in her letter that she did not want a ramp because of prior accidents on such structures.

Mrs. Moor had been granted a resolution (Resolution 15A-88) on September 21, 1988 . The resolution, prepared in compliance with a temporary permit by Mr. Ratz due to the extraordinary circumstances (need for egress and access to the home), called for a ramp. The builder, however, installed a step type structure at the request of Mrs. Moor.

After discussion amongst the Board members, the Board unanimously voted to have the Board Attorney write a letter to Mrs. Moor that the step may remain and no fine should be levied. Copies of the letter would be forwarded to Mr. Ratz and Mayor John Winterstella.

The Board voted to join the New Jersey Federation of Planners on a plan with the Planning Board by the following vote: "Yes" Board Members Lyons, Pincus, Trafford, VanSchoick, Walsh, Roberts. "No" Board Member Bogan.

A motion was unanimously carried to adjourn the meeting.

Respectfully submitted,

*Sharon Bogie*  
Sharon Bogie, Secretary

BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

CERTIFICATION

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

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

Nov. 16, 1988

I certify that I have listened to the tape recording of the  
aforesaid meeting in full.

I certify that the foregoing statements made by me are true.  
I am aware that if any of the foregoing statements made by  
me are wilfully false, I am subject to punishment.

Dated: 12/2/88

James Alan Schoutz Jr.

6861  
1989

**BOROUGH OF MANASQUAN**  
**COUNTY OF MONMOUTH**  
**NEW JERSEY 08736**

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

On Wednesday, January 11, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold a special meeting in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

The agenda will include the following:

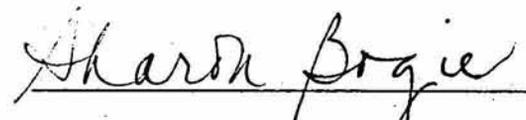
7:45 p.m. - REORGANIZATION MEETING

8 p.m. - SPECIAL MEETING

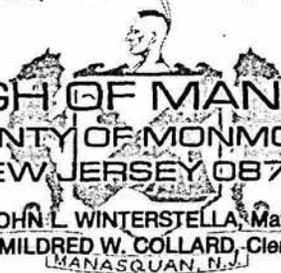
FORMAL ACTION MAY BE TAKEN ON THE FOLLOWING:

Application 8S - 89 - William and Jane Marriott - Lockwood Avenue (Blk. 151, Lot 7)

Application 9S - 89 - John Shawn Tawgin - 129 Sea Girt Avenue

  
Sharon Bogie, Secretary  
Zoning Board of Adjustment

Dated at Manasquan January 3, 1989

  
BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

On Wednesday, January 18, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

AGENDA

7:45 p.m.- REORGANIZATION MEETING

8 p.m. - REGULAR MEETING

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Resolution 19-88 - Iris and Helen Maziekien - 464 Euclid Avenue

Resolution 26-88 - Marshall and Harriet Brown - 466 Long Avenue

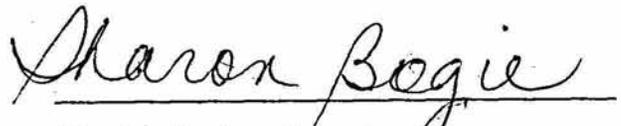
Application 1-89 - E & H Holding Corp. - Edgar's III - 153 Sea Girt Avenue

Application 2-89 - Craig and Marie Verran - 172 First Avenue

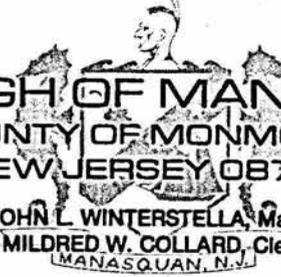
Application 24-88 - Dawn Borloglou - 35 Broad Street

OLD BUSINESS

NEW BUSINESS

  
Sharon Bogie, Secretary

Dated at Manasquan January 13, 1989

  
BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

MANASQUAN BOARD OF ADJUSTMENT  
MINUTES  
REGULAR MEETING

January 18, 1989

The Regular Meeting of the Manasquan Board of Adjustment was called to order at 8 p.m. by Chairwoman Claudia Pincus.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer, Claudia Pincus, Christopher Trafford, James VanSchoick, Patricia Walsh, Alma Roberts and James Bogan.

Absent: Edward Lyons

Mrs. Pincus noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mrs. Pincus announced that this was an open public meeting in accordance with the Public Meetings Act of 1975 and had been published according to law.

Mrs. Pincus noted that the minutes of the December 21, 1988 meeting were posted on the bulletin in the lobby of Borough Hall. She then asked for a motion to approve the minutes as submitted by the Secretary. The motion was made by Board Member VanSchoick, seconded by Board Member Walsh and passed by the following vote: "Yes" Board Members Pincus, Trafford, VanSchoick, Walsh, Roberts and Bogan. "No" none. "Abstain" Board Members Griffith, Kazenmayer.

Resolution 19-88 - Iris and Helen Maziekien - 464 Euclid Avenue - was read by the Board Attorney. There being no further discussion or comments, Board Member VanSchoick made the motion to memorialize the favorable resolution, seconded by Board Member Walsh. The motion was passed by the following vote: "Yes" Board Members Pincus, Trafford, VanSchoick, Walsh, Roberts, Bogan. "No" none. "Abstain" Board Members Griffith and Kazenmayer.

Resolution 26-88 - J. Marshall and Harriet Brown - 466 Long Avenue - was read by the Board Attorney. There being no further discussion or comments, Board Member Christopher Trafford moved that the favorable resolution be memorialized, seconded by Board Member Board Member Walsh. The motion was carried by the following vote: "Yes" Board Members Pincus, Trafford, VanShoick, Walsh, Roberts, Bogan. "No" none. "Abstain" Board Members Griffith, Kazenmayer.

Application 1-89 - E & H Holding Co. T/A - Edgar's III - 153 Sea Girt Avenue - The file was marked by the Board Attorney and the oath was administered to Ed Canepi, who was represented by attorney John Powers.

The application involves a satellite dish on the roof of Edgar's III. A hardship variance is requested by the applicant.

Mr. Canepi, identified by Mr. Powers as the principal stockholder / owner of the establishment, testified that he bought the establishment in 1981 and offered a brief history of the business, which he turned into a "family restaurant," he stated. Mr. Canepi stated that he checked with the police department, Jersey Central Power and Light and then-Manasquan Fire Inspector Kenneth Miller about the project. He then had the dish installed, he testified.

Mr. Canepi explained how he was able to get numerous channels with the dish which allowed for the viewing of sporting events.

Under questioning from Mr. Powers, Mr. Canepi noted that the televised events were the establishment's only form of entertainment.

Mr. Canepi explained that if the dish had been put on the ground, reception would have been affected because of a tree on the property. He stated that the dish needed a clear area and noted a fire lane in the rear of the building. He stated that its present location is the only clear spot on the property.

According to further testimony, it was revealed that the dish was erected by Northeast Satellite Co.; documentation of this was marked for the file.

Board member Kazenmayer asked Mr. Canepi whether the satellite dish could be moved back. Mr. Canepi said that the present location is the only site he can pick up the signal because of the tree. Board Member Trafford asked how that was determined; was the dish moved around? Mr. Trafford also asked if Northeast Satellite Co., Middletown, gave him any indication that he would need to obtain a building permit; Mr. Canepi said no. Mr. Canepi testified that, after installation, he was informed he needed a building permit. An application was immediately filed at that time.

Kevin Thomas, attorney, stated that he represented Thomas Sharkey, owner of the property at corner of Sea Girt Avenue and Route 71. He said Mr. Sharkey was opposed to the application and was concerned about the effects it would have on his property. Mr. Thomas noted an ordinance which requires screening around such a structure for appearance purposes. Mr. Thomas said he did not think the benefits outweigh the detriments in regards to the case.

Board Member Walsh asked if Mr. Canepi had spoken with the company which sold him the dish since he found out he must appear before the Board; Mr. Canepi said he had. Mr. Canepi said he had asked the company whether there was anywhere else on the property he could place the dish and was told there was no other place he could pick up the channels.

The Board requested further information regarding the placement of the dish and experts to testify on the project. Mr. Powers agreed to supply experts at the next meeting if the Board was willing to continue the case at the next meeting.

Board Member Griffith also asked for information regarding the labor costs of

installation; the applicant stated they would be provided. A request was also made by the Board for information regarding resolution percentages at various points on the property.

Mr. Canepi also testified that the dish was 10½ foot wide.

A motion was made, seconded and carried unanimously to continue the hearing at the next meeting.

Application 2-89 - Craig and Marie Verran - 172 First Avenue - The file was marked by the Board Attorney and Mr. and Mrs. Verran were administered the oath. The Verrans were represented at the hearing by Mr. Flowers, attorney.

The Verrans sought to install a heating system in their structure, a condominium. The project was denied by Albert P. Ratz Jr., CO, for expansion of a non-conforming use.

The Verrans, residents of 58 Sunrise Drive, Gillette, testified as to the circumstances behind the application. Testimony provided that when the Verrans bought the property in May 1985 there was no heating in the unit. Mr. Verran testified that the four other condominium units presently have permanent heating systems. Photographs were provided of the heating system in the Verran condo and the neighboring condo belonging to Mr. and Mrs. R. Basso; the photos were marked.

Mr. Verran testified that he and local contractor Ron Lamo entered into an agreement to install a heating unit in the Verran condo. Mr. Lamo, as part of the agreement, would get all the necessary permits. Mr. Flowers asked that a copy of the building permit (number 9260) be entered as evidence. The Verrans then received a letter from Mr. Ratz telling them that they needed a variance to continue work; until that point, the Verrans were unaware of the need for a variance, testified Mr. Verran.

John Longshore, a neighbor of the Verrans, talked about the heating system in his condominium.

The Verrans stated they did not plan to rent the condominium. They also testified it would be forced hot air heating system.

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

The Board and Board Attorney discussed the necessity of a variance in the case.

There being no further discussion, questions or comments, Mr. Griffith made the motion to have the Board Attorney draw up a favorable resolution, seconded by Mr. Van Schoick. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Roberts, Bogan.

Application 24-88 - Dawn Borloglou - 35½ Broad Street - The Board Attorney marked the file and noted for the record that Board Member Christopher Trafford had disqualified himself from the case as he was notified in the affected area. Mr. Byrnes noted that Mr. Trafford could, as a member of the public, ask questions regarding the case.

The Board Attorney administered the oath to Dawn Borloglou, presently of 108 Main Street, and Eugene Borloglou.

The Borloglous discussed plans for the property.. The testimony provided that heat was desired so that the back cottage at the address could be used as a year round residence by Ms. Borloglou. The front structure, it was stated, was to be used as a retail (antique) store; that front structure is heated, it was noted.

Ms. Borloglou related the history of the buildings, which are situated in an R-2 zone. The previous owner's use of the property was discussed by the applicant and the Board. The nature of the neighborhood was also noted.

After discussion of the plans, it was recommended that applicant see Jerry Iannelli, code officer, for information on whether the plans were according to code for an R-2 zone.

The Board made, seconded and carried a motion for a site inspection to be conducted on January 21, 1989 at 9 a.m. by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, VanSchoick, Walsh, Roberts, Bogan. "No" none. "Abstain" Board Member Trafford.

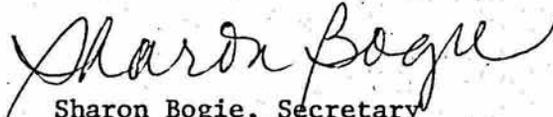
In other business, a request was made by Kevin Thomas, attorney, on behalf of his clients, John Shawn Tawgin and William and Jane Marriott, for a special meeting. Mr. Thomas had previously asked for a special meeting in regards to the two cases, but the meeting had been cancelled.

Mrs. Walsh made a motion, seconded by Mr. VanSchoick, to deny the request. The motion was carried by the following vote : "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Walsh, Roberts and Bogan.

Board Chairman Pincus read the agreement between Board Attorney William Byrnes and the Board for his services. The motion to accept the agreement was made by Board Member Griffith, seconded and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Trafford, VanSchoick, Walsh, Roberts, Bogan.

A motion was made, seconded and unanimously carried for adjournment.

Respectfully Submitted,

  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

  
BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

MANASQUAN BOARD OF ADJUSTMENT  
REORGANIZATION MEETING  
JANUARY 18, 1989  
BOROUGH HALL, MANASQUAN N.J.

The Reorganization meeting of the Manasquan Board of Adjustment was called to order at 7:45 p.m. by Chairman Robert Griffith.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer, Claudia Pincus, Christopher Trafford, James VanSchoick, Patricia Walsh, Alma Roberts and James Bogan Jr.

Absent: Edward Lyons

A motion was made, seconded and passed unanimously passed to name William Byrnes Board Attorney. A motion was also made, seconded and passed to name Sharon Bogie as Board Secretary.

Board member VanSchoick nominated Mr. Griffith to continue as Board Chairman. Mr. Griffith declined the nomination and, in turn, nominated Mrs. Pincus. Mrs. Pincus' nomination was seconded by Mr. Trafford and carried by the Board. Mr. Byrnes then read Resolution "A" for the naming of the Board Chairman, with Mrs. Pincus as the chairman. The resolution was moved, seconded and passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Walsh, Roberts, Bogan. "No" none.

Mrs. Pincus nominated Mr. Griffith to serve as vice-chairman. The nomination was seconded and carried by Board. The Board Attorney read Resolution "B" designating Mr. Griffith as vice-chairman. The Resolution was moved, seconded and passed by the following vote: Board members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Walsh, Roberts, Bogan. "No" none.

Resolution "C", designating the meeting dates for the year as the third Wednesday of the month, was moved by Board Member Kazenmayer, seconded by Board Member Roberts and passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Walsh, Roberts, Bogan. "No" none.

Resolution "D", which named the Coast Star, Broad Street, Manasquan, as the official newspaper and The Asbury Park Press, Neptune, as secondary newspaper, was moved by James VanSchoick, seconded by Christopher Trafford and passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Trafford, VanSchoick, Walsh, Roberts, Bogan. "No" none.

The following Board Members were reappointed by council to the Board of Adjustment and were sworn in for their new terms: Mrs. Pincus, regular member; Mr. VanSchoick, regular member; and Mr. Bogan, alternate member number two. Also sworn in were the Board Attorney and Secretary.

Respectfully submitted,

*Sharon Bogie*  
Sharon Bogie, Secretary  
Zoning Board of Adjustment

**BOROUGH OF MANASQUAN**  
**COUNTY OF MONMOUTH**  
**NEW JERSEY 08736**

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

On Wednesday, February 15, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 8:00 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey,

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

Resolution 2-89 - Craig and Marie Verran - 172 First Avenue

Application 1-89 (cont.) - E & H Holding Co.-Edgar's III - 153 Sea Girt Ave. - postponed  
at request of attorney

Application 24-88 (cont.) - Dawn Borloglou - 35 Broad Street

Application 3-89 - John and Frances Drew - Third Avenue (adjacent to 107 Third Ave.)

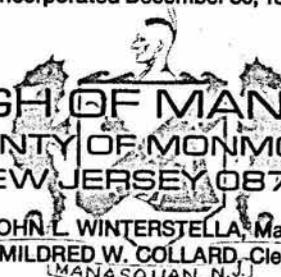
Application 4-89 - Michael and Clare Collins - 69 Beachfront

OLD BUSINESS

NEW BUSINESS

  
Sharon Bogie, Secretary

Dated at Manasquan February 6, 1989

  
BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

MANASQUAN BOARD OF ADJUSTMENT  
MINUTES  
REGULAR MEETING

February 15, 1989

The Regular Meeting of the Manasquan Board of Adjustment was called to order at 8 p.m. February 15, 1989 in the Manasquan Borough Hall by Vice Chairman Robert Griffith in the absence of Chairwoman Claudia Pincus.

Roll Call: Present: Robert Griffith, Margaret Kazenmayer, Edward Lyons,  
Christopher Trafford, James VanSchoick, James Bogan Jr.  
Absent: Claudia Pincus, Patricia Walsh, Alma Roberts.

Mr. Griffith noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mr. Griffith stated that this was an open public meeting in accordance with the Public Meetings Act of 1975 and has been published according to law.

Mr. Griffith noted that the minutes of the January 19, 1989 meeting were posted on the bulletin board in the lobby of Borough Hall. He then asked for a motion to approve the minutes as submitted by the Board Secretary. The motion was made by Board Member Trafford, seconded and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Trafford, VanSchoick, Bogan. "No" none. "Abstain" Board Member Lyons.

Resolution 2-89 - Craig and Marie Verran - 172 First Avenue - was read by Board Attorney William Byrnes. There being no further questions or comments, Board Member Kazenmayer made the motion to memorialize the favorable resolution, seconded by Board Member Christopher Trafford. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Trafford, VanSchoick, Bogan. "No" none. "Abstain" Board Member Lyons.

Application 1-89 - E & H Holding Co. - Edgar's III - 153 Sea Girt Avenue - Mr. Griffith announced that the hearing was postponed at the request of the applicant's attorney so expert testimony on the satellite dish could be secured for the Board.

Application 24-88 (cont.) - Dawn Borloglou - 35 Broad Street - Letters from Code Official Jerry Iannelli, one dated June 20, 1988 and the other February 7, 1989, were marked for the file and discussed.

Richard Ansell of the law firm Ansell, Zaro & Fox stated he is representing the applicant. He asked that the discussion be centered around the back cottage.

Mr. Byrnes once again noted that Board Member Trafford would withdraw himself from the case because he was notified. Mr. Griffith noted that there were only five voting members and pointed out that all the members would have to vote in the affirmative for the resolution to be favorable. Mr. Griffith commented that the applicant had the option to continue the hearing at the next meeting.

Mr. Griffith also stated that the applicant could amend the application in regards to the expansion of the antique sales area. Mr. Griffith requested a copy of the deed for the property to review any restrictions on the deed; at the last meeting, testimony had been provided that the front structure must be owner occupied.

Mr. Ansell asked for a brief break so he might confer with Ms. Borloglou. After the conference, Mr. Ansell asked that the hearing be continued at the next meeting and waived the time limit.

Application 3-89 - John and Frances Drew - Second Avenue - Block 169, Lot 6a - The Board Attorney marked the file and administered the oath to John and Frances Drew, 32 Inwood Road, Chatham.

Mrs. Drew, Mr. Drew, the Board Attorney and Board discussed the application, which asks for a hardship variance to grant relief from setback requirements in a R-5 zone and allow for construction of a new house on the lot.

Mrs. Drew offered testimony on the history of the property in regards to prior subdivisions, building. She discussed plans for the proposed structure and submitted pictures (marked A 9 & 10 and A 11 & 12) to give an indication of the style of the house. The same architect who designed the other homes on the land use map provided by the applicant would also design this house, Mrs. Drew noted. Mrs. Drew stated that the style of the home would echo the Coast Guard Station. A conceptual drawing of the home was also provided for the Board.

Mrs. Drew stated that when she came in for a subdivision of the land from two to four lots, one house, located at the corner of Second and Third Avenues, existed. After the subdivision was granted, houses were built and completed at 107 Third Avenue (1976) and the house on the creek (1978). The Block 169, Lot 6a property was left as a buildable lot under requirements at that time. Now the applicants feel it is the right time to build, but the requirements (under zoning / code) have changed, stated Mrs. Drew.

The Board and applicants discussed the setbacks, in particular the sideyard setbacks.

Mr. Griffith made a motion to conduct a site inspection on February 18, 1989 at 9 a.m. The motion was seconded and passed unanimously.

The applicant agreed to stake out the property for the Board's convenience; the Board also asked that the area where the projected house is planned also be staked.

The Board Attorney also suggested that the Board request a new land use plan with the structures depicted as they actually were built.

The applicants agreed to waive the time limit on the matter.

Application 4-89 - Michael and Clare Collins - 69 Beachfront - Block 165, Lot 27,28- The Board Attorney marked the file and administered the oath to Michael and Clare Collins, 81 Joysan Terrace, Freehold, and John Dinyovszky, Deep Creek Drive, Manasquan, builder.

The Board, Board Attorney, applicants and builder discussed the application, which asks for a use variance to permit the building of a second floor over the existing first floor. The application was denied by A.P. Ratz Jr., CO, because of sideyard setbacks and two residences on one lot. The property is zoned R-4.

The applicants stated that the plans were redrawn from their 1988 application before the Board of Adjustment.

After further questions and comments, Board Member VanSchoick made a motion to hold a site inspection February 18, 1989. The motion was seconded and unanimously carried.

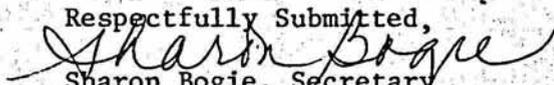
The applicants agreed to waive the time limit on the matter.

In other business, Mr. Griffith signed vouchers presented by the Board Secretary.

The Board discussed setting up a policy in regards to applicants who wish to change their hearing date.

The Board denied a request made by attorney Kevin Thomas to hold a site inspection for his client, Robert Gardell. Mr Gardell's case is scheduled for the March meeting. The Board stated it was not their policy to hold a site inspection before the hearing.

The Board went into closed session to discuss litigation. After the discussion, the Board returned to the open session. A motion was made, seconded and carried to adjourn.

Respectfully Submitted,  
  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

**BOROUGH OF MANASQUAN**  
**COUNTY OF MONMOUTH**  
**NEW JERSEY 08736**

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

On Wednesday, March 15, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 8 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

- Application 1-89 (cont.) - E & H Holding Company - Edgar's III - 153 Sea Girt Ave.
- Application 24-88 (cont.) - Dawn Borloglou - 35 Broad Street
- Application 3-89 (cont.) - John and Frances Drew - Third Ave. (adjacent to 107 Third)
- Application 4-89 (cont.) - Michael and Clare Collins - 69 Beachfront
- Application 5-89 - Edith Castellitti - 149 Lake Avenue - cancelled at attorney's request
- Application 6-89 - Patricia Terry - 57 Osborne Avenue
- Application 7-89 - Robert Gardell - 171 Beachfront

NEW BUSINESS

OLD BUSINESS

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 3-7-89

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

MANASQUAN BOARD OF ADJUSTMENT  
MINUTES  
REGULAR MEETING  
March 15, 1989

The Regular meeting of the Manasquan Board of Adjustment was called to order at 8 p.m. March 15, 1989 by Chairwoman Claudia Pincus.

Roll Call Present: Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, James VanSchoick, Alma Roberts, James F. Bogan Jr.

Absent: Christopher Trafford, Patricia Walsh

Mrs. Pincus noted that she had listened to the February 15 meeting tapes.

Mrs. Pincus noted that a quorum was present and asked those attending the meeting to join in the salute to the flag. Mrs. Pincus announced that this was an open public meeting in accordance with the Public Meetings Act of 1975 and had been published according to law.

Mrs. Pincus noted that the minutes of the February 15, 1989 meeting were posted on the bulletin board in the lobby of Borough Hall. She then asked for a motion to approve the minutes as submitted by the Board Secretary. The motion was made, seconded and carried.

Application 1-89 - (cont.) - E & H Holding Company - Edgar's III - 153 Sea Girt Avenue. John Powers, attorney for the applicant, introduced Kenneth Miller, former fire official in Manasquan, and Kevin Bock, vice president of Northeast Satellite Company. Mr. Miller and Mr. Bock were administered the oath by Board Attorney William Byrnes.

Mr. Miller testified that he had spoken with Mr. Miller regarding the installation of the dish. Mr. Miller stated that he advised Mr. Ed Canepi, applicant, to get in touch with Borough officials. Mr. Powers asked Mr. Miller whether the dish, located on top of Edgar's III, posed a safety hazard. Mr. Miller stated that as far as the fire company was concerned, it posed no concerns; in fact, it was preferred as a satellite dish on the ground would affect parking and possible movement of fire equipment on the property.

Mr. Bock, vice-president of sales for the dish company, testified regarding the satellite dish and its location.

Mr. Bock stated that he installs and sells such systems for the family owned company. He has worked eight years in the field and was trained by the manufacturer about the system, testimony revealed. Such satellite dishes have been installed along the eastern seaboard from Virginia to Massachusetts, including one residential dish in Manasquan, he testified.

Mr. Bock stated he first spoke to Mr. Canepi last April when Mr. Canepi contacted the company. The proposal for the project was entered as evidence. The cost of installation was \$4000 and the dish was installed over a two day period in June or July 1988, testified Mr. Bock. Mr. Bock stated that it was left to Mr. Canepi to secure any needed permits.

Mr. Bock testified that, based on the way the satellite system works, the roof is the only place the dish could be placed because of a tree located on the property adjacent to the restaurant. He stated that satellite signals could not be received through the tree.

Board Member Roberts suggested a facade around the dish for aesthetic purposes. Mr. Bock said that it was possible providing such a facade would not block any of the signals.

Mr. Bock once again reiterated that he was not aware that the dish was in violation of zoning and that the obtaining of permits is left to the owners.

Bob Watkins, 17 First Avenue, asked Mr. Bock whether a satellite dish signal could affect regular television signals. Mr. Bock stated that it was not possible.

Mr. Canepi submitted photographs of a satellite dish located at Squan Tavern. He stated that the Squan Tavern dish was about the same size as his dish and that the Squan Tavern structure had no obstructions around it, thus it could be placed on the ground.

Mr. Canepi also testified that he had called Manasquan Police Department regarding installation of the dish and that Chief of Police Rowan had stated that, to his knowledge, there were no rules, etc., prohibiting installation of a dish on the roof.

There being no further questions, comments or testimony from the applicant, Board or public, Board Member Griffith made the motion to close the hearing seconded by James VanSchoick. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Roberts, Bogan.

Board Member Griffith made the motion that the applicant be allowed to keep the dish, but that a fine would be levied against the installer "just to remind them" to get the permits necessary before installation is done. He also noted that the dish is located in a light industrial zone. The motion was seconded by Board Member VanSchoick but was not carried by the following vote: "Yes" Board Members Griffith, VanSchoick. "No" Board Members Kazenmayer, Pincus, Roberts, Bogan. "Abstain" Board Member Lyons.

Mr. Canepi and Mr. Powers discussed the option of appealing the vote.

Application 24-88 (cont.) - Dawn Borloglou - 35 Broad Street- Richard Ansell, attorney for the applicant, introduced Iva Messick, Kenneth Miller and Ray Carpenter as witnesses in the case. The Board Attorney administered the oath.

It was noted for the record that a copy of the deed had been submitted to the Board per the Board's request at the February 15, 1989 meeting. No restrictions were found in the document, it was noted.

Ms. Messick, 57 Curtis Avenue, testified that she has been acquainted with the property and the uses for the two structures located there for 60 years. She stated that antiques had been sold from the front house and that the entire front structure had been used in this manner.

Mr. Miller, 90 Stockton Lake Boulevard, testified that in his role as a fire official in Manasquan (now retired), he had occasion to be in the front house. He stated that antiques were sold on both floors of the home.

Mr. Ansell noted a letter from Jerry Iannelli, code officer, which stated that the porch and front room were used for the selling of antiques.

It was also noted in testimony from Ms. Messick and in Mr. Iannelli's letter that Dorothy Stifler, the former owner of the property, had used the front house as a residence as well.

Ms. Borloglou stated that she wished to use the back cottage as her residence and use the entire front building for antiques. She stated she had no plans to use the front house for a residence.

Mr. Carpenter, Sea Girt Avenue, Sea Girt, testified that he is an engineer and planner who conducted an investigation of the area at Mr. Ansell's request. Mr. Carpenter discussed the zoning in the area. He noted that a commercial zone was right accross from Ms. Borloglou's property, located in an R-2 zone. He stated that antiques, in his opinion, were not a high volume retail and that granting the variance should not cause any detriment to the area.

Ms. Borloglou also stated that she would be the only employee of the antique establishment.

There being no further testimony, questions or comments from the Board or public, Board Member Kazenmayer moved to close the hearing, seconded by Board Member Roberts. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Roberts, Bogan.

Board Member Roberts made the motion to grant the variance for heating, seconded by Board Member Griffith. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, VanSchoick, Roberts, Bogan. "No" none. "Abstain" Board Member Lyons.

In regards to the variance to permit the sale of antiques on the property, Mr. Griffith moved that the front house be used only for the selling of antiques, not for dwelling purposes. The motion was seconded by Board Member VanSchoick and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, VanSchoick, Roberts, Bogan.

Application 3-89- (cont) - John and Frances Drew - Third Avenue (adjacent to 107 Third Avenue)- The Drews gave further testimony in the case, which asks for relief from setbacks so they may construct a single family residence. Such topics as landscaping and upgrading the property were discussed by the applicants, Board and Board Attorney.

Per the Board's request, a signed and sealed survey was submitted to the Board and marked by the Board Attorney for the file. It was also noted that the Board conducted a site inspection of the subject property in March.

Roseann Maraziti, owner of 107 Third Avenue, stated she had no objections to the project.

There being no further questions or comments from the Board or public, Board Member Kazenmayer moved to close the public hearing, seconded by Board Member Bogan. The motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Roberts, Bogan. "No" none.

Board Member Bogan moved that the Board have a favorable resolution drawn up providing that the house be placed back two feet toward the rear. Motion seconded by James VanSchoick and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Roberts, Bogan. "No" none.

A motion was made, seconded and carried to set an 11 p.m. time limit on the meeting.

Application 4-89 - (cont) Mr. and Mrs. Michael Collins - 69 Beachfront- The applicants continued to discuss the case with the Board and Board Attorney. It was noted that a site inspection was conducted in March.

Mr. Collins testified that he owns the property and home at the subject property.

There being no further questions or comments from the Board or public, Board Member VanSchoick moved to close the public hearing, seconded by Board Member Bogan. The motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Roberts, Bogan. "No" none.

Board Member Kazenmayer moved to have the Board Attorney draw up a favorable resolution, seconded by Board Member VanSchoick. The motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Roberts, Bogan.

Application 6-89 - Patricia Terry - 57 Osborn Avenue - The Board Attorney marked the file and administered the oath to Patricia Terry, 57 Osborn Avenue,

and Margaret Monsell, 2264 Newark Avenue, Manasquan (Wall Township). Ms. Terry was represented by Kevin Thomas, attorney, Lautman, Henderson, Mills and Wight.

Under questioning from Mr. Thomas, Ms. Terry offered testimony on the application, which seeks permission to convert a single family dwelling into a mother-daughter home with an addition. Albert Ratz, CO, denied the building permit as a mother - daughter (two family) is not a permitted use. A use variance is being sought; the home is in an R-2 zone.

While marking the file, the Board Attorney noted correspondence from Axel and Mary Carlson, owners of 62 North Main Street, which objected to the two-family project.

The applicant's attorney submitted to the Board a color coded map indicating the use of each lot in the area; i.e. one family, two family, etc. Testimony revealed that the project would meet bulk requirements. Revised plans were also submitted to the Board and marked for the file.

Ms. Terry testified that the addition would be used for Mrs. Monsell, Ms. Terry's mother, and Ms. Terry's handicapped sister. The plans would allow Mrs. Monsell and Ms. Terry's sister to live on the premises while also giving privacy to Ms. Terry and her family, Ms. Terry testified. Ms. Terry noted that her mother was recently widowed and would be selling her home.

A letter was marked from Ms. Terry to Mr. Ratz which stated that a kitchen would not be installed in the new addition until approval of the use variance was granted by the Board.

Photographs of the subject property were also submitted for the Board's consideration. Sketches were also submitted and marked for the file.

Kim Rydholm, 61 Osborn, stated she had no objections to the project.

Claudia Pincus moved to conduct a site inspection on March 18 at 9 a.m.; motion was seconded and carried unanimously.

A motion was made, seconded and carried to extend the 11 p.m. limit by 15 minutes.

Application 7-89 - Robert and Carol Gardell - 171 Beachfront - The Board Attorney marked the file and administered the oath to Robert and Carol Gardell, 40 Fletcher Avenue, Manasquan. Kevin Thomas identified himself as attorney for the applicants.

The Board Attorney, Board, applicants and applicants' attorney discussed the application, which proposes to tear down the existing house and replace it with a new two story home. Albert Ratz, CO, denied the project under Section 107-82 A (4) - non-conforming uses- and 107-27-Schedule I-side and front setbacks. The applicant seeks a use variance. The property is zoned R-5 and national flood applies (pilings needed).

The proposed building, according to the application, is 32' x 47'; two stories/ 32 feet in height. The home will be used as a primary, single family residence, it was stated.

Richard Basso, 170 First Avenue, a year round resident of Mr. Gardell's condominium association, spoke in favor of the project.

Bob Watkins, 17 First Avenue, stated he felt the new house would be an asset to the beach area.

John Longshore, 171 South Street, started to speak in opposition to the project, but the Board, in deference to time, agreed to have Mr. Longshore continue his comments at the next hearing.

Board Member VanSchoick moved to hold a site inspection March 18, 1989 at 9:30 a.m., seconded by Board Member Griffith and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Roberts, Bogan. "no" none.

There being no further cases on the agenda, the Board discussed new and old business.

Among the new business items was a request by Fran Millas on behalf of her parents Mr. and Mrs. Gus Vallas for a special meeting. The Board discussed the matter and Mrs. Roberts made the motion to have the special meeting at the end of the regular May agenda, seconded by Margaret Kazenmayer. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Edward Lyons, Pincus, VanSchoick, Roberts, Bogan. "No" none.

There being no further business, a motion was made, seconded and carried unanimously.

Respectfully submitted,

*Sharon Bogie*

Sharon Bogie, Secretary  
Board of Adjustment

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

On Wednesday, April 19, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 8 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - Work Session

8 p.m. - Regular Meeting

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

Application 1-89 (finalization) - E & H Holding Co. - Edgar's III - 153 Sea Girt Ave.

Resolution 24-88 - Dawn Borloglou - 35 Broad Street

Resolution 3-89 - John and Frances Drew - Third Avenue (adjacent to 107 Third)

Resolution 4-89 - Michael and Clare Collins - 69 Beachfront

Application 6-89 (cont.) - Patricia Terry - 57 Osborn Avenue

Application 7-89 (cont.) - Robert Gardell - 171 Beachfront - postponed at request of attorney

Application 8-89 - Jane and William Marriott - Lockwood Ave. (Block 151, Lot 7)

Application 9 -89 - John Shawn Tawgin - 129 Sea Girt Avenue

Application 10 - 89 - Noel and Ida Hood - Curtis Avenue - Block 82, Lot 26

Old Business

New Business

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan  
April 12, 1989

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



MANASQUAN BOARD OF ADJUSTMENT  
MINUTES  
REGULAR MEETING  
April 19, 1989

The Regular Meeting of the Manasquan Board of Adjustment was called to order at 8 p.m. April 19, 1989 by Chairwoman Claudia Pincus.

Roll Call: Present - Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, James VanSchoick, Alma Roberts, James Bogan Jr.

Absent - Patricia Walsh

Mrs. Pincus noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mrs. Pincus announced that this was an open public meeting in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

Mrs. Pincus noted that the minutes of the March 15, 1989 meeting were posted on the bulletin board in the lobby of Borough Hall. She then asked for a motion to approve the minutes as submitted by the Board Secretary. Motion made by Board Member Kazenmayer, seconded by Board Member Bogan and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Roberts, Bogan. "No" none. "Abstain" Board Member Trafford.

Application 1-89 (finalization) - E & H Holding Co.-Edgar's III - 153 Sea Girt Avenue - John Wooley, attorney for the applicant; and Ed Canepi, applicant, asked to submit further information to the Board. Mrs. Pincus welcomed a motion to reopen the case; motion was made, seconded and carried.

After the applicant's presentation, Chairwoman Pincus asked if the audience had any questions or comments. There being no further comments or questions from the audience or the Board, a motion was made, seconded and passed to close hearing. Board Member Kazenmayer made the motion to have the Board Attorney write up a favorable resolution but that the installer, Northeast Satellite Systems, Inc., should be fined \$400. The motion was seconded and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Bogan. "No" Board Member Roberts. "Abstain" Board Member Trafford.

Resolution 24-88 - Dawn Borloglou - 35 Broad Street - The favorable resolution was read by the Board Attorney. Board Member VanSchoick made the motion to approve the resolution seconded by Board Member Griffith. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Roberts, Bogan. "Abstain" Board Member Trafford. "No" none.

Resolution 3-89 - John and Frances Drew - Third Avenue (adjacent to 107 Third) - The Board Attorney read the favorable resolution. Board Member VanSchoick requested that the resolution be amended to reflect the change in position of the projected house by two feet. A motion was made, seconded and carried to approve the resolution with the change; motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Roberts; Bogan. "No" none. "Abstain" Board Member Trafford.

Application 6-89 - Patricia Terry - 57 Osborn Avenue- (cont.) Patricia Terry, applicant, and her mother Margo Monsell appeared before the Board for the continuation of their hearing regarding application for a two-family (mother-daughter) addition.

The Board noted that a site inspection had been conducted.

There being no further comments or questions from the Board or public, a motion was made, seconded and carried to close the public hearing. Board Member Pincus made a motion to have the attorney draw up a favorable resolution, seconded by Board Member Lyons and carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, VanSchoick, Roberts, Bogan. "No" none. "Abstain" Board Members Kazenmayer, Trafford.

Application 7-89 - Robert Gardell - 171 Beachfront - postponed at request of applicant.

Application 8-89 - William and Jane Marriott - Lockwood Avenue (Block 151, Lot 7) - The Board Attorney recognized Kevin Thomas as the applicants' attorney and administered the oath to Jane Marriott, 218 The Terrace, Sea Girt.

The Board, Board Attorney, applicant and applicant's attorney discussed the application, which requests a hardship variance so that a single family residence may be constructed on an undersized lot. The Marriotts are contracted to sell the subject property to Mr. and Mrs. Phillip Donaghan. The lot measures 36 x 100 and is in an R-3 zone. The Marriotts own the adjoining property (Lot 6).

Evidence was marked for the file by the Board Attorney. A request was made for a new affidavit from Mr. and Mrs. Demme, among the notified residents.

The Board requested that more information be given in the way of what plans the contract purchaser has for the lot (regarding the house to be built); Mr. Thomas said that further testimony will be provided.

Board Member Bogan requested a clearer survey.

The Board discussed the case and a motion was made by Board Member Griffith to hold a site inspection; the motion was seconded and passed unanimously. The Board established a date of May 13, 1989 at 9 a.m. for the inspection.

There being no further Board comments, Chairwoman Pincus asked if the public had any questions or comments.

John Plisky, 416 East Main Street, spoke in opposition to the application and questioned plans for the driveway on the property. Mr. Thomas stated that the driveway issue would be discussed at the next hearing.

Grace Laird, 8 Lockwood Avenue, spoke in opposition to the project.

Jay Monaghan, 9 Lockwood Avenue, expressed concerns about the parking and crowding and how they would affect the safety of his two children.

The hearing is scheduled to continue at the May 17, 1989 meeting; the time limit has been waived.

Application 10-89 - Noel and Ida Hood - Curtis Avenue- Block 82, Lot 26 - by agreement with the attorneys involved with the other cases on the agenda, the application of Noel and Ida Hood regarding their lot on Curtis Avenue was accepted by the Board and the evidence marked by the Board Attorney. Testimony will be given at the May 17, 1989 meeting.

A motion was made, seconded and carried for a five minute recess. Roll Call after recess : "Present" - Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, VanSchoick, Roberts, Bogan. "Absent": Board Member Walsh.

Application 9-89 - John Shawn Tawgin - 129 Sea Girt Avenue - The Board Attorney marked the file and recognized Kevin Thomas as attorney for the applicant. Mr. Thomas introduced the applicant, John Shawn Tawgin, president and owner of John Shawn Photographers; John Fischetti, vice president; and Ronald Ernish, architect. The application seeks a reversal of the CO's determinations regarding use of the property and the necessity of site plan approval. The letter of denial from A.P. Ratz, CO, states that if the Board determines the building to be a warehouse, a use variance is required. He also notes that there are 26 parking spaces on the plan submitted; 28 are required. Three of those spaces are under the required size, he further commented. Mr. Ratz says site plan approval would be needed for the parking lot and because of the projected addition exceeding 20 percent of the lot coverage of the building. According to the application filed by Mr. Thomas on behalf of the applicant, the applicant "shall seek a decision that the use at the property constitutes a valid business office use" and that site plan approval is not required under section 107-53C because the projected alteration of the existing building does not exceed 20 percent of the lot coverage of that building. Mr. Thomas maintains that the proposed addition will not increase the lot coverage of the subject property at all.

In addition, the application seeks variances from Section 107-36A, Schedule II (insufficient parking) and Section 107 - 3 (to allow 18'x8.5' parking spaces).

Mr. Thomas called upon Mr. Tawgin, Mr. Fischetti and Mr. Ernish to be sworn in so they could offer testimony; the gentlemen were administered the oath by the Board Attorney.

Mr. Thomas first brought Mr. Fischetti before the Board. Mr. Fischetti, an employee of seven years with the firm, testified as to the operations of the business, which, among other things, deals with custom t-shirts and novelties that feature photographs on them. These products are sold at various amusement parks and facilities across the nation, he related.

Mr. Fischetti stated that communications with the various on site managers is conducted from the 121 Sea Girt Avenue address. Inventory order, contract negotiations, meetings and brainstorming sessions are also conducted from the property. He stated there are 13 fulltime employees, including himself and Mr. Fischetti, working out of the office, which he stated was basically a communications/office headquarters for the business. He stated that orders of supplies were sent out directly to the locations.

Board Member Griffith asked Mr. Fischetti just what percentage of the building was used as office space; Mr. Fischetti stated that approximately 90 percent was used as an office and 10 percent for storage.

There being no further questions of Mr. Fischetti by Mr. Thomas, Mr. Scott Thompson, attorney for Diane Noble, 125 Sea Girt Avenue, was recognized by the Board Attorney. Mrs. Noble opposes the application and Mr. Thompson wished the opportunity to question Mr. Fischetti at the next meeting in deference to the 11 p.m. time limit voted upon by the Board earlier in the meeting. The hearing will continue May 17, 1989.

There being no further cases on the agenda, the Board entertained old and new business.

A motion was made by Board Member Roberts to have the Board start hearing cases at 7:30 p.m. rather than 8 p.m. and place the work session at the end of the meeting. Motion was seconded by Board Member Kazenmayer and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, VanSchoick, Roberts and Bogan. "No" none. The Board Secretary stated a legal stating the changes would be prepared and published. Board Member Trafford made a motion to accept and approve the changes made in the instruction list provided to the Board of Adjustment applicants; motion seconded and carried unanimously.

It was stated that the next regular meeting of the Manasquan Board of Adjustment will be held May 17, 1989 at 8 p.m. with a 7:30 p.m. work session meeting; the time change in the work session and case hearings will become effective with the June 21, 1989 meeting.

There being no further business, a motion was made, seconded and carried for adjournment:

Respectfully Submitted,

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
**COUNTY OF MONMOUTH**  
**NEW JERSEY 08736**

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



On May 17, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 8 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - work session

8 p.m. - Regular meeting

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Resolution 1-89 - E & H Holding Co. - Edgar's III - 153 Sea Girt Avenue

Resolution 3-89 - John and Frances Drew - Third Ave. - amending prior resolution

Resolution 6-89 - Patricia Terry - 57 Osborn Avenue

Application 8-89 (cont.) - Jane and William Marriott - Lockwood Ave. - Block 151, Lot 7

Application 10-89 (cont.) - Noel and Ida Hood - Curtis Ave. - Block 82, Lot 26

Application 9 -89 (cont.) - John Shawn Tawgin - 129 Sea Girt Avenue

Application 11-89 - James Kymer - 61 Beachfront

Application 12-89 - Kirsch Holding Co. - 550 Brielle Rd. (Akron House)

Old Business

New Business

Special Meeting : Application 13-89 - Gus and Helen Vallas - 471 Main Street

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan May 12, 1989

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



MANASQUAN BOARD OF ADJUSTMENT  
MINUTES  
REGULAR MEETING  
May 17, 1989

The Regular Meeting of the Manasquan Zoning Board of Adjustment was called to order at 8 p.m. by Chairwoman Claudia Pincus.

Roll Call: Present - Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts, James VanSchoick.

Absent - James F. Bogan Jr.

It was noted that Board Member Patricia Walsh had resigned her position on the Board.

Mrs. Pincus noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mrs. Pincus announced that this was an open public meeting in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

Mrs. Pincus noted that the minutes of the April 19 1989 regular meeting were posted on the bulletin board in the lobby of Borough Hall. She then asked for a motion to approve the minutes as submitted by the Board Secretary. The motion was made, seconded and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" none.

Resolution 1-89 - Edgar's III - E & H Holding Co. - 153 Sea Girt Avenue -  
The favorable resolution was read by Board Attorney William Byrnes. The motion was made and seconded to carry the resolution; motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, VanSchoick. "No" Board Member Roberts.

Resolution 3-89 - John and Frances Drew (revision) - Third Avenue - The Board Attorney read the revised favorable resolution. A motion was made and seconded to pass the resolution; motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" none.

Resolution 6-89 - Patricia Terry - 57 Osborn Avenue - The Board Attorney read the favorable resolution. Motion was made and seconded to pass the resolution; motion carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" none. "Abstain" Board Member Kazenmayer.

Application 8-89 - Jane and William Marriott (cont.) - Lockwood Avenue - Block 151, Lot 7 - Kevin Thomas, attorney for the Marriotts, submitted surveys of Lots 6 and 7 for the Board's consideration; the Board Attorney marked the exhibits for the file.

Betty Govel, 270 Cedar Avenue, Manasquan, was administered the oath by the Board Attorney. Mrs. Govel identified herself as a realtor from Ward Wight Agency. She stated that Jerry Iannelli, Code Officer, told her that the lots were two separate building lots; thus, she explained, she listed them for sale separately and ultimately sold them to the Marriotts as a package.

Phillip Donovan, contract purchaser of the subject property, testified regarding his plans. According to Mr. Donovan, he wished to construct a four bedroom single family home of approximately 1700 square feet. He stated that it would initially be used as just a summer home and that he did not plan to rent the house.

Mr. Donovan also stated that the home would be built in accordance with the plans submitted and marked A-8 in the Board file.

The Board asked Mr. Donovan about the elevations and driveway on the property.

There being no further questions from the Board of Mr. Donovan, Mrs. Pincus asked the public if they had any questions of the witness.

John Plisky, 416 East Main Street, questioned Mr. Donovan regarding an easement for parking in back of the property, the height of the prospective building and about perspective builders.

J. Mohagan, 9 Lockwood Avenue, asked about the large Sycamore trees on the property.

Also questioning Mr. Donovan were B.J. and Valerie Hudson, 18 Lockwood Avenue; and Bob Laird, 8 Lockwood Avenue.

In response to some of the questions from the audience, the Board explained why the case was before the Board of Adjustment. Board Member Griffith explained that lot 7 is a building lot but that only a house of a certain size could be constructed there.

The Board Attorney read 107-28 of the Borough Zoning Ordinance which states: "Any separate tract, the title of which was of record at the time of the adoption of this chapter, that does not meet the requirements of this chapter for yards, courts or other area of open space may be utilized for single residence purposes, provided that the requirements for such yard or court (or lot) area, width, depth or open space is within 75 percent of that required by the terms of this chapter, and provided that the owner thereof owns no adjoining property. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided."

Photos were submitted by Jane Marriott, applicant and owner, and marked for the Board file. The photos depicted surrounding homes in the neighborhood.

Board Member VanSchoick asked about the water level in the street at high tide.

Board Member Kazenmayer moved that the hearing be continued so that information on the elevation could be submitted. The Board also requested copies of the blueprints of Mr. Donovan's prospective home. The motion was seconded and carried unanimously.

A motion was made, seconded and carried for an 11 p.m. adjournment of the regular session. This motion being carried, the Board Attorney advised Mrs. Pincus that, in light of the large agenda before the board, she should excuse those cases which the Board could not hear and ask that they be heard at the June 21, 1989 meeting. Mrs. Pincus spoke to Mr. James Kymer and William Nowels, attorney for Kirsch Holding Company, about the situation and asked these two applicants to come back to the next meeting for their hearing. Both agreed and waived their time limits.

Application 10-89 - Noel & Ida Ann Hood - Curtis Avenue - Block 82, Lot 26 - The Board Attorney noted that the file had been marked at the previous meeting and administered the oath to Noel and Ida Ann Hood, 161 Beachfront, Manasquan.

The Hoods, the Board and the Board Attorney discussed the application, which seeks a use variance so the applicant may construct a two-family dwelling on the now vacant lot. The property is in a R-2 zone. Albert P. Ratz, CO, issued a letter of denial because a two-family is not a permitted use in a R-2 zone (single family residential). Mr. Ratz referred to Sections 107-8 and 107-9 in his denial.

Mr. Hood discussed the character of the zoning in the particular area and stated that the structure will meet rear and side yard setback requirements. It was also noted that the Department of Environmental Protection had been contacted.

The applicants stated that the projected home will have the same layout as the two-family structure they constructed at 216 Second Avenue, Manasquan.

The Board requested that the applicant provide internal plans (blueprints) for the prospective structure.

There being no further comments or questions from the Board or the public, a motion was made, seconded and carried unanimously to close the public hearing. A motion was then made, seconded and carried to conduct a site inspection May 20, 1989.

Application 9-89 (cont.) - John Shawn Tawgin - 129 Sea Girt Avenue - Mr. Scott Thompson, attorney for Diane Noble, 125 Sea Girt Avenue, opposer of the application, began his cross examination of John Fischetti, vice president of John Shawn Photographers. Mr. Fischetti testified regarding the operations and activities of the business.

Kevin Thomas, attorney for Mr. Tawgin, stated that in light of the amount of testimony which still needed to be offered to the Board, his client requested that a special meeting be granted for the balance of the case. The applicant agreed to make a deposit on the meeting if the Board granted the request. The Board agreed to discuss the request and motions were made, seconded and carried for a site inspection May 20, 1989 and continuation of the hearing.

Special Meeting - Application 13-89 - Gus and Helen Vallas - 471 Main Street- The application was made by Fran Millas, River Place, on behalf of her parents, Gus and Helen Vallas. Mrs. Millas and her sister were sworn in to give testimony on the application, which sought a use variance. The applicant wished to change the seasonal use of a rooming house into three year round apartments, one of which would be occupied by Mr. and Mrs. Vallas. The applicant also wished to construct a deck on top of the existing back porch serving as a secondary exit. The subject property (Block 146, Lot 14) is located in a R-2 zone.

Albert P. Ratz Jr., CO, issued a letter of denial on the project for the following reasons: 1.) Section 107-9 (not a permitted use in R-2 zone); 2.) Section 107-27 (rear setback for deck on second floor); and 3.) Section 107-36 (parking - six spaces required off street).

It was noted that two of the apartments would be rented. The downstairs apartments would have one bedroom each while the upstairs apartment would have three bedrooms. The rented apartments would be annual apartments.

After the Board discussed the application, including such aspects as parking plans and the deck construction, and it was noted that there were no members of the public in attendance, Board Member Trafford moved to deny the application, seconded by Board Member Roberts and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, VanSchoick, Roberts. "No" none.

The record also showed that Board Chairwoman Pincus excused herself from the case because of a potential conflict of interest.

Under new business, the Board denied a request by Mario Genova for a special meeting regarding his application. The vote was as follows: "Yes" Board Member Pincus. "No" Board Members Roberts, Kazenmayer, Trafford, Griffith, VanSchoick, Lyons.

The Board granted the request for a special meeting regarding the Tawgin case by the following vote: "Yes" Board Members Trafford, Roberts, Griffith, Pincus, VanSchoick, Kazenmayer, Lyons. "No" none.

There being no further business, the motion was made, seconded and carried to adjourn.

Respectfully Submitted,

*Sharon Bogue*

Sharon Bogue, Secretary

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

CERTIFICATION

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

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

May 19 89

I certify that I have listened to the tape recording of the  
aforesaid meeting in full.

I certify that the foregoing statements made by me are true.  
I am aware that if any of the foregoing statements made by  
me are wilfully false, I am subject to punishment.

Dated:

Jan Byer

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



On June 21, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 8 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - Regular Meeting

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

- Application 7-89 (cont.) - Robert Gardell - 171 Beachfront
- Application 8-89 (cont.) - William & Jane Marriott - Lockwood Avenue
- Application 10-89 (cont.) - Noel & Ida Ann Hood - Curtis Avenue
- Application 11-89 - James Kymer - 61 Beachfront
- Application 12-89 - Kirsch Holding Co. - Akron House - 550 Brielle Road
- Application 14-89 - Matthew Egan - Euclid Avenue - Block 146, Lot 3
- Application 15-89 - Steve & Louann Zimmermann - 33 Curtis Avenue
- Resolution 13-89 - Gus & Helen Vallas - 471 E. Main Street
- Resolution Honoring Patricia T. Walsh
- Old Business
- New Business
- Special Meeting - Application 22-89 - Gus & Helen Vallas - 471 E. Main Street

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 6/16/89

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk

MANASQUAN BOARD OF ADJUSTMENT  
Regular Meeting  
June 21, 1989

The regular meeting of the Manasquan Board of Adjustment was called to order at 7:30 p.m. by Board Chairwoman Claudia Pincus.

Roll Call: Present - Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts James VanSchoick, James F. Bogan Jr.

Absent - None

Mrs. Pincus noted that a quorum was present and asked those attending to join in a salute to the flag. Mrs. Pincus announced that this was an open public meeting in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

Mrs. Pincus asked for a motion to approve the minutes of the May 17, 1989 regular Board of Adjustment meeting and the minutes of the special meeting held on June 14, 1989. She noted that the minutes had been posted on the bulletin boards of Manasquan Borough Hall. Motion made, seconded and carried to approve the minutes as submitted by the Board Secretary.

Application 7-89 - Robert and Carol Gardell - (cont.) - 171 Beachfront - The Board continued the hearing of the Gardells' application, with the Gardells being represented by Kevin Thomas, attorney. Also attending were Robert and Carol Gardell, applicants.

William Byrnes, Board Attorney, noted that the case had been stopped at the point when comments were being made by the public. It was noted that a site inspection had been conducted by the Board.

Mrs. Pincus asked Mr. Thomas whether condominium association approval had been secured for the project. Mr. Thomas submitted condominium association meeting minutes on the matter.

Larry Tynday, 173 Beachfront, voiced approval of the project and stated it will improve the value of the surrounding properties.

John Longshore, 171 South Street, continued his comments on the project.

He stated that he is not opposed to having a new structure on the property, but that he has doubts about the one proposed by the Gardells. He explained that he was speaking as condominium director and neighbor.

Mr. Longshore stated that all members of the condominium association share in the costs of the common element and he feels that the association should not be responsible for the costs involved with the project. He also expressed concerns about pile driving. He stated that he would like to be assured that the association members would not have to bear expenses for limited or common element repair. He said he would like to see the stipulation that all stipulations of the Master Deed be upheld and dealt with as well as the by-laws enforced. He also noted the potential of financial loss and the size of the projected building (over 30 feet in height).

Marie Verran, 58 Sunrise Drive, Gillette, and owner of 172 First Avenue, stated that the property is owned by all four persons in the condominium association in its entirety.

Ida Ann Hood, 161 Beachfront, stated when pilings were driven on their project, the people in the area were advised that vibrations may occur and valuables should be secured.

Noel Hood, 161 Beachfront, said that many new homes were higher, including his own 28-30 foot high structure.

Craig Verran, 58 Sunrise Drive, Gillette, and 172 First Avenue, Manasquan, stated that as a condominium president versed in condominium law, he felt that the condominium concept was being severely underestimated and that people buy the look, etc. of the unit.

After further discussion, a motion was made by Board Member Griffith and seconded by Board Member Pincus to close the public hearing; the motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick, Bogan.

A motion was made by Board Member Kazenmayer to have the favorable resolution prepared with the following conditions: 1. Condominium Association approval must be secured and; 2. The projected fireplace should have its chimney inside so that it would not infringe on the setbacks. Motion was seconded by Board Member Trafford and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" none.

Application 14-89 - Matthew Egan - Euclid Avenue - Block 146, Lot 3 - The Board Attorney recognized Thomas O'Brien, attorney for the applicant. Mr. O'Brien stated that he sought an interpretation that no variance is required for the case. The application requested relief so that a house may be built on the lot, which is undersized.

Mr. O'Brien noted that the applicant owned no adjoining property and that advances were made to neighbors of the property regarding the possibility of them purchasing part or all of the property. He also cited Section 107-28 of the Zoning Ordinance which notes that a subject lot may be within 75 percent of the frontage required if the owner of the subject property owns no

adjoining property.

Mr. O'Brien also submitted letters and the property deed as evidence for the case.

Robert Wood, owner of one of the adjoining properties, testified regarding Mr. O'Brien's position on the case.

After further discussion, a motion was made, seconded and carried to close the public hearing. A motion was then made and seconded that a variance was not required and that a total refund would be forthcoming; the motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" none.

Application 8-89 (cont.) - William & Jane Marriott - Lockwood Avenue - The Board continued its hearing on the case, with Kevin Thomas, attorney and Jane Marriott, applicant, appearing before the Board.

A letter regarding the elevation of the property (six feet) was submitted by Mr. Thomas and marked for the file by the Board Attorney. It was noted by Mr. Thomas that the elevation brought the project into flood zone requirements.

The Board, applicant and attorneys discussed the possibility of removing the garage/structure in the rear of the property. Board Member Griffith questioned whether it would be enforceable to place a condition on a non-subject property.

Mr. Byrnes noted that the application was a C-Hardship variance; he then cited several case law precedents regarding such variances.

John Plisky, 416 East Main Street, an opposer to the project, testified before the Board regarding the characteristics of the neighborhood. He offered the Board pictures and a tax map as evidence.

Board Member Trafford stated that while the neighborhood is tight and while the house projected may be large, a landowner should have some rights. He also felt that the two-family home located next to the subject property may have led to the feeling of congestion.

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

A motion was made by Board Member VanSchoick to have the Board Attorney prepare the favorable resolution with the following conditions: 1. the frame shed and garage at the rear of the dwelling on lot 6 is to be taken down and removed by the applicant; 2. parking for four vehicles is to be created at the rear of the present dwelling on lot 6 and parking for two cars is to be created at the rear of lot 7. ; 3. Easements must be granted for the common driveway; 4. the root of the tree in front of lot 6 must be taken care of by an expert in regards to removal of the root and pruning of the tree; and 5. a suvery with the proper revisions must be submitted. Motion seconded and carried by the following vote: "Yes" Board Members Kazenmayer, Pincus, Trafford, VanSchoick. "No" Board Members Griffith,

Lyons, Roberts.

A motion was made, seconded and carried for a recess. Roll Call after the recess: Present- Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick, Bogan.

Application 10-89 (cont.) - Noel and Ida Ann Hood - Curtis Avenue - The Board continued the hearing on the application, which seeks relief to build a two-family home on the property.

It was noted that a site inspection had been conducted by the Board members; Board Member Kazenmayer remarked that she was impressed with the lot size. It was also noted that the public hearing had been closed at the last meeting.

The Board discussed sidewalk and curbing possibilities for the project.

There being no further questions, Mrs. Pincus stated she would like to see approval of the stream and drainage area from the Borough Engineer. A motion was made by Board Member Trafford to have the Board Attorney prepare a favorable resolution with a stipulation that the Borough Engineer comment on the plans; motion seconded by Board Member Griffith and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick.

The applicants asked if the Board would memorialize the resolution that evening; a motion was made and seconded to memorialize the resolution. Motion carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" Board Member Kazenmayer.

Application 11-89 - James Kymer - 61 Beachfront - The file was marked by the Board Attorney ; James Kymer, 36 Fairview Drive, East Hanover, applicant, and Terry Bryant, 1122 Narrumson Road, Manasquan, were sworn in.

Mr. Kymer, Mr. Bryant, the Board Attorney and the Board discussed the application, which seeks relief to build a new deck on the beachfront (14'). Albert P. Ratz Jr, CO, denied the building permit application on the grounds that the new deck would violate side yard setbacks (3.33' one side, 2.62' the other side). The applicant sought an hardship variance. The property is zoned R-4.

The Board Attorney noted that the variance needed was in actuality a use variance. It was also noted that a site inspection had been conducted.

There being no further questions and no comments/questions from the public, Board Member VanSchoick moved to close the public hearing, seconded by Board Member Kazenmayer and carried by a unanimous vote.

Board Member Roberts moved that the Board Attorney prepare a favorable resolution; motion seconded by Board Member VanSchoick and carried by the following vote: "yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick.

Application 12-89 - Kirsch Holding Company - Akron House - 550 Brielle Road - The Board Attorney recognized William Nowels, attorney for the applicant Irving Kirsch and Kirsch Holding Company.

Sworn in to give testimony were Irving Kirsch, Kirsch Holding Company, 204 First Avenue, Manasquan; and Richard Graham Jr., architect, Graham Station, 600 Sea Girt Avenue, Sea Girt, New Jersey.

The Board, applicant, architect and attorneys discussed the application, which seeks relief so that the 20-room Akron rooming house may be converted into six apartments. Albert P. Ratz Jr., CO, denied the building permit for the following reasons : 1. Section 107-10 - not a permitted use in R-3 zone; 2. setback violations and three story structure when 2½ is permitted; 3. not enough parking spaces (22 required); and 4. site plan approval required for change of use. Mr. Ratz also noted that the property, zoned R-3, is in an A-5 flood zone. The applicant seeks a use variance with site plan approval.

After further discussing the application, including parking in the area, a motion was made by Board Member Griffith to conduct a site inspection; motion was seconded and unanimously carried. The Board agreed unanimously to continue the hearing at the July 19, 1989 meeting and time limits were waived by the applicant's attorney.

Application 15-89 - Steve and Louann Zimmerman - 33 Curtis Avenue - The Board Attorney marked the file and administered the oath to Steven Zimmerman, 33 Curtis Avenue, applicant and owner of subject property. Mr. Zimmerman was represented by Stephan Leone, attorney.

Chairwoman Pincus informed the Board that she was in the affected area and had been notified; as such, she excused herself and Vice Chairman Robert Griffith took the gavel.

The applicant, identified as a licensed land surveyor, the Board and the attorneys discussed the application, which asks for relief so that a home office might be constructed on the second story of the two car garage planned for the property. The office would employ no more than two employees, it was stated. The garage is detached from the house; it was noted by Mr. Leone that if the two structures were attached, no variance would be necessary.

Albert P. Ratz, Jr., CO, denied the building permit based on sections 107-9 (use of accessory building) and 107-3B (definitions) of the zoning ordinance. He also noted that Borough Attorney Kenneth Fitzsimmons agrees that this is not a permitted use in a residential zone.

The property is zoned R-2 and a use variance is sought.

The parking situation in the area was discussed as was the historical significance of the property. The applicant's attorney had submitted portions of the Manasquan Centennial publication relating to the home and property, which was the first parsonage of the First Baptist Church of Manasquan (built in 1892). It was noted that the Zimmermans had restored the home. The applicant stated that the reason he did not want to attach the garage to the house is so the original character of the structure could be preserved.

Stuart Hancock, 34 Virginia Avenue, spoke in opposition to the application. Mr. Hancock was represented by attorney John Wooley; Mr. Wooley cross examined Mr. Zimmerman.

Mr. Hancock stated he felt that the application would allow for the breaking down of the code.

Claudia Pincus, 53 Curtis Avenue, spoke in favor of the application. William Martin, 30 Virginia Avenue, voiced objections to the project.

The Board Attorney advised the Board and public that Mrs. Pincus, although a member of the Board, could give testimony as she was noticed and had excused herself from the case.

After further discussion, the motion was made by Board Member VanSchoick to close the public hearing; seconded by Board Member Trafford and carried by unanimous vote. Board Member VanSchoick moved that a site inspection be conducted; motion seconded by Board Member Trafford and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Roberts, VanSchoick, Bogan.

Resolution Honoring Patricia T. Walsh - A resolution was read by Chairwoman Claudia Pincus honoring former Board Member Patricia T. Walsh for her years of service to the Board. The Board carried the resolution by a unanimous vote and the Board Secretary was directed to forward the resolution to Mrs. Walsh.

Resolution 13-89 - Gus and Helen Vallas - 471 E. Main Street - The resolution denying the application of Gus and Helen Vallas was read by the Board Attorney. Board Member VanSchoick made the motion to memorialize the unfavorable resolution, seconded by Board Member Kazenmayer and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Roberts, VanSchoick, Bogan. "No" none. "Abstain" Board Member Pincus.

There being no further business on the regular agenda, the Board closed the regular portion of the meeting and voted to open up the special meeting.

Special Meeting - Gus and Helen Vallas - Application 22-89 - 471 E. Main Street - A special meeting was conducted on the matter of Gus and Helen Vallas' application for the G V Rooming House, 471 E. Main Street.

The application was presented by their daughters Fran Millas, 413 River Place; and Magda Biloxnides, Pennsylvania.

The applicants, Board and Board Attorney discussed the new application, which requested relief so that the rooming house could be converted into a two-family structure. A variance was also requested for the installation of heat so the two dwellings could be year-round. The one dwelling would be owner occupied, according to testimony.

Albert P. Ratz, Jr., CO, denied the building permit under Section 107-9 (single family permitted use) and Section 107-3 (to allow a 9 x 18' parking space where 10' x 20' is required) of the zoning ordinance. A use variance was sought and the property is located in a R-2 zone.

The Board discussed possible curbing, sidewalks and parking for the project.

Jerry Iannelli, 4 Morris Avenue, stated during the public hearing that he hoped the Board would consider the two-family plan.

7.

There being no further questions or comments, a motion was made, seconded and carried to close the hearing. A motion was then made, seconded and carried to waive the regular meeting fee and charge the applicant just for the special meeting costs. A motion was then made by Board Member Roberts to have the Board Attorney prepare a favorable resolution with the stipulation that curbing and sidewalks be created; the motion was seconded by Board Member Kazenmayer and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Roberts, Bogan. "NO" none; "Abstain" Board Member Pincus.

There being no further business, a motion was made, seconded and carried to adjourn the meeting.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Sharon Bogie". The signature is written in black ink and is positioned above the typed name and title.

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



June 5, 1989

Dear Board Member,

This letter confirms that the Manasquan Board of Adjustment, by a phone poll, voted to hear the new application of Gus and Helen Vallas, 471 E. Main Street, during a special meeting following the regular agenda of June 21, 1989.

Yours Truly,

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



On June 14, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold a special meeting at 7 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Application 9-89 - (cont.) - John S. Tawgin - 129 Sea Girt Avenue

Old Business

New Business

*Sharon Bogie*

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan June 5, 1989

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



MANASQUAN BOARD OF ADJUSTMENT

Dear Board Member,

Please accept the following revised agenda for the June 14, 1989 special Manasquan Board of Adjustment meeting:

7 p.m. - Regular agenda

1. Application 9-89 - John Shawn Tawgin (cont.) - 129 Sea Girt Avenue - continuation of hearing - interpretation of use.
2. Resolution 13-89 - Gus & Helen Vallas - 471 E. Main Street
3. Resolution honoring Patricia T. Walsh
4. Old Business
5. New Business

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 6/13/89

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



MANASQUAN BOARD OF ADJUSTMENT  
MINUTES  
Special Meeting  
June 14, 1989

The special meeting of the Manasquan Board of Adjustment was called to order at 7 p.m. by Board Chairwoman Claudia Pincus.

Roll Call: Present: Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts, James VanSchoick, James F. Bogan Jr.

Absent: Robert Griffith

It was noted that Board Member Bogan had listened to the tapes of the May 17, 1989 regular meeting and was thus eligible to vote.

Mrs. Pincus noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. Mrs. Pincus announced that this was an open public meeting in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

Mrs. Pincus stated that this was a special meeting to continue the hearing on Application 9-89 - John Shawn Tawgin - 129 Sea Girt Avenue. The applicant requested an interpretation of the use on his property as to whether he conducted warehousing or office activities. After the interpretation, the applicant would request certain variances to place an addition on the main building located on subject property and make determinations regarding parking.

The applicant was represented by attorney Kevin Thomas. Also in attendance was Scott Thompson, attorney for Diane Noble, 125 Sea Girt Avenue. Mrs. Noble is an objector to the application.

It was noted by Mr. Thomas that a site inspection, internal and external, had been conducted.

William Byrnes, Board Attorney, asked Mr. Thomas what the status was regarding Mr. Tawgin's acquisition of the Sea Girt School of Dance property adjoining Mr. Tawgin's property; on plans submitted to the Board, Mr. Tawgin sought to place parking on the site. Mr. Thomas stated that it was still in the process of closing.

Diane Noble, 125 Sea Girt Avenue, was sworn in by the Board Attorney. Mrs. Noble was questioned by Mr. Thompson and testified regarding traffic and delivery patterns she observed at the business. She also submitted a list as evidence detailing activity on the property, including lights and vehicles on the property at night.

Mrs. Noble also noted that 18 wheelers are sometimes seen on the site and there are frequent deliveries to the business.

Photos were submitted by Mrs. Noble and her attorney and were marked for the Board file.

After Mr. Thompson was finished questioning, Mr. Thomas cross examined Mrs. Noble. The Board members also asked Mrs. Noble questions about such matters as the deliveries she observed and the noise pollution in the area.

Harold Bartels, 158 Curtis Place, was sworn in and testified that Mrs. Noble's testimony was accurate and that he also saw the activities of which she spoke. He also testified about the traffic flow going on and off the subject property.

Thomas Hinz, 115 Sea Girt Avenue, was administered the oath and read a statement opposing the project. He also submitted photographs of the subject property.

John Shawn Tawgin, president of John Shawn Photography, testified regarding the application. Addressing the concerns of Mrs. Noble, Mr. Bartels and Mr. Hinz, he stated that there is "nothing that can explode" on the property (referring to testimony that chemicals were stored on the premises) and that there were no dangerous chemicals there. He noted that some air brush paint is on the property.

Mr. Tawgin stated that retired Fire Inspector Kenneth Miller and present Fire Inspector Domminick Marino have each visited the establishment for inspections.

Mr. Tawgin also testified that storage of materials is done at the business' storage facilities on Parker Avenue and storage and warehousing also occur at the amusement parks where the services are sold.

Under questioning from Mr. Thomas, Mr. Tawgin stated that a chemical may find its way to the 129 Sea Girt Avenue establishment but it is generally shipped the same day.

The applicant, attorneys and Board also discussed parking in the area. It was stated that parking would be dedicated by deed from the dance studio to John Shawn Photographers.

Kelly Fischetti, 392 Belmar Boulevard, Farmingdale, an employee of John Shawn Photographers, stated that there were no chemicals on the premises, just air brush paint used by the business' artist while he was in the area.

There being no further comments, questions or testimony from the public, a motion was made, seconded and passed to close the public comment on step one (interpretation of use) of the application.

The attorneys for the applicant and Mrs. Noble offered their summations for the Board's consideration. The Board continued to discuss the case. A motion was made that the activity was business proper under the B-1 zone; the motion was seconded and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick, Bogan.

"No" none.

A motion was made, seconded and carried for a recess of five minutes. Roll Call after recess: "Present" Board Members Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick, Bogan. "Absent" Board Member Griffith.

After the recess the Board began to entertain testimony on step two of the application, which seeks various variances regarding parking (107-36A and 107-3) and reversal of the Construction Official's determination that site plan approval is needed. It is the applicant's position that the alterations to the building proposed do not exceed 20 percent. If the Board disagrees with the applicant's position, the applicant also seeks site plan approval pursuant to Section 107-52 and a variance from the provisions of Section 107-25.

Mr. Thompson stated that he felt, based on testimony provided and plans submitted, that additional variances were required and re-noticing the residents should be necessary. He stated that he felt that under Section 107-30, the proposed project expands the intensity of use on the site. He also noted the residential use of the cottage on the property.

Mr. Byrnes asked if the applicant would be taking property away from the cottage to grant an easement for the parking required.

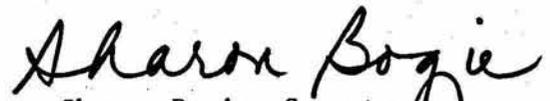
The Board also requested that new plans be submitted that show all the dimensions for the project.

Mr. Thomas agreed that the residents should be re-noticed and hearing re-advertised. He stated he will make the necessary arrangements so that the Board may consider scheduling another special meeting to continue the case.

There being no further testimony, questions or comments, the Board agreed to continue the case. Time limits had already been waived.

There being no further matters on the special meeting agenda, the motion was made, seconded and carried to adjourn.

Respectfully submitted,



Sharon Bogie, Secretary  
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



On July 19, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - Regular Meeting

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

Application 12-89 (cont.) - Kirsch Holding Co. - Akron House - 550 Brielle Rd.

Application 15-89 (cont.) - Steve and Louann Zimmerman - 33 Curtis Avenue

Application 16-89 - LeRoy Rupertus - 2 Deep Creek Drive

Application 18-89 - August Giampaglia - 205 Fourth Avenue

Resolution 7-89 - Robert Gardell - 171 Beachfront

Resolution 8-89 - William and Jane Marriott - Lockwood Avenue

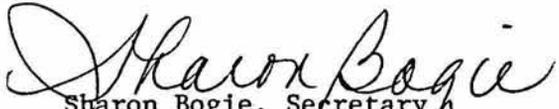
Resolution 10-89 - Noel and Ida Ann Hood - Curtis Avenue

Resolution 11 - 89 - James Kymer - 61 Beachfront

Resolution 22-89 - Gus and Helen Vallas - 471 E. Main Street

Old Business

New Business

  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



MANASQUAN BOARD OF ADJUSTMENT  
MINUTES  
Regular Meeting  
July 19, 1989

The Regular Meeting of the Manasquan Zoning Board of Adjustment was called to order at 7:30 p.m. by Board Chairman Claudia Pincus.

Roll Call: Present - Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts, James VanSchoick, John Burke.

Absent - James Bogan Jr.

Mrs. Pincus noted that a quorum was present and asked those attending the meeting to join in a salute to the flag. She also announced that this was an open public meeting in accordance with the Open Public Meetings Act of 1975 and had been published according to law.

Mrs. Pincus noted that the minutes for the June 21, 1989 regular meeting were posted on the bulletin board and asked if there were any changes to be made. Board Member VanSchoick stated that the record should show that he voted "no" on the resolution for Robert and Carol Gardell. Mrs. Pincus stated that the record should state that she voted "no" on the immediate memorialization of the resolution for Noel and Ida Ann Hood. The Board Secretary noted these changes would become part of the permanent record. The motion was made, seconded and carried to approve the minutes with the proper changes.

Mrs. Pincus then introduced John Burke, 4 Stockton Avenue, as the newly appointed alternate member of the Manasquan Board of Adjustment. William Byrnes, Board Attorney; administered the oath to Mr. Burke and then welcomed him to the Board.

Application 12-89 (cont) - Kirsch Holding Co. - Akron House - 550 Brielle Road - William Nowels, attorney for applicant Irving Kirsch, asked the Board to hold the case until his client arrived. The Board agreed to Mr. Nowels' request and continued with its agenda.

Application 15-89 (cont.) - Steve and Louann Zimmerman - 33 Curtis Avenue - The Board Attorney noted that Mrs. Pincus had once again excused herself from hearing the case as she was in the affected area. Vice Chairman Robert Griffith took the gavel and called upon the Board to continue its hearing.

Mr. Griffith noted that the public hearing had been closed at the prior meeting and called upon the Board to make any further comments or ask questions of the applicant or applicant's attorney, Stephan Leone.

Board Member VanSchoick commented that a site inspection had been conducted by Board members.

There being no further questions and/or comments, Mr. Leone was asked to give his summation. Mr. Leone stated that his client had established a creditable basis for the granting of a use variance in regards to a home office/ accessory building. Mr. Leone stated that home offices and two-story accessory buildings were allowed in the zone; in fact, Mr. Leone stated, two and a half story accessory structures are allowed based on the zoning ordinance having no height restrictions on accessory buildings. Mr. Leone read parts of the definitions portion of the zoning ordinance and stated that his client's plans show his intent to have a garage with the office above it. Board Member Kazenmayer stated she disagreed with Mr. Leone's interpretations.

Mr. Griffith asked for a motion; Board Member Kazenmayer moved to deny the application, seconded by Board Member Roberts. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Roberts, VanSchoick. "No" none. "Abstain" Board Member Pincus.

Mr. Leone asked for the reasons for the denial to be put on the record. Board Member Griffith asked the Board Attorney if this was necessary; the Board Attorney stated it was not. Board Member Kazenmayer, however, stated that she felt the introduction of a commercial type of operation was not beneficial to the residential area.

Mr. Leone stated his intention of appealing the decision and asked the Board to reconsider as there is a requirement that the Board be "reasonable in the denial of variances" and that denials may not be discretionary acts. Mr. Griffith stated that he felt the Board had been reasonable.

Application 12-89 (cont.) - Kirsch Holding Co. - Akron House - 550 Brielle Road - Irving Kirsch, applicant, arrived and stepped forward with counsel Mr. Nowels. Mr. Kirsch was reminded that he was still under oath.

The problem of parking spots in the area was discussed as well as the reasons why Mr. Kirsch sought to convert the rooming house to year round apartments.

Mr. Kirsch stated that he felt the project would be an asset to the town. He would upgrade the building, which he stated would not be structurally changed as it is strong. He stated he would like to rent out the apartments to families on an annual basis. The Board asked, however, if there was a chance that the apartments would ever be rented out to groups; Mr. Kirsch replied that he could not say, but that the tenants would be carefully screened. He said that since he was planning on putting much money in the project he would like it to be annual rentals.

Mr. Kirsch was asked about the neighboring properties and was asked by the Board if he would consider constructing four apartments and not using the third floor. He was also asked, in view of the parking problems and congestion in the area, whether he would consider taking down one of the neighboring structures for parking space.

The Board Attorney also offered a scenario by which Mr. Kirsch could place the six apartments over 550 and 552 Brielle Road, not rent out the third floor of the Akron (550) and demolish or decrease the size of the structure at 554 Brielle Road for parking purposes.

The applicant agreed to take down one building for parking but stated he did not want to amend the application in regards to the third floor.

Board Member Trafford stated that he would like to see better planning for parking in the area and a statement from the fire inspector regarding the concentration of structures and people in the area.

The Board gave the applicant a five minute recess to discuss the case with his attorney and make any final amendments to the application. Roll Call after recess: "Present" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick, Burke. "Absent" Board Member Bogan.

Mr. Nowels made a statement on behalf of his client. He said that to make the project financially viable, the third floor apartments are necessary. He stated that Mr. Kirsch would amend the application to remove one structure for parking purposes.

It was also stated that the applicant would attempt to convert 552 and 554 Brielle Road into year round rentals. He felt that this would stabilize his investment and there would be a nice complex all the way around the Akron House corner. Mr. Griffith, however, noted that earlier in testimony Mr. Kirsch stated he could not guarantee that group rentals would not find their way into the project. Mr. Kirsch stated he had good intentions of keeping it annual rentals and bringing families into the residences.

Board Member Kazenmayer asked if 554½ Brielle Road was the property which was damaged the weekend prior to the meeting; Mr. Kirsch said that it was.

Board Chairman Pincus asked for a motion from the Board Members. Board Member Griffith made the motion to deny the application, seconded by Board Member VanSchoick and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Roberts, VanSchoick. "No" Board Members Pincus, Trafford.

Application 16-89 - LeRoy Rupertus - 2 Deep Creek Drive - The Board Attorney marked the file and administered the oath to LeRoy Rupertus, applicant, 2 Deep Creek Drive.

The Board, Board Attorney and applicant then discussed the application, which requested relief so a deck might be constructed. The deck would be 21' x 15' and be for personal use. The building permit was denied by Albert P. Ratz, Jr., C.O., because the deck violated rear yard setbacks (20' required, 5' shown). The property is located in a R-2 zone (A-5 flood zone) and a hardship variance was requested.

The Board discussed the area of the property, including bordering with Deep Creek. After discussion, Board Chairman Pincus noted that no one from the public was on hand for commentary or questions. A motion was made, seconded and carried to close the public hearing.

A motion was made by Board Member Trafford to have the Board Attorney draw up a favorable resolution; motion seconded by Board Member VanSchoick

and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick, Burke. "No" none. "Abstain" Board Member Griffith.

Application 17-89 - August Giampaglia - 205 Fourth Avenue - The Board Attorney marked the file and administered the oath to August Giampaglia, 28 Third Street, Norwood, owner of the subject property.

The Board, Board Attorney and applicant proceeded to discuss the application, which requested relief so the lower level of a single family structure could be converted into an apartment with the addition of a kitchen, bedroom and bathroom. Albert P. Ratz, Jr., C.O., denied the building permit based on two-family being a non-permitted use under Section 107-10 of the Zoning Ordinance. The applicant seeks a use variance. The property is zoned R-3 and is in an A-5 flood zone.

Mr. Giampaglia stated that he wished to renovate the lower level to create a living space for his parents, who have difficulty going up and down stairs. When he applied for the building permit, Mr. Ratz denied the application, stating that the second kitchen (one already exists on the upper level) constituted a two-family structure. Mr. Giampaglia was advised that he had to go for a use variance for a two-family before the Board. He did, however, secure the building permit to do the other work (except the kitchen). Work is finished on the upper level but not on the lower level.

According to Mr. Giampaglia's testimony, the structure consists of a lower level with a modular home placed on top of the lower level. The structure is two and a half stories in height, testified Mr. Giampaglia.

Mr. Giampaglia also stated that while he was securing signatures on the certified list of homeowners (as per Board requirements) he found that other homes have two kitchens.

Board Member Roberts moved for a site inspection, with the motion seconded and unanimously carried. Board Chairman Pincus stated she would take up the matter with Mr. Ratz as to the reasons for denial. The applicant agreed to waive the time limit on the application.

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

Resolution 7-89 - Robert & Carol Gardell - 171 Beachfront - The Board Attorney read the favorable resolution. Motion made by Board Member Roberts to memorialize the resolution, seconded by Board Member Trafford. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts. "No" Board Member VanSchoick.

Resolution 8 -89 - William & Jane Marriott - Lockwood Avenue- The Board Attorney read the favorable resolution. Motion made by Board Member VanSchoick and seconded by Board Member Trafford to memorialize the resolution. Motion carried by the following vote: "Yes" Board Members Kazenmayer, Pincus, Trafford, VanSchoick. "No" Board Members Griffith, Lyons, Roberts.

Resolution 10 - 89 - Noel & Ida Ann Hood - Curtis Avenue - The Board Attorney

read the favorable resolution. Motion made by Board Member VanSchoick to memorialize the resolution, seconded by Board Member Griffith. The motion was carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" none.

Noel Hood, applicant, expressed concern that the Borough Engineer had not responded to requests that he (the engineer) look into the project. The Board Secretary stated she would continue to try and communicate with Mr. Farrell regarding the review. The Borough Attorney also stated that Mr. Hood may try to contact William Farrell Jr. himself.

Resolution 11-89 - James Kymer - The Board Attorney read the favorable resolution. Motion made by Board Member Trafford to memorialize the resolution; motion seconded and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" none.

Resolution 22-89 - Gus and Helen Vallas - 471 E. Main Street - The Board Attorney read the favorable resolution. Motion made by Board Member Roberts, seconded by Board Member Kazenmayer, to memorialize the resolution; motion carried by following vote: Board Members Griffith, Kazenmayer, Lyons, Trafford, Roberts, VanSchoick. "No" none. "Abstain" Board Members Pincus, Burke.

Under old and new business, the Board acted upon a request from Kevin Thomas, attorney for applicant John Shawn Tawgin Photographers, to set a special meeting date to continue the hearing into the case. After reading correspondence from Mr. Thomas stating that the week of September 11, 1989 would be the next opportunity for all persons involved to meet. The motion was made, seconded and carried to continue the hearing at a special meeting September 13, 1989 at 7 p.m. in the Manasquan Borough Hall council chambers.

There being no further business, the motion was made, seconded and carried to adjourn the meeting.

Respectfully submitted

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

CERTIFICATION

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

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

July 19 1989

I certify that I have listened to the tape recording of the  
aforesaid meeting in full.

I certify that the foregoing statements made by me are true.  
I am aware that if any of the foregoing statements made by  
me are wilfully false, I am subject to punishment.

Dated:

7/20/89

John Byer

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



On August 16, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - Regular Agenda

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING MATTERS:

Application 17-89 (cont.) - August Giampaglia - 205 First Avenue

Application 19-89 - Mario Genova - 375 Cedar Avenue

Application 20-89 - Dorothy Waltsak - 576 Riverside Drive

Resolution 12-89 - Kirsch Holding Co. - Akron House - 550 Brielle Rd.

Resolution 15-89 - Steve and Louann Zimmerman - 33 Curtis Avenue

Resolution 16-89 - LeRoy Rupertus - 2 Deep Creek Drive

New Business

Board of Adjustment input into the Master Plan

Old Business

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 8/11/89

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk

MANASQUAN BOARD OF ADJUSTMENT  
Regular Meeting Minutes  
August 16, 1989

The August 16, 1989 regular meeting of the Manasquan Zoning Board of Adjustment was called to order at 7:30 p.m. in Manasquan Borough Hall by Board Chairman Claudia Pincus.

Roll Call - Present: Board Members Robert Griffith, Margaret Kazenmayer, Claudia Pincus, Alma Roberts, James VanSchoick, James Bogan Jr., John Burke.

Absent: Board Members Christopher Trafford, Edward Lyons.

Mrs. Pincus stated that the meeting was held in accordance with the Open Public Meetings Act and asked those attending to join in a salute to the flag.

Chairman Pincus asked for a motion to approve the minutes for the July 19, 1989 Board of Adjustment meeting as submitted by the Board Secretary; motion made, seconded and passed by unanimous vote.

Application 17-89 -(cont.) - August Giampaglia - 205 Fourth Avenue - Mr. Giampaglia was not in attendance; the Board agreed to adjourn the case until he arrived.

Application 19-89 - Mario Genova - 375 Cedar Avenue - Block 121, Lots 23 and 24- The Board Attorney marked the file and administered the oath to Mario Genova, 375 Cedar Avenue, owner of the subject property.

Board Member Roberts stated for the record she had been noticed as being within 200 feet of the subject property; accordingly she excused herself from the hearing.

The Board, Board Attorney and applicant discussed the application, in which relief was requested so a family might be constructed. The planned improvement would be added to the rear porch of the structure; this would allow for conversion into a 16' x 20' family room with a peaked ceiling.

The building permit was denied by Albert P. Ratz, C.O. , under Section 107-27 of the Zoning Ordinance - violation of rear yard setback - 20' required, 17' requested.

The property is in a R-2 zone; the applicant requests a hardship variance.

Mr. Genova explained to the Board that a move from Maplewood to the smaller house in Manasquan upon their retirement caused the Genovas to have a shortage of space for their possessions; the family room would give them the needed space, he stated.

Board Member Kazenmayer asked the applicant about the existing porch while Board Member Burke asked about the fence bordering his property.

There being no further questions or testimony, Board Member VanSchoick moved to close the public hearing, seconded by Board Member Burke. Motion passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, VanSchoick, Bogan, Burke. "No" none. "Abstain" Board Member Roberts.

The Board Attorney stated that Mr. Ratz stated that a hardship variance was required; Mr. Byrnes stated that he felt it was a use variance which was needed.

Board Member VanSchoick moved to have the Board Attorney write up a favorable resolution. The motion was seconded by Board Member Kazenmayer and passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, VanSchoick, Bogan, Burke. "No" none. "Abstain" Board Member Roberts.

The Board Attorney explained to Mr. Genova that the resolution would be memorialized at the September 20, 1989 meeting.

Application 17-89 (cont.) - August Giampaglia - 205 Fourth Avenue - The Board Chairman recognized Mr. Giampaglia; it was noted he was administered the oath at the last meeting.

Mrs. Pincus stated for the record that she had spoken to Albert P. Ratz Jr, CO, about the application. She stated that there is no actual determination regarding a two family vs. mother-daughter house except the visual in regards to the dwelling being easy to separate and rent out. The Board can interpret the structure as a two family or a mother-daughter; the mother-daughter, however, could only be family occupied and never rented.

Mrs. Pincus and Mrs. Kazenmayer stated that the Board must make the interpretation if the variance was needed.

Mr. Giampaglia asked the Board why they preferred to see the structure as a mother-daughter home ; Board Member Bogan stated that the neighborhood was high density and there was the parking situation to continue. The Board also stated they would not like to see a precedent set in which the larger houses in that particular area would attempt to become two family dwellings.

Mr. Giampaglia, who stated at the last meeting that the improvements were so his parents could move down here, stated that he intends to deed the home to his parents. Mrs. Kazenmayer stated that some of the Board Members gave the impression they did not want the structure to be two family and Mr. Giampaglia said that was fine, all he wanted was a kitchen for his parents.

Mrs. Pincus asked for a motion regarding the interpretation; Mr. Griffith, however, stated this would be directing the applicant. Mrs. Pincus stated, in response to a request, what Mr. Giampaglia's options are. She stated he could leave application as is for the two-family designation or to amend the application and make it a mother-daughter structure.

Mr. Giampaglia stated if separate boilers, etc., were needed for a two-family, he did not wish it to be a two-family.

Mrs. Pincus moved that an interpretation be given as a mother-daughter structure; motion seconded by Mr. VanSchoick.

Mr. VanSchoick stated that he seconded the motion so that in the future if someone wanted to rent out a portion of the house they would need to come back to the Board of Adjustment for a variance.

After discussion, Mrs. Pincus remade her motion to interpret the structure as a single family home with two kitchens; this motion was also seconded. Board Attorney Byrnes asked if the applicant would be willing to have a deed restriction with the designation in it.

After further discussion, Mr. Byrnes cited case law on mother-daughters regarding the addition of an extra kitchen for parents.

Mr. Griffith noted the structures separate entrances.

Mr. Giampaglia stated if it caused a problem, he would go for the two family. He stated that he did not know what the future held; he was having a hard time convincing his parents to come down. He wanted to know what would happen if his parents came down here and did not like it. He stated with the two-family designation he could rent it out if his parents chose not to stay. He stated he would be using the upper portion of the house.

After further discussion, Mr. Giampaglia elected to go for the two-family designation. Mr. Giampaglia stated that he wished to cover himself rather than, if it was necessary, come back for a variance at a later date. He stated he had no intentions of ever wanting to rent out the upper portion.

He stated that regardless of whether the parents were coming down, the property would be deeded to them.

The motion was made by Board Member Kazenmayer to deny the two-family after Mrs. Pincus withdrew her motion; Mrs. Kazenmayer's motion was seconded by Mrs. Roberts and passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Roberts, VanSchoick, Bogan, Burke. "No" none.

The applicant was advised to speak with Mr. Ratz regarding the situation. Mrs. Kazenmayer once again clarified that the applicant expressed the desire for the two-family designation, hence her motion.

A motion was made, seconded and carried for a five minute recess. Roll Call after recess: "Present" Board Members Griffith, Kazenmayer, Pincus, Roberts, VanSchoick, Bogan, Burke.

Mrs. Pincus noted for the record that there were no audience (public) questions for Mr. Giampaglia.

Application 20-89 - Dorothy Waltsak - 576 Riverside Drive - The Board Attorney recognized Kevin Thomas, attorney for the applicant. The oath was administered to Mrs. Waltsak, 35 Richard Terrace, Red Bank, owner of the subject property. The Board Attorney marked the file.

The Board, attorneys and applicant discussed the application, which asks for relief so a second floor and second floor deck might be constructed and rear entrance stairway may be relocated.

Albert P. Ratz, CO, denied the building permit under Section 107-27 of the Zoning Ordinance - house violates sideyard setback. He also stated that the front deck will violate the front yard setback.

The property is located in a R-3 zone and A-5 flood zone; a hardship variance was requested.

Mr. Thomas questioned his client about the property; the property is owned by American Timber and the house is owned by Mrs. Waltsak, who leases the land from American Timber. She offered testimony on the nature of the neighborhood, which she said was basically single family residential. She said the prevailing setback of the front yards in the area was 15 feet.

The structure, she stated, is a one and a half story house on a very irregular lot. The first floor includes the kitchen, living room and two bedrooms while the second floor has two bedrooms and a bath. Mrs. Waltsak stated that she would like to make it her permanent home and add the deck to take advantage of the view of the inlet.

Mrs. Waltsak stated that parking was located in the rear of the property off Timber Lane (western portion of the property).

Photos were submitted as evidence by Mrs. Waltsack and Mr. Thomas; there were marked by the Board Attorney and placed in the file.

She also stated that she would like to raise the roof to put large windows on the second floor. She would also put siding on the house. Currently there are two dormers on the second floor, stated Mr. Thomas. The improvements would not increase the number of rooms on the second floor; the only change might be establishment of a study in the room over the living room, testified Mrs. Waltsack.

Mr. Thomas and Mrs. Waltsak testified regarding the closeness of her house's back steps and her neighbor's property. She wished to move the stairs over to the eastern portion of that deck.

Mr. Burke questioned the stairs and their placement so close to the neighboring property.

The Board Attorney asked Mr. Thomas for his opinion on why the application was requesting a hardship variance.

H.W. Amundsen Jr., 117 Meadowbrook Drive, North Plainfield, owner of property at 417 First Avenue, Manasquan, stated that if Mrs. Waltsak built her addition, it would make it difficult for him to get onto his

property.

After further discussion, a motion was made by Board Member Griffith to hold a site inspection; the motion was seconded by Board Member Kazenmayer and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Roberts, VanSchoick, Bogan, Burke. "No" none.

Resolution 12-89 - Irving Kirsch - Kirsch Holding Co. - Akron House - The Board Attorney read the resolution denying the application. Motion made by Board Member Griffith to memorialize the resolution, seconded by Board Member Kazenmayer and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Roberts, VanSchoick, Bogan. "No" Board Member Pincus. "Abstain" Board Member Burke.

Resolution 15-89 - Steve Zimmerman - 33 Curtis Avenue - The Board Attorney read the resolution denying the application. Motion made by Board Member VanSchoick to memorialize the resolution, seconded by Board Member Kazenmayer and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Roberts, VanSchoick, Bogan. "No" none. "Abstain" Board Members Pincus, Burke.

Resolution 16-89 - LeRoy Rupertus - 2 Deep Creek Drive - The Board Attorney read the favorable resolution. Motion to memorialize made by Board Member Kazenmayer and seconded by Board Member Burke; motion passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Roberts, VanSchoick, Bogan, Burke. "No" none.

There being no further applications or resolutions on the agenda, the Board discussed old and new business. The Board directed the Board Secretary to write a letter to Jerry Iannelli, Planning Board Chairman, asking that a meeting with both Boards be held regarding the Master Plan. Several Board members expressed interest in attending a special Master Plan information session which had been announced for August 24, 1989.

There being no further business, a motion was made, seconded and carried for adjournment.

Respectfully Submitted,

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



MANASQUAN ZONING BOARD OF ADJUSTMENT  
AGENDA  
September 20, 1989

On September 20, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - regular meeting

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

- Application 20-89 - (cont.) - Dorothy Waltsack - 576 Riverside Drive
- Application 18-89 - Joseph Gummienny - 107 Beachfront
- Application 21-89 - George R. Dempsey III - 15 Marcellus Avenue
- Old Business
- New Business

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 9/15/89

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



MANASQUAN BOARD OF ADJUSTMENT MINUTES  
September 20, 1989 meeting

The regular meeting of the Manasquan Board of Adjustment was called to order at 7:30 p.m. September 20, 1989 by Claudia Pincus, Board Chairman.

Roll Call: Present - Board Members Robert Griffith, Claudia Pincus, Margaret Kazenmayer, Edward Lyons, Christopher Trafford, Alma Roberts, James VanSchoick, James F. Bogan Jr., John Burke.

Absent - None.

Mrs. Pincus noted that the meeting was held in accordance with the Open Public Meetings Act. She stated that the minutes from the August 16, 1989 meeting were posted on the bulletin board in Manasquan Borough Hall and asked for a motion to accept the minutes. Board Member Kazenmayer moved that the minutes be accepted as submitted by the Board Secretary; motion seconded by Board Member Burke and passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Pincus, Roberts, VanSchoick, Bogan, Burke. "No" none. "Abstain" Board Members Trafford, Lyons.

Application 20-89 -(cont.) - Dorothy Waltsak - 576 Riverside Drive - The Board continued hearing the application for Mrs. Waltsak, who was represented by Kevin Thomas, attorney.

The Board stated that a site inspection had been conducted on August 17, 1989. Testimony provided that the structure was in an A-5 (not high risk) flood zone.

Board Member Burke once again expressed concern over the stairs, stating that the stairs should be constructed so there would be no encroachment onto the neighbor's property. It was agreed that the steps at the rear of the house will be removed and new steps will be placed on the western side of the existing porch. Also expressing concern over the steps was Board Member Griffith, who also stated he felt the structure could be made into a two-family.

There being no further questions or comments by the Board or audience, Board Member Pincus moved to close the public hearing; motion seconded by Board Member Kazenmayer and unanimously carried.

A motion was made by Board Member Burke to have the Board Attorney write up a favorable resolution with stipulations (conditions) regarding the rear stairs and front parking (the applicant would be required to install a curb cut next to the easterly side of the property and provide a parking space for one vehicle next to the house). The motion was seconded by Board Member Roberts and carried by the following vote: "Yes" Board Members Kazenmayer, Pincus, Roberts, VanSchoick, Bogan, Burke. "No" Board Member Griffith. "Abstain" Board Members Lyons, Trafford.

Chairman Pincus excused herself after the vote and turned the gavel over to Vice Chairman Robert Griffith for the remaining items on the evening's agenda.

Application 18-89 - Joseph Gumienny - 107 Beachfront (Block 167, Lot 1b) - Board Attorney William Byrnes marked the file and administered the oath to Joseph Gumienny, 107 Beachfront, Manasquan, owner of the subject property and contractor for the project.

The Board, Board Attorney and applicant discussed the application, which asks for relief so that the roof may be re-structured and a third floor bedroom expanded.

The permit was denied by Albert P. Ratz, Jr., CO, for the following reasons: Section 107-11 - more than one principal dwelling - not a permitted use; Section 107-27 - side yard setback - front yard setback - three stories where 2½ stories is permitted; and Section 107-11 - House is two-family - not a permitted use.

The applicant seeks a use variance for the project. The property is in a R-4 zone and V-6 flood zone (not applicable less than 50 percent).

Mr. Gumienny stated he would be living on the second and third floors of the structure and rent out the first floor. He will lose one bedroom to the stairs he wishes to construct and the area will become a two-bedroom area.

Further testimony stated that there were several rental dwellings / apartments on the subject property (Block 167, Lot 1B - 107 Beachfront and 106 First Avenue). Mr. Gumienny stated there were seven rentals on the property.

The motion was made by Board Member Lyons to conduct a site inspection on September 23, 1989 at 9 a.m. The motion was seconded and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Roberts, VanSchoick, Bogan, Burke.

A motion was made, seconded and carried for a five minute recess. Roll Call after recess: "Present" - Board Members Griffith, Kazenmayer, Lyons, Trafford, Roberts, VanSchoick, Bogan, Burke. "Absent" Board Member Pincus.

Application 21-89 - George R. Dempsey III - 15 Marcellus Avenue- Block 70, Lot 2b, 4, 145b - The Board Attorney marked the file and administered the oath to George R. Dempsey III, 15 Marcellus Avenue, owner of the subject property.

The Board, Board Attorney and applicant discussed the application, which seeks relief so the applicant might construct an eight foot stockade fence around the property.

The permit was denied by Albert P. Ratz Jr., CO, under Section 107 - 23.1 of the Code of the Borough of Manasquan - six foot fence minimum.

The applicant seeks a hardship variance; the property is in a R-2 zone.

The applicant testified that the fence would prevent the children of the neighborhood from going near the in-ground pool located in Mr. Dempsey's backyard. He also stated the fence would act as a noise buffer.

"The fence is to ensure the safety of the children," stated Mr. Dempsey.

After further discussion, a motion was made by Board Member VanSchoick to conduct a site inspection on September 23, 1989 at 9:30 a.m. The motion was seconded by Board Member Lyons and carried by the following vote:

"Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Roberts, VanSchoick, Bogan, Burke.

Resolution 17 - 89 - August Giampaglia - 205 Fourth Avenue - The Board Attorney read the resolution denying the application of August Giampaglia for his subject property at 205 Fourth Avenue. The motion to memorialize the resolution was made by Mr. VanSchoick and seconded by Mr. Burke; motion passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Roberts, VanSchoick, Bogan, Burke. "No" none. "Abstain" Board Members Lyons, Trafford.

Resolution 19-89 - Mario Genova - 375 Cedar Avenue - The Board Attorney read the favorable resolution. Motion to memorialize the resolution was made by Board Member VanSchoick; seconded and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Roberts, VanSchoick, Bogan, Burke. "No" none. "Abstain" Board Members Lyons, Trafford.

The Board then went on to discuss old and new business, including the possibility of a joint meeting with the Manasquan Planning Board to discuss the Master Plan process. There being no further matters on the agenda, a motion was made, seconded and carried for adjournment.

Respectfully submitted,

  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

CERTIFICATION

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

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

9/20/89 Gummiey + Dempsey cases

I certify that I have listened to the tape recording of the  
aforesaid meeting in full.

I certify that the foregoing statements made by me are true.  
I am aware that if any of the foregoing statements made by  
me are wilfully false, I am subject to punishment.

Dated: 10/13/89

Claudia J. Puccio

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736



ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk

On Wednesday, October 18, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - regular meeting

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING :

- Application 18-89 (cont.) - Joseph Gumienny - 107 Beachfront
- Application 21-89 (cont.) - George R. Dempsey III - 15 Marcellus Avenue
- Application 23-89 - Constance Dreyer - 413 First Avenue
- Application 24-89 - George and Marie Kleinknecht - 8 Wyckoff Avenue
- Old Business
- New Business

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 10/12/89

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
**COUNTY OF MONMOUTH**  
**NEW JERSEY 08736**

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



**MANASQUAN BOARD OF ADJUSTMENT**  
**Regular Meeting Minutes**  
**October 18, 1989**

The Manasquan Zoning Board of Adjustment held its regular meeting October 18, 1989 in Manasquan Borough Hall. The meeting was called to order at 7:30 p.m. by Board Chairman Claudia Pincus.

Mrs. Pincus stated that the meeting was being held in accordance with the Open Public Meetings Act and was published according to law. She asked all persons present to join in a salute to the flag.

Roll Call: Present - Robert Griffith, Edward Lyons, Claudia Pincus, Alma Roberts, James VanSchoick, James F. Bogan Jr., John Burke.

Absent - Margaret Kazenmayer, Christopher Trafford.

The Board Chairman asked for a motion regarding the minutes as submitted by the Board Secretary for the September 20, 1989 meeting. A motion was made and seconded to approve the minutes as submitted; motion carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Roberts, VanSchoick, Bogan, Burke.

The Board Chairman noted for the record that Board Member Christopher Trafford had arrived. Mr. Trafford's attendance was noted by the Board Secretary.

Application 18-89 - Joseph Gumienny - 107 Beachfront (cont.) - The Board continued its hearing into the application of Joseph Gumienny, 107 Beachfront, which asked for relief so the roof may be restructured and a third floor bedroom expanded. Prior testimony offered that there were seven rentals on the property.

The Board noted that a site inspection had been conducted. After further review and discussion, a motion was made, seconded and carried to close the public hearing.

Board Member Trafford moved to deny the application; motion seconded by Board Member Griffith and carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts, VanSchoick, Bogan, Burke.

Application 21-89 (cont.) - George R. Dempsey III - 15 Marcellus Avenue -

The Board continued its hearing on the application of George R. Dempsey III, 15 Marcellus Avenue, which asked for relief so that an eight foot stockade fence could be constructed.

The Board noted that a site inspection had been conducted.

After further discussion, a motion was made, seconded and carried to close the public hearing. A motion was made by Board Member VanSchoick to approve the application; the motion was seconded by Board Member Trafford. The motion was defeated by the following vote: "Yes" Board Members Trafford, VanSchoick. "No" Board Members Griffith, Lyons, Pincus, Roberts, Bogan.

A motion was made by Board Member Griffith to deny the application; the motion was seconded by Board Member Bogan and carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Roberts, Bogan. "No" Board Members Trafford, VanSchoick.

Application 23-89 - Constance Dreyer - 413 First Avenue - The Board Attorney marked the file and administered the oath to Constance Dreyer, Box 95, Freehold Road, Manalapan; and Peter Bellish, general contractor for the project. Mrs. Dreyer, owner of 413 First Avenue, was respresented by Christopher Hanlon, attorney.

Mr. Hanlon submitted a survey drawn by Robert L. Farry, Birdsall Engineering, for the Board's consideration.

The Board, applicant, applicant's contractor and the attorneys discussed the application, which seeks relief so that the second floor enclosed porch may be enlarged.

The building permit was denied by Albert P. Ratz, Jr., C.O. under Section 107-27 - side yard setback - five feet required, three feet shown. The applicant sought an hardship variance for the project. The house is located in a R-5 zone.

Testimony was given regarding the roofline and it was stated that the overhang will remain. Testimony was also given regarding entering and exiting the home (it was stated that there was only one entrance into the house).

Mrs. Dreyer also stated that 413 First Avenue would become her primary residence. It was noted that the home is not a rental property.

After further discussion, a motion was made, seconded and carried to close the public hearing. The Board determined that a site inspection was unnecessary and Board Member Trafford moved to have the Board Attorney write a favorable resolution. The motion was seconded by Board Member Roberts and carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts, VanSchoick, Bogan.

Application 24-89 - George and Marie Kleinknecht - 8 Wyckoff Avenue - The Board Attorney marked the file and administered the oath to George Kleinknecht, 83 Wyckoff Avenue, owner of the subject property for 26 years; and John Flood, real estate broker. Joseph Coranato, attorney, Toms River, represented the Kleinknechts.

The applicant, Board and attorneys discussed the application, which sought relief so that a single family home may be converted to a two family dwelling.

Albert P. Ratz, Jr., C.O., denied the building permit under Section 107-9-two-family use not a permitted use. The subject property is in the R-2 zone and a use variance was requested.

Mr. Kleinknecht stated that the structure was originally a two-family dwelling; it was after he purchased the home that it was converted to a single family structure. This decision was made because of the size of the Kleinknecht family and the need for more bedrooms. Mr. Kleinknecht stated he wished to convert it back to a two-family structure so his mother could move in.

To convert the structure, Mr. Kleinknecht testified, a kitchen sink and stove will be installed using the pipes that existed when the home was a two family structure. The second story will consist of a kitchen, bedroom and living room converted from three bedrooms. There will be no structural changes, either internal or external. There will also be no external access to the second floor and the second floor will not be separated from the downstairs living quarters, Kleinknecht testified.

Discussion was also conducted as to why the variance was requested. Mr. Kleinknecht testified that he needed to have the two family designation for insurance purposes because two families would be in the residence. He also stated it was never his intention to abandon the two family use.

Testimony was also provided regarding the character of the neighborhood and that there were several two family situations (main house and bungalow) in the area. Parking was also discussed.

After further discussion, Board Member VanSchoick moved to close the public hearing. The motion was seconded and carried unanimously.

Board Member Bogan made the motion to have the Board Attorney write a favorable resolution. The motion was seconded by Board Member Trafford and carried by the following vote: "Yes: Board Members Lyons, Trafford, Roberts, VanSchoick, Bogan. "No" Board Members Griffith, Pincus.

Resolution 20-89 - Dorothy Waltsak - 576 Riverside Drive - The Board Attorney read the favorable resolution.

Board Member Burke questioned the position on the steps at the rear of the house. After discussion, however, a motion was made and seconded to memorialize the resolution as written by the Board Attorney. Motion carried by the following vote: "Yes" Board Members Pincus, Roberts, VanSchoick, Bogan, Burke. "No" Board Member Griffith. "Abstain" Board Members Lyons, Trafford.

There being no further cases on the agenda, the Board discussed old and new business, including a reminder from the Board Secretary regarding the special meeting on the application of John Shawn Tawgin (November 1, 1989). There being no further business, a motion was made, seconded and carried unanimously to adjourn.

Respectfully submitted,

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



MANASQUAN BOARD OF ADJUSTMENT  
Special Meeting Minutes  
November 1, 1989

The Manasquan Zoning Board of Adjustment held a special meeting on November 1, 1989 to continue its hearing on the application of John Shawn Tawgin and John Shawn Photographers, 129 Sea Girt Avenue. The meeting was held in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan.

Manasquan Board of Adjustment Chairman Claudia Pincus called the meeting to order at 7:30 p.m. She noted that the meeting was published according to law and held under the Open Public Meetings Act. She asked those in attendance to rise and salute the flag.

Roll Call: Present - Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts, James VanSchoick.

The Board Attorney, William Byrnes, recognized Kevin Thomas, attorney for the applicant.

Mr. Thomas reviewed the findings of the Board during its prior hearing on the application. He stated that the Board, after a site inspection, interpreted the use of the building as a business use. Mr. Thomas also noted that Diane Noble, opposer to the application, was also in the audience and asked if she wished to have the hearing wait until her counsel could arrive; she stated that he would not be there and she would be speaking on her own behalf.

Mr. Thomas stated that the matters which he would be dealing with at this meeting would be involved with variances, etc. needed for the renovations at 129 Sea Girt Avenue, including the matters of parking.

Mr. Thomas called Alex Estelle, 96 Red Hill Lane, Lakehurst, to testify. Mr. Estelle stated that his business was located at northwest corner of Route 71 and Sea Girt Avenue in Sea Girt. Mr. Thomas asked Mr. Estelle for his opinion on the project, and Mr. Estelle stated he felt the proposal was beneficial. He stated that he had met with Mr. Tawgin and discussed the project.

"I like it very much," Mr. Estelle stated. "It seems to be a very well thought out plan."

Mrs. Noble asked if Mr. Estelle presently lives in the area, to which he responded he does not. Mrs. Noble asked him if he was looking at the project from merely a business point of view.

Mr. Thomas asked Mr. Tawgin to come forward and offer testimony. Mr. Tawgin, property owner and owner/president of John Shawn Photography, offered testimony regarding the nature of the property and his business.

On the property at 129 Sea Girt Avenue is the building which acts as the office for John Shawn Photography, it was stated. There is also a cottage on the property that is rented to one of his employees on a year round (annual) basis. It was also stated that this property was used as a warehouse for tires, etc., by prior owner George Rose.

Mr. Tawgin's purchase of the adjoining property at 133 Sea Girt Avenue was also discussed. He purchased the property earlier this year, he stated, so there could be additional parking and less congestion for the building at 129 Sea Girt Avenue. He stated that 133 Sea Girt Avenue, formerly The Sea Girt School of the Dance, has a vacant bottom floor and a rental on the top floor; Mr. Tawgin stated he does not intend to break the residential rental lease. The bottom floor would be used as office space for the business during the renovation process. Beyond that there were no plans for 133 Sea Girt Avenue, he stated.

Mr Tawgin stated that exterior renovations would include siding, new windows and the realignment of the windows. These were to make the building more aesthetically attractive.

"It looks like a cinderblock warehouse," Mr. Tawgin stated. "It looks really chopped up. You've got to put something that looks residential in the front."

The interior renovations are proposed so that more office/work space may be created for John Shawn Photographers employees. He stated, for example, that three to four people sometimes share the same workroom.

The parking situation was also discussed. Mr. Tawgin stated that when the opportunity to purchase the dance studio presented itself, he saw it as a way to secure more parking area, perhaps as many as six to seven spaces.

Easements and dedication of parking spaces for the use of 129 Sea Girt Avenue were also noted.

Mr. Tawgin stated that the proposed parking was more than adequate to his needs.

The Board asked Mr. Tawgin about the placement of the windows and whether they would affect the privacy of her backyard. He stated that the windows

were for light and not for looking out of. He stated he would place blinds in the window if necessary.

Discussion was conducted about the cottage on the property. The applicant stated that he would wish to keep the cottage after Board Member Pincus questioned about its removal for extra parking area.

Also questioned were the number and size of the proposed parking spaces as well as inspections by the fire official.

Mrs. Noble questioned whether Mr. Tawgin would consider consolidating the properties into one big property. Mr. Thomas stated that for tax purposes, some of the smaller properties were under one tax bill. He also noted that non-conforming lots merge if person buys non-conforming lot next to other property he owns. The dance studio lot would not be consolidated because it conforms, stated Mr. Thomas. If easements are recorded on record and made irreparable, there would be no way the dance studio property could expand because it would violate easement, explained Mr. Thomas in response to Mrs. Noble's concerns that a subdivision could be requested in the future.

Discussion also took place on the cottage located on the property. The applicant had expressed his wish to keep the cottage. It was also noted that the cottage pre-dated zoning, with Mr. Estelle testifying it existed in 1947. Board Member Kazenmayer had questions about the history of the property; Board Attorney Byrnes suggested some sort of title search would provide information on the conveyance of the property.

Mrs. Noble had questions about the specific layout of the interior; Mr. Tawgin stated that the exact layout had not yet be determined.

The specific needs for the application, including site plan review, were discussed by the applicant's attorney, Board Attorney and the Board. Certain variances were required for insufficient and undersized parking, it was noted.

Once again, the parking situation was discussed, in particular the smaller spaces. Mr. Trafford questioned whether the parking requirements would change if the cottage was rented for a different use rather than its present residential use; for example, would there be a requirement if the cottage was rented out as a shop that more than two spaces would be needed? Or if professional offices were placed on the top floor of the former dance studio? Mr. Thomas stated that deed restrictions could be made.

It was stated that if all the properties, etc., were considered, 25 parking spaces were required; according to the plans, 22-24 spaces were proposed.

Henry S. Schwier, realtor, Sea Girt, was called upon to testify regarding the impact that the project would have on property values in the neighborhood. Mr. Schwier testified regarding the character of the neighborhood, which consists of B-1, semi-professional and residential. He stated that the improvements projected by the applicant would have a positive impact on the

property values in the neighborhood. Mr. Schwier was asked by the Board about the cottage, with Mr. Lyons asking about the possibility of taking it down. Mr. Tawgin stated that he would make the exterior match the front building in an aesthetic manner. Board Member Kazenmayer noted that removal of the cottage would give more parking space. By eliminating the cottage, there could be a difference of \$35-40,000 less in value. Mrs. Noble asked Mr. Schwier whether the loss of privacy in her backyard would have any affect on her property value; Mr. Schwier stated that it would not.

A request was made for a five minute recess; motion made, seconded and carried. Roll Call after recess: "Present" - Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick.

Mr. Thomas called upon Ronald Ernish, architect, to testify. Mr. Ernish discussed plans for the property and dimensions, including setbacks.

Mr. Ernish stated that the offices were presently laid out in a "haphazard" manner in the business building; this, he noted, was inefficient for the use of the business. It needed "cohesiveness", he commented.

Mr. Ernish also discussed the parking plan, stating that he tried to plan it as efficiently as possible. He justified the undersized parking spaces by stating that cars are smaller now. He also noted that John Shawn Photographers employees seem to have compact cars and smaller cars on the average. He also stated he measured parking spaces in the community, including the municipal building spaces, for input. Mr. Ernish stated that he felt the parking projected was sufficient and noted that several spaces would be lost if they had to conform to the 10' x 20' requirement. He felt the detriments were outweighed by the advantages.

Light and air circulation in the area were discussed by Mr. Ernish and the Board, including sunlight exposure on Mrs. Noble's property.

Mr. Ernish also noted that as much open space as possible was preserved on the property. It was also stated that the cottage would be fixed up to match the front building, giving it a village like appearance. Mr. Schwier was asked by the Board whether the property would be of more value as it is now or if the cottage removed and renovations done; Mr. Schwier stated that it would be of more value as it presently exists.

Mrs. Noble exhibited a letter signed by area residents and made a statement as spokesperson of the Curtis Place Homeowners Association in opposition to the project.

Board Attorney Byrnes made a citation on the pertinent zoning requirements/variances needed and Mr. Thomas made his summation before a motion was made to close the public hearing. The motion was seconded and carried unanimously.

Mr. VanSchoick made a motion that a site plan approval was not needed; the motion was seconded and passed by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" Board Member Kazenmayer.

Mr. Trafford moved that the Board Attorney draft a favorable resolution, with certain stipulations, including that the cottage shall be fixed up to conform to the main building; parking space dedication and delineation; easement of parking spaces for use by 129 Sea Girt Avenue from the dance studio; and final approval of a site plan for parking spaces. The motion was seconded and carried by the following vote: "Yes" Board Members Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" Board Members Griffith, Kazenmayer.

The Board then discussed a partial refund for applicant Lillian Hoy, who withdrew her application. A motion was made to refund all but \$50 of her application fee; the motion was seconded and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, VanSchoick. "No" Board Members Pincus, Trafford, Roberts.

There being no further business, the motion was made, seconded and carried to adjourn the meeting.

Respectfully submitted,

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



MANASQUAN BOARD OF ADJUSTMENT  
Special Meeting Minutes  
November 1, 1989

The Manasquan Zoning Board of Adjustment held a special meeting on November 1, 1989 in Manasquan Borough Hall, 15 Taylor Avenue, to continue its hearing on the application of John Shawn Tawgin.

Board Chairman Claudia Pincus called the meeting to order at 7:30 p.m. She stated that the meeting was held in accordance with the Open Public Meetings Act and was published according to law. She asked all present to join in the salute to the flag.

Roll Call: Present - Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts, James VanSchoick.

Absent - Board Members James F. Bogan Jr., John Burke.

Application 9-89 - John Shawn Tawgin Photographers - 129 Sea Girt Avenue - Kevin Thomas, attorney for the applicant, was recognized. Mr. Thomas noted that Diane Noble, 125 Sea Girt Avenue, objector to the application, was present and stated it felt there should be a wait until her attorney could arrive. Mrs. Noble stated she would be going on without an attorney.

Mr. Thomas reviewed the case to date, stating that at the May 14, 1989 special meeting an interpretation was handed down by the Board stating they felt the building was being used as an office use. Mr. Thomas also discussed the relief being sought in the application, including the requirement of site plan approval and variances regarding Section 107-36A, Schedule 2 (insufficient parking); Section 107 - 3 (undersized parking spaces); Section 107-36B(1) and (3) (regarding location of parking spaces to street line and residential zone); and Sections 107-25C and 107-84A (4) (alteration of conforming building). The applicant also seeks site plan approval pursuant to Section 107-52.

Mr. Thomas called upon Alex Estelle, owner of Alex Estelle's at the corner (northwest) of Route 71 and Sea Girt Avenue. Mr. Estelle testified that Mr. Tawgin had discussed plans for the photography studio and property with him and that he found the plans desirable.

"It is a well thought out plan," stated Mr. Estelle, 96 Red Hill Road,

JOHN L. WINTERSTELLA  
Mayor



ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk

On Wednesday, November 15, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - regular meeting

#### AGENDA

#### FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

Application 25-89 - Edward B. Dollive Jr. - 121½ Curtis Avenue

Application 26-89 - Lillian Hoy - 28 Wyckoff Ave. - withdrawn at request of applicant

Resolution 18-89 - Joseph S. Gumienny - 107 Beachfront

Resolution 21-89 - Goerge Dempsey III - 15 Marcellus Avenue

Resolution 23-89 - Constance Dreyer - 413 First Avenue

Resolution 24-89 - George and Marie Kleinknecht - 83 Wyckoff Avenue

Old Business

New Business

Yours Truly,

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 11/10/89

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk

On Wednesday, November 15, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - regular meeting

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

- Application 25-89 - Edward B. Dollive Jr. - 121½ Curtis Avenue
- Application 26-89 - Lillian Hoy - 28 Wyckoff Ave. - withdrawn at request of applicant
- Resolution 18-89 - Joseph S. Gumienny - 107 Beachfront
- Resolution 21-89 - Goerge Dempsey III - 15 Marcellus Avenue
- Resolution 23-89 - Constance Dreyer - 413 First Avenue
- Resolution 24-89 - George and Marie Kleinknecht - 83 Wyckoff Avenue
- Old Business
- New Business

Yours Truly,

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT  
November 15, 1989  
Regular Meeting  
Minutes

The Manasquan Zoning Board of Adjustment held its regular meeting on November 15, 1989, in Manasquan Borough Hall.

Manasquan Board of Adjustment Chairman Claudia Pincus called the meeting to order at 7:30 p.m. She noted that the meeting was held in accordance with the Open Public Meetings Act and published according to law. She asked those in attendance to rise in the salute to the flag.

Roll Call - Present: Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts, James Bogan Jr., and John Burke.

Absent: James VanSchoick.

Mrs. Pincus asked for a motion regarding the minutes of the October 18, 1989 regular meeting. Motion made by Mr. Trafford to accept the minutes as submitted by the Board Secretary, seconded by Board Member Lyons and carried unanimously.

Application 25-89 - Edward B. Dollive Jr. - 121½ Curtis PLACE - The Board Attorney marked the file and administered the oath to Edward B. Dollive Sr, New Bedford Road, Wall; Mr. Dollive stated he would represent his children, Edward Jr., and Ava C. Dollive at the meeting.

Mr. Dollive, Board Attorney William Byrnes and the Board discussed the application, which seeks relief so that a small roof could be installed over the door at 121½ Curtis PLACE for weather protection. A request was also made for relief from the zoning ordinance so that a deck type front porch and an outside cellar entrance (Blico metal door) could be constructed on the subject house.

Albert P. Ratz Jr., C.O., denied the building permit under Section 107-9 (not a permitted use) and Section 107-82.A (4) (not permitted to enlarge a non-conforming use).

The property (Block 49, Lot 6) is in an R-2 zone. There are two houses on the property; the front house, 121 Curtis PLACE, is the residence of Ava C. Dollive

while her brother, Edward Jr., lives in the back house, explained Edward Sr. The two younger Dollives own the property together.

Mr. Dollive explained that his son wished to have access to the finished portion of the basement; hence, the cellar door. He also noted that the deck will be slightly above grade.

Ruth Mueller, 137 Curtis Place, expressed concern about the enclosure on the front house; Mr. Dollive stated that it was built before his son and daughter bought the property. She stated that such enclosures block her view. She asked Mr. Dollive how much of a front yard setback the property has; Mr. Dollive stated 25½ feet, upon which Mrs. Mueller showed her deed, which shows a 35' restriction in the area.

Board Member James F. Bogan Jr. asked Mr. Dollive how he planned to dispose of the oil tank on the property; Mr. Dollive stated that it would be handled in the proper manner.

There being no more comment, a motion was made, seconded and unanimously carried to close the public hearing. A motion was then made and seconded to have the Board Attorney draw up a favorable resolution; motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, Bogan.

Application 26-89 - Lillian Hoy - 28 Wyckoff Avenue - The Board Chairman announced that the application had been withdrawn at the request of the applicant.

Resolution 18-89 - Joseph S. Gumienny - 107 Beachfront - The Board Attorney read a resolution denying the application. The motion was made to carry the resolution; motion seconded and carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts, Bogan, Burke. "Abstain" Board Member Kazenmayer. "No" none.

Resolution 21-89 - George Dempsey III - 15 Marcellus Avenue - The Board Attorney read the resolution denying the application. Motion made by Board Member Lyons to approve the unfavorable resolution, seconded by Board Member Roberts and carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts, Bogan. "No" none. "Abstain" Board Member Kazenmayer. "Yes" Board Member Burke.

Resolution 23-89 - Constance Dreyer - 413 First Avenue - The favorable resolution was read by the Board Attorney. Board Member Trafford moved to approve the resolution, seconded by Board Member Griffith and carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts, Bogan, Burke. "No" none. "Abstain" Board Member Kazenmayer.

Application 24-89 - George and Marie Kleinknecht - 83 Wyckoff Avenue - The Board Attorney read the favorable resolution. There was discussion over portions of the testimony regarding the number of two-family structures in the area. A motion was made to approve the resolution; motion seconded and voted upon in the following manner: "Yes" Board Members Lyons, Roberts, Bogan,

3.

Burke. "No" Board Members Griffith, Pincus, Trafford. "Abstain" Mrs. Kazenmayer.

The Board asked the Board Attorney whether this was enough to pass a use variance. Mr. Byrnes stated that in his opinion, the only persons who could vote on a resolution were the members which voted for its draft; thus, Board Members Trafford, Lyons, Roberts, Burke and Bogan could vote. Mr. Trafford changed his vote, making it 4-1. This would be enough to pass the resolution.

A motion was made to have research done into some of the testimony while the Board Attorney would draft a memo on the pertinent statutes.

There being no further matters on the agenda, a motion was made, seconded and passed to adjourn.

Respectfully submitted,

*Sharon Bogie*

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk

On Wednesday, December 20, 1989, the Zoning Board of Adjustment of the Borough of Manasquan will hold its regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - Regular meeting.

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

- Application 27-89 - Dawn Borloglou - 33 Broad Street
- Application 28-89 - Exxon Corporation - 199 Main Street - adjourned until February at request of applicant's attorney.
- Resolution 25-89 - Edward B. Dollive Jr. - 121½ Curtis Place
- Resolution 9-89 - John Shawn Tawgin - 129 Sea Girt Avenue
- Old Business
- New Business

Yours Truly,

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk

MANASQUAN BOARD OF ADJUSTMENT  
December 20, 1989  
Regular Meeting Minutes

The Manasquan Zoning Board of Adjustment held its regular meeting on December 20, 1989 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan.

Manasquan Board of Adjustment Chairman Claudia Pincus called the meeting to order at 7:30 p.m. She noted that a quorum was present and that the meeting was being held in accordance with the Open Public Meetings Act and published according to law. She asked those in attendance to rise in the Salute to the Flag.

Roll Call - Present: Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, James VanSchoick, James F. Bogan Jr., John Burke.

Absent : Board Member Alma Roberts.

Mrs. Pincus asked for a motion regarding the minutes of the November 15, 1989 regular meeting. A motion was made, seconded and carried unanimously to approve the minutes as submitted by the Board Secretary.

Application 27-89 - Dawn Borloglou - 35 Broad Street - The Board Attorney marked the file and recognized Richard Ansell, attorney for the applicant.

Mr. Ansell introduced Dawn Borloglou, applicant, 35 Broad Street; and Eugene Borloglou, the applicant's father. Both were sworn in by Board Attorney William Byrnes to give testimony regarding the case.

The Board, Board Attorney, applicant and applicant's counsel discussed the application, which asked for relief so there could be rebuilding of a rotted area in the property's back cottage. The affected area is located on the southerly side of the cottage. The application also notes that the cottage exists as a non-conforming use and had been the subject of Resolution 24-88, heard by the Manasquan Board of Adjustment early in 1989.

According to the application, "By Resolution adopted on March 15, 1989, the Board of Adjustment granted variances to continue to allow the cottage to be used as a year-round residence. During renovations a rotted area on the southerly side of the building was to be rebuilt. The construction official has opined that this work is somehow not permitted."

Albert P. Ratz, Jr., CO, denied the permit under Section 107-9 (not a permitted use) and Section 107-82.A (4) (Not permitted to structurally alter a non-conforming use).

The property is located in a R-2 zone with a front house and rear cottage on the property. The applicant, it was noted, is intending to use the cottage as a single family residence.

Mr. Borloglou testified that the rotted area was discovered when workers went to install a heating system permitted by Board of Adjustment Resolution 24-88. Mr. Borloglou stated that the paneling was removed and that underneath the paneling were damaged (rotted) wall studs and the plate rotted. Replacement work was deemed necessary, he stated.

Mr. Borloglou also testified that there would be not change in the footprint of the cottage.

Mr. Ansell then called upon applicant Dawn Borloglou to offer testimony. Miss Borloglou reaffirmed her intention to make the cottage her year round residence, but that the heating unit would need to be installed before she could move in.

The Board inquired about a benefit doll show that was being conducted from the back cottage to benefit charity. Miss Borloglou stated that the show was to benefit a cancer foundation charity; the admission fee went to the foundation, she noted. There was no selling of the dolls and dollhouses on display, the applicant and applicant's attorney stated.

Mr. Byrnes read for the record a letter from Mr. Ansell dated September 22, 1989 in which Mr. Ansell stated his position that the Construction Official's determinations were "erroneous". Mr. Byrnes also offered the Board an analogy between a prior case and the Borloglou case regarding the Board's precedent action if an applicant and/or applicant's builder finds that upon construction, further alterations and work are necessary to proceed with the project safely.

After further discussion, Board Member Kazenmayer moved to close the public hearing on the case. The motion was seconded and unanimously carried. Board Member VanSchoick moved that an additional variance was not needed for the applicant to continue work on the rear cottage; motion seconded by Board Member Kazenmayer and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, VanSchoick, Bogan.

The Board agreed that this would be written up as an addendum letter to favorable resolution 24-88. The Board Attorney stated he would prepare such letter and make it part of the record at the January 17, 1990 meeting.

Application 28-89 - Exxon Co. - 199 Main Street - The Board Secretary announced that the attorney for the applicant had asked for an adjournment until the February 21, 1990 meeting. Adjournment was granted and the Secretary was directed to seek a waiver of the time limitations under the Land Use Law.

Resolution 25 - 89 - Edward B. Dollive, Jr. - 121½ Curtis Place -  
The Board Attorney read the favorable resolution. Board Member Trafford  
moved to memorialize the resolution, seconded by Board Member Kazenmayer.  
Motion carried by the following vote: "Yes" Board Members Griffith,  
Kazenmayer, Lyons, Pincus, Trafford, VanSchoick, Bogan.

Resolution 9-89 - John Shawn Tawgin Photographers - The Board  
Attorney read the favorable resolution. Board Member Trafford moved  
to memorialize the resolution, seconded by Board Member Lyons. Motion  
carried by the following vote: "Yes" Board Members Lyons, Pincus,  
Trafford, VanSchoick. "No" Board Members Griffith, Kazenmayer. "Abstain"  
Bogan, Burke.

There being no further cases on the agenda, the Board discussed old and  
new business.

The Board discussed with the Board Attorney its options in situations where  
evidence presented by an applicant or applicant's witness / professional  
later proves to be erroneous.

The Board Secretary asked for the Board's pleasure in regards to continuing  
its membership in the New Jersey Federation of Planners. Motion was  
made, seconded and carried to continue the membership. The Board Secretary  
also noted that since the Planning Board had also agreed to join the  
group, there would be a membership fee discount.

There being no further matters on the agenda, the motion was made,  
seconded and carried to adjourn.

Respectfully Submitted,

Sharon Bogle, Secretary  
Manasquan Board of Adjustment

1990  
0661

A G R E E M E N T

THIS AGREEMENT made on the 17th day of January, 1990

Between THE ZONING BOARD OF AJUSTMENT OF THE BOROUGH  
OF MANASQUAN, hereinafter designated as "BOARD"

And WILLIAM BYRNES, an attorney at law of the State  
of New Jersey

WHEREAS, the Board recognizes that it is empowered and permitted by the Municipal Land Use Law, Chapter 291, Laws of New Jersey, 1975, and the Land Use Procedures Ordinance of the Borough of Manasquan, to appoint and affix the rate of compensation of the attorney for the Board:

AND, WHEREAS, William Byrnes, an attorney at law of the State of New Jersey has been duly appointed by Resolution of the Board as attorney for the Board:

AND, WHEREAS, the most recent draft of the revised Local Public Contract Guidelines and Local Public Contract Regulations dated August 13, 1976 drawn and prepared by the Local Finance Board of the Division of Local Government Services, urges and recommends that contracts be entered into with professionals retained by the public agency:

AND, WHEREAS, the members of the Board further recognize that it is to the best interests of the Board and the inhabitants of the Borough of Manasquan that a Contract be entered into between it and its attorney:

W I T N E S S E T H:

FOR AND IN CONSIDERATION of the sum of One Dollar

(\$1.00) and other good and valuable considerations, to each in hand paid one to the other, the parties AGREE as follows:

1. That William Byrnes, Esq., be and he is hereby specifically retained to perform all legal services required by the Board.

2. That William Byrnes, Esq., shall be paid for services rendered at the rate of \_\_\_\_\_ dollars per hour

3. That in addition to the hourly rate, any and all costs incurred will be reimbursed by the Board on a dollar for dollar basis.

4. That the within Agreement shall terminate at such time as William Byrnes, Esq., is no longer the duly appointed attorney for the Board.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by its proper officers the day and year first above written.

ZONING BOARD OF ADJUSTMENT OF  
THE BOROUGH OF MANASQUAN

By:

Claudia Spineus

CHAIRMAN

Robert H. English

90 Re-orig

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "A"

RE: CHAIRMAN

WHEREAS, Article 11, Section 2, of the Land Use Procedures Ordinance of the Borough of Manasquan, Ordinance No. 1006 provides that the Zoning Board of Adjustment of the Borough of Manasquan shall elect a Chairman from its members:

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan that Claudia

Pincus be and is hereby elected and designated as Chairman of the Zoning Board of Adjustment of the Borough of Manasquan, effective as of January 17, 1990, and whose term as Chairman shall terminate at the close of the first regular meeting of the Board held in the month of January, 1991.

ROLL CALL VOTE:

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

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 17, 1990.

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

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "D"

RE: OFFICIAL NEWSPAPERS

WHEREAS, the "Open Public Meeting Law", Public Laws of 1975, Chapter 23, provides that various notices be transmitted and/or published in two newspapers most likely to inform the people within the jurisdictional area of the Zoning Board of Adjustment of the Borough of Manasquan and that one of said newspapers be designated as the "official newspaper":

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan that its official newspaper be and the same is hereby designated to be The Coast Star, 13 Broad Street, Manasquan, New Jersey, and that the secondary newspaper shall be The Asbury Park Press, Press Plaza, Asbury Park, New Jersey.

ROLL CALL VOTE:

YES:

NO:

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organization meeting conducted on January 11, 1989.

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

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "E"

RE: APPOINTMENT OF BOARD OF ADJUSTMENT ATTORNEY

James VanSchoick offered the following Resolution and moved its adoption, seconded by Edward Lyons

WHEREAS, Article 11, Section 3 of Ordinance No. 1006 of the Borough of Manasquan entitled "THE LAND USE PROCEDURES ORDINANCE OF THE BOROUGH OF MANASQUAN", adopted by the Borough of Council of the Borough of Manasquan, January 24, 1977, provides for the appointment of an attorney by the Board of Adjustment of the Borough of Manasquan: and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the Resolution authorizing the appointment of an attorney to the Board of Adjustment for "professional services" without competitive bidding must be publicly advertised:

AND WHEREAS, each member of this Board has reviewed the form of Agreement with regard to legal services to be entered into as between it and William Byrnes, Esq.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Borough of Manasquan as follows:

1. That William Byrnes, Esq., be and he is hereby appointed as Attorney for the Board of Adjustment of the Borough of Manasquan for a term of one year. The effective date of this appointment shall be as of January 17, 1990, and the same shall terminate at the close of the first regular

meeting of this Board held in the month of January, 1991.

2. The aforesaid appointment is made without competitive bidding as "professional services" under the provisions of the Local Public Contracts Law because the services to be performed are to be performed by a recognized professional, licensed and regulated by law.

3. That the Chairman of this Board be and he is hereby authorized to enter the aforementioned Agreement on behalf of this Board with William Byrnes, Esq., with regard to legal services to be rendered and that a copy of said Agreement shall be kept on file with the Secretary of the Board.

4. That a copy of this Resolution be published according to law within ten days of adoption.

ROLL CALL VOTE:

YES: Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Alma Roberts, Christopher Trafford, James VanSchoick.

NO: None.

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 17, 1990.

*Sharon Bogie*  
SHARON BOGIE, Secretary to  
the Board of Adjustment of the  
Borough of Manasquan

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "F"

RE: APPOINTMENT OF SECRETARY TO  
ZONING BOARD OF ADJUSTMENT

James VanSchoick offered the following Resolution and moved its adoption, seconded by Edward Lyons.

WHEREAS, Article 11, Section 2 of Ordinance No. 1006 of the Borough of Manasquan entitled "THE LAND USE PROCEDURES ORDINANCE OF THE BOROUGH OF MANASQUAN", adopted by the Borough of Council of the Borough of Manasquan, January 24, 1977, provides for the appointment of Secretary to said Board:

AND WHEREAS, funds are available for this purpose:

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan as follows:

1. That Sharon Bogie be and is hereby appointed as Secretary to the Zoning Board of Adjustment of the Borough of Manasquan for a term of one year. The effective date of this appointment shall be as of January 17, 1990, and the same shall terminate at the close of the first regular meeting of this Board held in the month of January, 1991.

2. That the salary of said Secretary shall be in the amount and payable in the manner as shall be fixed by the Borough Council of the Borough of Manasquan.

3. That a copy of this Resolution be published according to law within ten days of adoption.

ROLL CALL VOTE:

Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons,  
YES: Claudia Pincus, Alma Roberts, Christopher Trafford, James VanSchoick.

NO: None.

The foregoing is a true copy of a Resolution  
adopted by the Zoning Board of Adjustment of the Borough of  
Manasquan at its organizational meeting conducted on January  
17, 1990.

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

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "D"

RE: OFFICIAL NEWSPAPERS

WHEREAS, the "Open Public Meeting Law", Public Laws of 1975, Chapter 23, provides that various notices be transmitted and/or published in two newspapers most likely to inform the people within the jurisdictional area of the Zoning Board of Adjustment of the Borough of Manasquan and that one of said newspapers be designated as the "official newspaper":

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan that its official newspaper be and the same is hereby designated to be The Coast Star, 13 Broad Street, Manasquan, New Jersey, and that the secondary newspaper shall be The Asbury Park Press, Press Plaza, Asbury Park, New Jersey.

ROLL CALL VOTE:

YES: Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Alma Roberts, Christopher Trafford, James VanSchodick.

NO: None.

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organization meeting conducted on January 17, 1990.

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

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "C"

RE: MEETING DATE

WHEREAS, the "Open Public Meeting Law", Public Laws of 1975, Chapter 231, requires that annual notice of the public meeting of the public body such as the Zoning Board of Adjustment of the Borough of Manasquan be disseminated within seven days following the annual organization or reorganization of such a public body:

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan as follows:

1. That the third Wednesday of each month shall be designated as the regular monthly meeting of the Zoning Board of Adjustment of the Borough of Manasquan, except that when the third Wednesday of any month falls on a holiday celebrated by the Borough of Manasquan, then and in that case only the regular monthly meeting of the Zoning Board of Adjustment of the Borough of Manasquan shall be designated by the Board at the regular monthly meeting immediately prior to that which shall fall on a holiday and public notification of the same shall be made in accordance with the provisions of the Open Public Meeting Law;

AND, BE IT FURTHER RESOLVED that each regular meeting of the Zoning Board of Adjustment of the Borough of Manasquan shall convene at 7:30 p.m., and be followed by a work session

at the end of the regular meeting, and that the location of the same shall be at the Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey:

AND, BE IT FURTHER RESOLVED, that a copy of this Resolution be disseminated and published according to law within seven days of the date hereof.

ROLL CALL VOTE:

YES: Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Alma Roberts, Christopher Trafford, James VanSchoick,

NO: None.

MEETING DATES,

February 21, 1990

March 21, 1990

April 18, 1990

May 16, 1990

June 20, 1990

July 18, 1990

August 15, 1990

September 19, 1990

October 17, 1990

November 21, 1990

December 19, 1990

Janaury 16, 1991

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 17, 1990.

*Sharon Bogie*

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

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "B"

RE: VICE-CHAIRMAN

WHEREAS, Article 11, Section 2, of the Land Use Procedures Ordinance of the Borough of Manasquan, Ordinance No. 1006, provides that the Zoning Board of Adjustment of the Borough of Manasquan shall elect a Vice-Chairman from its members:

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan that Robert Griffith be and is hereby elected and designated as Vice-Chairman of the Zoning Board of Adjustment of the Borough of Manasquan, effective as of Wednesday, January 17, 1990, and whose term as Vice-Chairman shall terminate at the close of the first regular meeting of the Board held in the month of January 1991.

ROLL CALL VOTE:

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

The foregoing is a true copy of a Resolution adopted by the Zoning Board of adjustment of the Borough of Manasquan at its organizational meeting conducted on January 17, 1990.

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

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
**COUNTY OF MONMOUTH**  
**NEW JERSEY 08736**

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



On January 17, 1990, the Manasquan Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - Regular meeting

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING ITEMS:

1. Reorganization session
  - a. Administration of oath to reappointed members.
  - b. Resolution "A" - Chairman named.
  - c. Resolution "B" - Vice-Chairman named.
  - d. Resolution "C" - Meeting Dates .
  - e. Resolution "D" - Official newspapers.
  - f. Resolution "E" - Naming of Board Attorney.
  - g. Resolution "F" - Naming of Board Secretary.
  - h. Agreement between attorney and Board.
2. Application 28-89 - Exxon Co. - 199 Main St. - ADJOURNED UNTIL 2/21/90.
3. Application 1 - 90 - George Spadaro - 34 Deep Creek Dr.
4. Old Business  
New Business  
  
Adjournment

Dated at Manasquan 1/11/90

Yours Truly,

*Sharon Bogie*  
Sharon Bogie, Secretary

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



MANASQUAN ZONING BOARD OF ADJUSTMENT  
Regular Meeting Minutes  
January 17, 1990

The Manasquan Zoning Board of Adjustment held its reorganization session and regular meeting on January 17, 1990 at Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, NJ.

Board Chairwoman Claudia Pincus called the meeting to order at 7:30 p.m. She noted that the meeting was held in accordance with the Open Public Meetings Act and had been published according to law. She then asked those in attendance to join in the Salute to the Flag.

Roll Call: Present - Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts, James VanSchoick, James F. Bogan, Jr., John Burke.

Absent - None.

The Board Chairwoman asked for a motion regarding the December 21, 1989 minutes. A motion was made and seconded to approve the minutes as submitted by the Board Secretary; motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, VanSchoick, Bogan. "No" none. "Abstain" Board Member Roberts.

The Board recognized that this meeting would mark the Board's Reorganization session and proceeded to conduct the pertinent activities.

The Board Attorney administered the Oaths of Office to the reappointed Board members: Christopher Trafford, Edward Lyons, Margaret Kazenmayer and alternate John Burke.

A motion was made by Board Member VanSchoick to nominate Claudia Pincus to continue in the position of Board Chairman. Motion seconded and carried unanimously. The Board Attorney read Resolution "A" naming Claudia Pincus as Board Chairman; motion made by Board Member VanSchoick to carry the resolution. Motion seconded and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Roberts, VanSchoick, Bogan. "No" none. "Abstain" Pincus.

Mrs. Pincus nominated Robert Griffith to continue as Board Vice Chairman; the nomination was accepted unanimously. The Board Attorney read Resolution "B" naming Robert Griffith as Vice Chairman; resolution moved by Board

VanSchoick and seconded by Board Member Lyons. Resolution was carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick, Bogan. "No" none. "Abstain" Board Member Griffith.

The Board Attorney read Resolution "C" which designated the meeting dates as being the third Wednesday of the month. Motion made by Board Member VanSchoick to pass the resolution, with Board Member Lyons seconding the motion. Resolution carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" none.

The Board Attorney read Resolution "D", which designated the Coast Star, 13 Broad Street, Manasquan, as the official newspaper and the Asbury Park Press as secondary newspaper. Board Member VanSchoick moved to approve the resolution, seconded by Board Member Lyons. Carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick. "No" none.

The Board Attorney read Resolution "E" designating William Byrnes as Board Attorney. Board Member VanSchoick moved to approve the resolution, seconded by Board Member Lyons. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick.

Board Chairwoman Pincus administered the Oath of Office to Mr. Byrnes.

A motion was made and seconded nominating Sharon Bogie as Board Secretary; motion unanimously carried. The Board Attorney read Resolution "F" naming Sharon Bogie as Board Secretary; Board Member VanSchoick moved to accept the resolution and Board Member Lyons seconded the motion. Motion carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick.

Board Attorney Byrnes administered the Oath of Office to Ms. Bogie.

Thus completing the reorganization activities, the Board went into its regular session.

Application 1-90 - George & Lorraine Spadaro - 34 Deep Creek Dr. - Block 189B, Lot 9 - The Board Attorney marked the file and recognized John J. Mensching of Orlovsky, Grasso & Bolger, Toms River, attorney for the applicants.

The Board, applicant and attorneys proceeded to discuss the application, which requests relief so that an addition (kitchen, breakfast and deck structures) might be constructed onto the single family home located on the subject property.

Based on Construction Official Albert P. Ratz, Jr.'s amended denial of December 5, 1989, the application for a building permit was denied under Section 107-27 - rear yard setback violations - 20 feet required; seven feet to house, deck on lot line shown. Mr. Ratz stated that a C-Variance was required; the A-5 flood zone is not applicable and the property is zoned R-2.

Offering testimony were Alfred Rola, project architect, and George Spadaro, applicant.

Mr. Rola provided information on the submitted plans while Mr. Spadaro discussed background of the property and home. Mr. Spadaro noted that the property was part of the Glimmer Glass subdivision and that a variance was needed to build the home.

There was also discussion amongst the applicant, applicant's professionals, the Board and Board Attorney regarding the plans and how they were in relationship to the property lines.

After further discussion, a motion was made by Board Member Burke to hold a site inspection and continue the hearing at the February 21, 1990 meeting. Motion seconded by Board Member Roberts and carried by the following vote: "Yes" Board Member Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick, Bogan and Burke. It was decided to hold the site inspection on January 20 at 9 a.m.

The applicant agreed to waive the time limit under the Land Use Law!

Robert Gardell, 171 Beachfront, addressed the Board on the matter of the previously approved resolution for Craig and Marie Verran, 172 First Avenue. The Board Attorney stated that the Board was no longer involved with the case and that it would now be considered a civil matter.

A motion was made for a recess; motion unanimously carried. Roll Call after recess: "Present" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick, Bogan, Burke. "Absent" none.

The agreement between the attorney and Board in regards to his fees was discussed. The Board and Mr. Byrnes agreed to establish his fees at \$75 per hour. The motion for the fee was made, seconded and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts, VanSchoick.

The Board also discussed the budget for the Board and the Board's annual report, which the Board Secretary stated would be prepared for their consideration at the February 21, 1990 meeting. The Board wished to be certain that the budget would cover the increase in Mr. Byrnes' fees, which had been \$65/hour.

There being no further matters for discussion, the motion was made for adjournment. The motion was seconded and unanimously carried.

Respectfully submitted,

*Sharon Bogie*  
Sharon Bogie, Secretary

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



On February 21, 1990, the Manasquan Zoning Board of Adjustment will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - Regular Agenda

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING CASES:

Application 1-90 (cont.) - George & Lorraine Spadaro - 34 Deep Creek Dr.

Application 28-89 - Exxon, USA - 199 Main Street

Old Business

New Business

Yours Truly,

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 2/16/90

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
**COUNTY OF MONMOUTH**  
**NEW JERSEY 08736**

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



MANASQUAN ZONING BOARD OF ADJUSTMENT

Meeting Minutes  
February 21, 1990

The regular meeting of the Manasquan Zoning Board of Adjustment was called to order at 7:30 p.m. February 21, 1990 by Board Vice Chairman Robert Griffith in the absence of Board Chairman Claudia Pincus.

Roll Call: Present - Board Members Robert Griffith, Margaret Kazenmayer, Christopher Trafford, James VanSchoick, John Burke.

Absent - Board Members Edward Lyons, Claudia Pincus, Alma Roberts, James F. Bogan, Jr.

Mr. Griffith asked those attending to rise in a salute to the flag. He announced that the meeting was an Open Public Meeting and had been published in the media according to law.

Mr. Griffith asked for a motion regarding the minutes of the January 17, 1990 meeting; Board Member Kazenmayer moved to accept the minutes, seconded by Board Member Burke. Motion carried by unanimous vote.

Application 1-90 (cont.) - George & Lorraine Spadaro - 34 Deep Creek Drive - The Board continued its hearing into the Spadaros' application, with attorney John Mensching and architect Alfred Rola once again representing the applicant.

Mr. Mensching stated he wished to amend the application to include a variance for the existing deck.

It was noted that an extensive search was conducted for records of previous cases involving the property, including any variances granted when the home was originally built and when it was rebuilt after a fire in 1973 to 1974. The Board Secretary agreed to check further in past development board files for any such information. It was also noted that a site inspection had been carried out by the Board.

Mr. Rola also addressed the Board on the topic of side vs. rear yard setbacks in relation to the application. Mr. Rola cited the definitions of side and rear yard setbacks from Section 107-3 and stated that as the definitions applied to the application, no sideyard violations existed.

After further discussion, Board Member Trafford asked for a motion to continue the hearing at the March 21, 1990 meeting in order for further documents and information to be secured. The motion was seconded by Board Member Burke and carried unanimously.

Application 28-89 - Exxon, USA - Main Street- A representative of Exxon appeared before the Board to discuss a letter submitted by the applicant's attorney, James Carton III, requesting an adjournment of the case until the March 21, 1990 meeting. The adjournment was granted and Exxon was advised that the affected area would need to be renoticed and another legal would need to be published.

The Board later discussed which professionals should be brought in to review the application. After discussion, a motion was made by Board Member Burke that a letter should be forwarded by the Board Secretary to William Farrell, Jr., requesting that he review the application and attend the March 21, 1990 meeting to offer testimony. Mr. Burke's motion also stated that the letter should include that the Board had technical questions regarding such matters as the effect that the car wash would have on the sewer system in the area, water use and size of the line going in and out of the area. Mr. Burke's motion was seconded and carried unanimously.

The Board also analyzed the 1989 annual report of cases heard by the Board.

Board Members Trafford and Burke expressed interest in attending a zoning course to be held by Rutgers University at Wall Police Headquarters. The Board Secretary agreed to work on the necessary arrangements.

There being no further business, a motion was made, seconded and unanimously carried to adjourn.

Respectfully Submitted,

*Sharon Bogie*

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

CERTIFICATION

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

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

2/21/90

I certify that I have listened to the tape recording of the  
aforesaid meeting in full.

I certify that the foregoing statements made by me are true.  
I am aware that if any of the foregoing statements made by  
me are wilfully false, I am subject to punishment.

Dated:

3/20/90

Claudia S. Pincer

BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

CERTIFICATION

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of the Borough of Manasquan.

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

February 21, 1990

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aforesaid meeting in full.

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I am aware that if any of the foregoing statements made by  
me are wilfully false, I am subject to punishment.

Dated: March 19, 1990

Edward J. Lyon

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
**COUNTY OF MONMOUTH**  
**NEW JERSEY 08736**

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



On March 21, 1990, the Zoning Board of Adjustment of the Borough of Manasquan will hold its regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

AGENDA

Application 1-90 (cont. ) - George and Lorraine Spadaro - 34 Deep Creek Drive  
Application 28-90 - Exxon, USA - Main Street - Withdrawn at request of applicant

Old Business

New Business

Yours Truly,

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 3/16/90

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
**COUNTY OF MONMOUTH**  
**NEW JERSEY 08736**

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



**MANASQUAN BOARD OF ADJUSTMENT**  
**Regular Meeting**  
**March 21, 1990**

The Manasquan Zoning Board of Adjustment held their regular monthly meeting on March 21, 1990 at Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman Claudia Pincus called the meeting to order at 7:30 p.m. and announced that the meeting was held in accordance with the Open Public Meetings Act. The meeting was published according to law and minutes of the February 21 meeting were posted on the borough hall bulletin board.

Roll Call: Present - Board Members Robery Griffith, Edward Lyons, Claudia Pincus, Alma Roberts, James VanSchoick, James F. Bogan, Jr. and John Burke.

Absent - Board Members Margaret Kazenmayer and Christopher Trafford.

It was noted for the record that Board Members Lyons, Pincus, Roberts and Bogan had listened to the tapes of the February 21 regular meeting and could therefore vote on the agenda matters.

Board Chairman Pincus asked for a motion regarding the minutes of the February 21, 1990 meeting. Board Member Burke moved to accept the minutes as submitted by the Board Secretary; motion seconded and carried by the following vote: "Yes" Board Members Griffith, Lyons, VanSchoick, Bogan and Burke. "No" none. "Abstain" Board Members Pincus and Roberts.

Application 1-90 (cont.) - George and Lorraine Spadaro - 34 Deep Creek Drive - Board Attorney William Byrnes recognized the applicant, George Spadaro; the applicant's architect, Alfred Rola; and the applicant's counsel, Michael Halpin.

Mr. Halpin noted that based on discussion during the first two meetings, there were some adjustments and changes to the Spadaros' plans.

The Board and Board Attorney continued to discuss the case with the applicant and his professionals.

One topic of discussion was the outside deck and the stairs which come down from that deck to the ground.

The applicant and his attorney stated that they would remove the full deck and rebuild the smaller balcony structure which was indicated in the plans of the house in 1974 (the home was rebuilt after a fire). The stairs would be removed.

Mrs. Pincus commented on a letter written in 1974 regarding stairs from the upper floor to the ground on the outside of the structure. The letter, which, like the 1974 house plans, were marked as evidence, stated that the stairs would need to be removed before a certificate of occupancy was issued. The applicant testified that the stairs were removed but were rebuilt approximately 10 years later.

Questions were also asked about the size of the deck (5' x 12') and the distance from the edge of the deck to the property line (approximately eight feet, six feet at the closest point). The projected shadow patio underneath the balcony structure was also discussed; the concrete slab would also measure 5' x 12' and have posts to support the second story deck/balcony. It was also noted by Mr. Halpin and Mr. Spadaro that a balcony structure would also alleviate the risk of having a sliding glass door on the second floor and having no place to open it to.

Discussion also centered around the entrance/exit from the breakfast room. It was finally determined that the applicant should have a platform and stair structure by which to go into the back yard from the breakfast room. The stairs would descend from the ramp in a southeasterly manner.

In regards to the interior renovations and addition to the home, which includes the addition of a breakfast room and the enlargement of the kitchen and family room areas, the applicant proposed to stay with the plans originally submitted with this application.

It was noted for the record that there were no members of the public in attendance for the hearing.

The Board then started discussing what direction to take in regards to a motion on the application. Board Member Griffith expressed questions about the plans and setbacks. He stated that the changes on the plans were verbal and that they had become a "hodge podge."

Board Member Burke asked Board Attorney Byrnes about wording the motion. Mr. Byrnes stated that the Board could either word it so that Mr. Byrnes was instructed to prepare a resolution for the Board's review and finalization at the April meeting or the Board could have a formal resolution prepared based on the testimony which would be finalized immediately.

Board member Pincus requested a review of the changes and asked that they be made part of the motion. Thus the motion, made by Board Member VanSchoick, stated that the favorable resolution be prepared by the Board Attorney and note the following conditions: 1.) the existing second story deck be removed and replaced by one corresponding to the 1974 plans (A-18); 2.) a shadow deck will be constructed underneath said deck and supports would be established for the deck; 3.) a small (3' x 8' ) platform would be constructed outside the sliding glass doors from the projected breakfast area. Stairs would descend from platform to ground in a southeasterly manner; 4.) The addition would be constructed in accordance with plans submitted with the application (A-14); and 5.) The projected garden and two other decks are to be eliminated. Motion seconded and carried by the following vote: "Yes" Board Members Lyons, Roberts, VanSchoick, Bogan and Burke. "No" Board Members Pincus and Griffith.

There was a motion that new plans with the changes indicated should be submitted for the Board's review; motion seconded and carried unanimously.

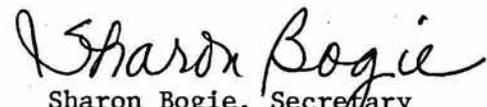
There being no further applications, the Board heard old and new business.

The Board denied a request by attorney Kevin Thomas on behalf of his client Ron Dana, 364 First Avenue, for a special meeting.

The Board also discussed opportunities to attend seminars and courses offered by Rutgers, the State University. These courses relate to zoning and board functions.

There being no further matters on the agenda, a motion was made, seconded and carried unanimously for adjournment.

Respectfully submitted,

  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

CERTIFICATION

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

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

3/21/90

I certify that I have listened to the tape recording of the  
aforesaid meeting in full.

I certify that the foregoing statements made by me are true.  
I am aware that if any of the foregoing statements made by  
me are wilfully false, I am subject to punishment.

Dated:

4/12/90

Christopher P. Krappod

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

CERTIFICATION

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

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

March 21, 1990

I certify that I have listened to the tape recording of the  
aforesaid meeting in full.

I certify that the foregoing statements made by me are true.  
I am aware that if any of the foregoing statements made by  
me are wilfully false, I am subject to punishment.

Dated:

*Quayle/Gervais*

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



On April 18, 1990, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - Regular agenda

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Application 2-90 - Mobil Oil - 218 Parker Avenue

Application 3-90 - Ronald Dana - 364 First Avenue

Resolution 1-90 - George and Lorraine Spadaro - 34 Deep Creek Dr.

New Business

Old Business

Yours Truly,

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 4/11/90

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



MANASQUAN ZONING BOARD OF ADJUSTMENT  
April 18, 1990 regular meeting  
MINUTES

The Manasquan Zoning Board of Adjustment met April 18, 1990 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

In the absence of Board Chairman Claudia Pincus, Vice Chairman Robert Griffith called the meeting to order at 7:30 p.m.

Roll Call: Present - Board Members Robert Griffith, Margaret Kazenmayer, Christopher Trafford, James VanSchoick, James F. Bogan, Jr., and John Burke.

Absent - Board Members Edward Lyons, Claudia Pincus and Alma Roberts.

A motion was made by Board Member Trafford to approve the minutes of the March 21, 1990 meeting as submitted by the Board Secretary. The motion was second and carried unanimously.

Application 2-90 - Mobil Oil Corporation - 218 Parker Avenue - Board Attorney William Byrnes marked the file and recognized Robert Santangelo, attorney for the applicant.

Mr. Santangelo, after making representations about the station not being owned by the company but rather existing in a leasee-franchiser relationship and stating that signs which had been determined to be in violation of previous Board of Adjustment resolution 2-86 would be removed, introduced James F. Stanton of O'Donnell, Stanton and Associates, engineers for the project, and Guy Banks, representative of Mobil Corporation.

The Board, Board Attorney, applicant's attorney and professionals discussed the application, which requested relief so that the existing gasoline service area could be renovated; included would be the installation of three new pump dispenser islands and the placement of a canopy slightly smaller than the present canopy.

The building permit was denied by Albert P. Ratz Jr, Construction Official, under section 107-16 (not a permitted use) and Section 107-52 (site plan approval) required) of the code of the Borough of Manasquan.

The property is zoned industrial and a use variance is sought.

Discussions centered around such topics as the surrounding areas, landscaping, lighting and the proposed changes at the site.

It was stated that the gasoline pumps, which would have a multiple dispenser and an approved vapor recovery system, would be placed in the area on the site in a manner which would assist efficient traffic flow on and off the site, stated the professionals.

The Board and applicants' representatives also discussed the proposed canopy. The canopy, as stated in the application and in testimony, would be smaller than the existing canopy. Glare from the lights of the present canopy would also be lessened since the projected canopy would have recessed lighting.

The Board asked whether the applicant had received any communication from the Department of Transportation or other local and state organizations. Mr. Santangelo presented the Board with a letter from the DOT which stated that because the work does not affect state right-of-ways, there would be no need for any permits from their office.

After further discussion, a motion was made, seconded and carried unanimously to close the public hearing. The Board discussed their options and possible stipulations in the resolution.

A motion was made for the Board Attorney to prepare a favorable resolution for the Board's consideration at the May 16, 1990 meeting with such requirements as any unapproved signs would be removed, proof of communication with the pertinent state and county agencies (such as the Monmouth County Planning Board, the Department of Environmental Protection and the New Jersey State Police), inspection of the existing tanks by the DEP and approval of the new pumps along with their inspection by that organization. The motion was seconded and carried unanimously.

Application 3-90 - Ronald Dana - 364 First Avenue - The Board Attorney marked the file and recognized Richard Mills of the law firm Lautman, Henderson, Mills & Wight, attorneys for the applicant. Mr. Mills explained that there were some difficulties in obtaining the certified list of homeowners and, thus, his firm created their own list based on the tax list for the area; it was noted that Sharon Hartman, tax accessor, had gone over the list with the Board Secretary and found all were notified based on the work she did on the list. It was agreed to proceed with the hearing after the applicant stated he had no objections to any possible ramifications should a homeowner not be noticed.

Ronald Dana, 210 Essex Avenue, Avenel, New Jersey, was sworn in to offer testimony.

4.

Under old and new business, it was noted that Board Member Burke had attended a zoning overview seminar at Rutgers University.

There being no further agenda items or business, a motion was made, seconded and carried for adjournment.

Respectfully submitted,

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

CERTIFICATION

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

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

April 18, 1990

I certify that I have listened to the tape recording of the  
aforesaid meeting in full.

I certify that the foregoing statements made by me are true.  
I am aware that if any of the foregoing statements made by  
me are wilfully false, I am subject to punishment.

Dated:

May 15, 1990

Edward J. Gons

**BOROUGH OF MANASQUAN**  
**COUNTY OF MONMOUTH**  
**NEW JERSEY 08736**

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

CERTIFICATION

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I certify that the foregoing statements made by me are true.  
I am aware that if any of the foregoing statements made by  
me are wilfully false, I am subject to punishment.

Dated:

May 1, 1990

Claudia S. Puccio

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
**COUNTY OF MONMOUTH**  
**NEW JERSEY 08736**

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



On May 16, 1990, the Manasquan Zoning Board of Adjustment will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - regular agenda

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING CASES:

Application 3-90 (cont.) - Ronald Dana- 364 First Ave.

Application 4-90 - James Julian - 14½ Main Street

Resolution 1-90 - George & Lorraine Spadaro - 34 Deep Creek Drive

Resolution 2-90 - Mobil Oil - 218 Parker Ave.

Old Business

New Business

Yours Truly,

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 5/11/90

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk

MANASQUAN ZONING BOARD OF ADJUSTMENT  
Meeting Minutes  
May 16, 1990

The regular meeting of the Manasquan Zoning Board of Adjustment called to order at 7:30 p.m. May 16, 1990 by Board Chairman Claudia Pincus.

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

Absent - Board Member Margaret Kazenmayer.

Mrs. Pincus requested that all present join in the salute to the flag and asked for a motion regarding the minutes of the April 18, 1990 regular meeting. A motion was made and seconded to approve the minutes as submitted by the Board Secretary; motion carried by unanimous vote.

Application 3-90 (cont.) - Ronald Dana - 364 First Avenue - The Board continued the hearing into Mr. Dana's application and Board Attorney William Byrnes recognized Mr. Dana and his attorney Kevin Thomas. Board Members Pincus, Lyons and Roberts indicated that they had listened to the tapes from the previous meeting.

As requested by the Board at the April 18 meeting, the applicant and his attorney submitted a detailed survey of the property and plans indicating present and proposed placement of doors and windows on the house. These were marked as evidence by the Board Attorney.

The Board had also discussed the site inspection which had been conducted, including the public walkway and a mounted condensing unit on the premises. It was offered that Mr. Dana had gone back to Mr. Ratz and got permission to move the unit to the other side where there is more of a side yard. Permits had been secured for the installation of the unit.

There being no comments from the public at this meeting and no further questions from the Board, a motion was made, seconded and unanimously carried to close the public hearing. Board Member Pincus then moved to approve the application; motion seconded by Mr. Trafford and carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts, VanSchoick, Bogan and Burke. "No" none.

Mr. Thomas asked the Board if they could memorialize the

resolution immediately so that his client could start work on the property as soon as possible. Board Chairwoman Pincus stated that the Board did not normally do this and the Board Attorney asked Mr. Thomas under what special circumstances was he requesting the consideration; Mr. Thomas stated that his client did not wish to contribute to the summer traffic situation/safety problem in the area with construction trucks and apparatus. Board Member James VanSchoick moved to memorialize the resolution; the motion was seconded by Claudia Pincus and carried by the following vote: "Yes" Board Members Pincus, Trafford, Roberts, VanSchoick, Bogan. "No" Board Members Griffith, Lyons.

Application 4-90 - James Julian - 14½ North Main Street - The Board Attorney marked the file and recognized the applicant, James Julian, resident and owner of the property, which has structures identified as 14 and 14½ North Main Street. Mr. Julian was administered the oath so he could offer testimony.

The Board, Board Attorney and Mr. Julian discussed the application, which requests relief so that an addition may be constructed to the second house on a lot with two houses. This would consist of the construction of a deck and new stairs to replace existing deck and stairs, which the applicant stated were rotting. The apartment, stated Mr. Julian, would be used by his son and daughter-in-law.

Albert P. Ratz, Construction Official, denied the permit based on Section 107-9, not a permitted use; and Section 107-27, side yard setback ( five feet required, 3.76 feet shown) of the Code of the Borough of Manasquan. A use variance is being sought and the property is in an R-2 zone.

Mr. Julian clarified the plans submitted, stating that he wished to take down existing deck and remove living room. He would then build a 24' x 24' addition and place the deck elsewhere. The deck, Julian replied, was built last year and a variance had been obtained. The Board asked that detailed plans be submitted showing these aspects of the application.

The Board also discussed the property and structures on the property. They also discussed parking situation on the property and the garage structure.

After further discussion the Board asked that the applicant submit corrected, more professionally prepared (sealed) plans and expressed concerns about the expansion of the structure. A motion was also made to hold a site inspection on May 19 by Board Member VanSchoick; motion seconded and carried by unanimous vote. It was also requested by the Board Attorney that the applicant publish their legal notice in the Coast Star again because of a question about the publishing of the first legal.

Resolution 1-90 - George and Lorraine Spadaro- 34 Deep Creek Drive - The Board Attorney stated that he had read the form

of favorable resolution at the April meeting; the Board voted on it with a 3-3 tie. He stated that this was a form of resolution, or, if the Board wished to consider it in an analogy, a rough draft of the resolution; this was not a final resolution but rather a resolution created at the request of the Board for their consideration. The Board also asked for clarifications about resolutions and memorializations.

Board Member Bogan moved to approve the favorable resolution; the motion was seconded by Board Member Roberts but voted down by the following vote: "Yes" Board Members Roberts, VanSchoick, Bogan. "No" Board Members Griffith, Lyons, Pincus, Trafford. The Board Attorney stated he would prepare a resolution of denial for the Board's consideration at the June 20, 1990 meeting.

Resolution 2-90 - Mobil Oil-Parker Avenue - The Board Attorney stated that their had been communication regarding a possible amendment to the resolution regarding signs; the Board Secretary announced that the signs would be the subject of a separate application. The Board Attorney then read the favorable resolution. A motion was made by Board Member VanSchoick, seconded by Board Member Bogan, to memorialize the resolution. Motion carried by the following vote: "yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts, VanSchoick and Bogan.

There being no further business on the agenda, the Board discussed old and new business, including the signing of vouchers and the announcement of coming workshops, conferences and seminars. The Board Attorney also asked whether he should follow up on a letter from the attorney for the Castaways, for which an application is not pending before the Board, in which the attorney seeks legal interpretations. Mr. Byrnes felt that without a case pending, the matter would be out of his and the Board's jurisdiction. The Board stated that since the case is not yet pending, it would not wish Mr. Byrnes to offer any interpretations.

There being no further business, there was a motion made, seconded and unanimously carried for adjournment.

Respectfully Submitted,

*Sharon Bogie*

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
**COUNTY OF MONMOUTH**  
**NEW JERSEY 08736**

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



**MANASQUAN BOARD OF ADJUSTMENT**

AGENDA  
JUNE 20, 1990

On June 20, 1990, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

REGULAR AGENDA

Formal action will be taken on the following :

- APPLICATION 4-90 (cont.) - James Julian - 14 $\frac{1}{2}$  Main Street
- APPLICATION 5-90 - Mobil Oil - 218 Parker Avenue
- RESOLUTION 1-90 (denial) - George and Lorraine Spadaro - 34 Deep Creek
- RESOLUTION 3-90 - Ronald Dana - 364 First Avenue
- OLD BUSINESS
- NEW BUSINESS

Yours Truly,

*Sharon Bogie*

Sharon Bogie, Secretary  
Manasquan Board of Adjustment  
Dated at Manasquan 6/14/90

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



**MANASQUAN BOARD OF ADJUSTMENT**  
REGULAR MEETING MINUTES  
JUNE 20, 1990

The Manasquan Zoning Board of Adjustment held its regular meeting on June 20, 1990 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan.

The meeting was called to order at 7:30 p.m. by Board Chairman Claudia Pincus. Mrs. Pincus stated that the meeting was being held in accordance with the Open Public Meetings Act and had been published in the official newspaper according to law. She then asked all in attendance to join in a salute to the flag.

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

Absent - None

Mrs. Pincus asked for a motion regarding the minutes of the May 16, 1990 meeting. It was noted by Board Member Burke that a line had been left off the bottom of the first page. Based on the context, the Board agreed that the line should read that Mr. Thomas asked that his client's (Ronald Dana's) application be memorialized immediately. The Board Secretary noted this for the record. A motion was then made, seconded and carried to approve the minutes as submitted by the Board Secretary.

APPLICATION 4-90 (cont.) - James Julian - 14½ Main Street - Board Attorney William Byrnes recognized the applicant, James Julian, who in turn introduced his son, James Russell Julian. It was noted that Mr. Julian (senior) was sworn in to offer testimony on the application at the last meeting. The oath was then administered to James Russell Julian.

Resolution 9-88, memorialized in 1988 and pertinent to the

subject property, was noted.

The Board noted that a request had been made for more detailed plans for the project.

The Julians submitted a computer-prepared map, marked by the Board Attorney as A-10, and then stated there were some alterations they would like to note on it.

Mrs. Pincus noted that the plans for part of the first floor area stated it would be reserved for "future use" and asked just what those future uses might be. Mr. Julian (senior) stated that plans for the area were not definite, but there may be construction of other rooms at a future time.

"We just want to leave it there for storage," stated Mr. Julian (senior).

Mrs. Pincus also asked whether the garage door was brought up to fire code.

Mr. Julian (senior) noted that basically they would just be using the foundation as is and rebuilding from there. He also stated that the other garage already existing would remain.

The Board also asked questions regarding the chimney and its proximity to the neighbor's property line.

The Julians also noted that they wanted to keep the one building line so that the entire structure looked more uniformed rather than "patched" together. It was noted that the entire structure would be done with siding.

The applicant then submitted another set of plans, marked A-11 for the file.

The Board also asked about the additional stairway which was depicted on the new plans. Mr. Julian (junior) clarified the plans and stated there was an oversight in the deck area (an overhang would be established). Questions were expressed from the Board about the size and the Julians stated that the original plans depict the area as it is and there would be no change.

The Board Attorney stated that in light of the changes and information being taken from prior maps, he was concerned over conformity in the resolution.

The Board stated they would like a new survey, done by a licensed surveyor, prepared with current buildings and setbacks reflected on the document as well as plans with the proper measurements.

The Board agreed to continue the case so that the proper documentation could be submitted. The applicant agreed to waive the time limit under the Land Use Law.

APPLICATION 5-90 - Mobil Oil - 218 Parker Avenue (Block 52, Lot 33-36 and 37A) - The Board Attorney recognized Robert Santangelo of Pogarsky, Louis and Santangelo, attorney for the applicant. Mr. Santangelo then introduced James Stanton of O'Donnell, Stanton and Associates, engineers on the project.

The Board Attorney marked the file and administered the oath to Mr. Stanton.

The Board, Board Attorney, applicant's attorney and engineer discussed the application, which requested an amendment to the site plan to show the relocation of the existing light with a product sign on it. It also requests the addition of a price sign in the same location of relocated sign. The applicant also seeks an interpretation as to whether the "Mobil" lettering on the new canopy is a free standing sign or a facade sign.

Albert P. Ratz, Jr., Construction Official, notes in his letter of denial that if the Board considered it a free standing sign, a variance would be required under section 107-80.B (2) (b) - size and height. He also commented that the sign being changed was the subject of Resolution 2-86.

The property is in a light industrial zone.

Mr. Stanton cited the specific changes involved with the application. He stated that at the present time there is a lightpole at the south side of the southerly drive off Route 71 into the site ; they propose to move the lightpost, which has a sign advertising their cigarette prices, to the northerly side. The location where the lightpost is at the present time will then have a "price center" listing gasoline prices. The canopy with Mobil's log and name on it was previously dealt with in the applicant's prior case before the Board last month; it did not point out that fact there is sign on side of canopy. It was noted that the Board needed to interpret whether it is a freestanding or facade sign. The canopy's major function was dealt with at previous hearing, with Mr. Stanton stating it provides shelter against the elements for employees and the

public. The sign was really afterthought, stated Mr. Stanton, who felt it is not a freestanding sign.

The Board, Board Attorney, applicant's attorney and engineer then discussed the plans and details submitted by Mobil Oil. The signs on the property were discussed. The sign that is on the lightpole now (cigarettes) can be seen from the highway, which is why they wish to have the gas prices listed there, it was noted. At the north end there is an existing sign which will not change, it was stated by Mr. Stanton.

The Board discussed Detail C, the price sign, with Mr. Stanton. He stated it was a standard price sign.

Mr. Stanton stated that with the unusual angle of the property, sign visibility from the highway is difficult.

It was also noted that the state requires gasoline stations to list their prices in a manner/display visible from the highway.

The Board then discussed possible interpretations of the canopy and as to whether it is considered a facade sign or freestanding.

It was noted that there was no public commentary on the application.

The Board elected to vote on each change separately.

The Board Attorney also noted their were limitations on the surface area for signs on a site.

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

Mrs. Pincus asked for a motion on detail a (lightpost and cigarette sign from southerly to northerly area) ; motion was made and seconded to approve the detail. Motion carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Roberts, Trafford and VanSchoick; "No" Board Member Kazenmayer.

A motion was then made and seconded to approve detail c (price sign); motion carried by the following vote: "yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Roberts, Trafford and VanSchoick.

A motion to interpret the canopy as a facade sign made by James VanSchoick; motion seconded by Edward Lyons and passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Pincus, Trafford, Roberts and VanSchoick.

RESOLUTION 1-90 - George and Lorraine Spadaro - 34 Deep Creek Drive - The Board Attorney noted that Mr. Michael Halpin of the law firm Orlovsky, Grasso and Bolger wished to address the Board on behalf of the Spadaros. Mr. Byrnes stated that it was not improper to hear him since a final vote had not been taken.

Mr. Halpin addressed the Board regarding his recollection of the case and its presentation. He stated that the applicant and he were confused as to what could have happened (the Board had asked that the attorney draw up a form of favorable resolution. This resolution had a 3-3 tie vote at the April meeting and was voted down at the May meeting) regarding the resolution.

The Board Attorney, in response from a question from Mrs. Pincus, stated that an applicant may amend or withdraw his application right up to the final vote. Mr. Byrnes also noted that there were different Board Members voting at the different meetings, which may have shifted the vote. He stated that the method of having a form of resolution (rough draft) prepared is not uncommon and that it gives the board additional time to consider the merits and testimony pertinent to the application.

It was also noted that Mr. Halpin's office had requested transcripts from the March and May meetings, which were in the process of being prepared.

After further discussion and an agreement that the applicant would waive any time restrictions, Board Member Christopher Trafford moved to postpone the vote on the resolution until the July 18, 1990 meeting. The motion was seconded by Mrs. Roberts and carried by the following vote: "Yes" Board Members Lyons, Pincus, Trafford, Roberts and VanSchoick. "No" Board Members Kazenmayer and Griffith.

RESOLUTION 3-90 - Ronald Dana - The resolution, memorialized at the May 16, 1990 meeting, was read for the record.

Under old business, the Board Secretary stated that a memo/review had been received regarding the John Shawn Tawgin Photographers site plan/variance, which had been before the

Board of Adjustment.

There being no other old or new business, a motion was made and unanimously carried for adjournment.

Respectfully submitted,

*Sharon Bogie*

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
**COUNTY OF MONMOUTH**  
**NEW JERSEY 08736**

ROBERT A. D'AURIA  
Borough Administrator  
Borough Clerk



**MANASQUAN BOARD OF ADJUSTMENT**  
**REGULAR MEETING AGENDA**  
**JULY 18, 1990**

On July 18, 1990, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

**REGULAR AGENDA**

**FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:**

APPLICATION 4-90 (cont.) - James Julian - 14½ Main Street

RESOLUTION 1-90 - (denial) - George and Lorraine Spadaro -  
34 Deep Creek Drive

RESOLUTION 5-90 - Mobil Oil - 218 Parker Avenue

OLD BUSINESS  
NEW BUSINESS

Yours Truly,

*Sharon Bogie*

Sharon Bogie, Secretary  
Manasquan Board of Adjustment  
dated at Manasquan 7/11/90

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN BOARD OF ADJUSTMENT**  
JULY 18, 1990  
REGULAR MEETING

The Manasquan Board of Adjustment held their regular monthly meeting on July 18, 1990 in Manasquan Borough Hall.

Board Chairman Claudia Pincus called the meeting to order at 7:30 p.m. She stated that it was an open public meeting held in accordance with the Open Public Meetings Act and published accordint to law. She asked all in attendance to join in the Salute to the Flag.

Roll Call: Present - Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, Claudia Pincus, Christopher Trafford, Alma Roberts, James VanSchoick and John Burke.

Absent - Board Member James F. Bogan, Jr.

A motion was requested in regards to the minutes of the June Board of Adjustment meeting. A motion was made, seconded and unanimously carried to approve the minutes as submitted by the Board Secretary.

Application 4-90 - (cont.) - James Julian - 14  $\frac{1}{2}$  Main Street- The applicant requested a continuance and agreed to waive any time restrictions. The Board agreed to continue the case at the August 15, 1990 meeting.

Resolution 1-90 - George and Lorraine Spadaro - Mr. Michael Halprin appeared with his client Mr. Spadaro and stated that the applicant wished to withdraw his application. It was also noted by the attorney that the applicant agreed to remove the existing deck, which had been built without a permit, within 30 days. The Board Secretary was instructed to advise the Construction Official of the deck's removal so he could inspect the premises.

Resolution 5-90 - Mobil Oil - 218 Parker Avenue. The Board Attorney read the favorable resolution. Board Member Trafford moved to memorialize the resolution, seconded by Board Member Lyons. The motion was carried by the following vote: "Yes" Board Members Griffith, Lyons, Pincus, Trafford, Roberts,

VanSchoick. "No" Board Member Kazenmayer.

There being no further cases, the Board discussed old and new business.

Board Chairwoman Pincus announced her resignation from the Board, stating that she and her family were moving to Florida. The Board discussed the matter and agreed to make a choice regarding a new chairman at the next meeting. The Board also expressed their appreciation to Mrs. Pincus for her dedication to the Board.

The Board also agreed to sign vouchers submitted by the Board Attorney.

There being no further business, a motion was made, seconded and unanimously carried to adjourn.

Respectfully submitted,

*Sharon Bogie*

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

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JOHN L. WINTERSTELLA  
Mayer

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN BOARD OF ADJUSTMENT  
AGENDA**

AUGUST 15, 1990

On August 15, 1990, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

**REGULAR AGENDA**

Formal action will be taken on the following:

APPLICATION 4-90 (cont.) - James Julian - 14½ Main Street

APPLICATION 6-90 - Gary and Patricia Walsh - 111 Stockton Lake  
Boulevard

OLD BUSINESS  
NEW BUSINESS

Yours Truly,

*Sharon Bogie*

Sharon Bogie, Secretary  
Manasquan Board of Adjustment  
Dated at Manasquan 6/14/90

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN BOARD OF ADJUSTMENT**  
AUGUST 15, 1990  
REGULAR MEETING MINUTES

The Manasquan Board of Adjustment held their regular meeting and work session on August 15, 1990 at Manasquan Borough Hall, 15 Taylor Avenue, Manasquan.

In the absence of the Chairman and Vice Chairman, Board Attorney William Byrnes called the meeting to order. He announced that it was an Open Public Meeting held in accordance with the Open Public Meetings Act and published according to law. He noted that the minutes for the previous meeting were posted on the bulletin board and asked all in attendance to rise in the Salute to the Flag.

Roll Call: Present - Board Members Margaret Kazenmayer, Edward Lyons, Christopher Trafford, James VanSchoick, James F. Bogan, Jr. and John Burke.

It was noted that a new Chairman would need to be chosen in response to the resignation of Board Chairman Claudia Pincus. Board Member Edward Lyons was nominated to fill the position by Board Member Kazenmayer; as there were no further nominations, a motion was made by Board Member Kazenmayer to name Mr. Lyons Chairman. The motion was seconded by Board Member VanSchoick and carried by the following vote: "Yes" Board Members Kazenmayer, Trafford, VanSchoick, Bogan and Burke. "No" none. "Abstain" Board Member Lyons.

The Board Attorney directed the Board Secretary to notify Mayor John Winterstella of the vacant spot on the Board. He then administered the oath to Mr. Lyons.

Board Chairman Lyons then asked for a motion regarding the minutes of the July 18, 1990 regular Board of Adjustment meeting. A motion was made by Board Member Trafford to approve the minutes as submitted by the Board Secretary; the motion was seconded by Mr. VanSchoick and carried unanimously.

APPLICATION 4-90 (cont.) - James Julian - 14 $\frac{1}{2}$  Main Street  
- The Board continued its hearing into the application

of James Julian, 14-14 $\frac{1}{2}$  Main Street. Mr. Julian appeared before the Board to provide testimony along with his son. At the Board's request, a new set of plans and a professional survey with signature and seal were submitted for the Board's consideration.

Board Member Burke asked the applicant about the stairs on the plans.

After the applicants completed their testimony, a motion was made and unanimously carried to close the public hearing. Questions were addressed regarding the garage door. Mr. Julian asked about the time frame in which he would have to use the variance if granted. The Board Attorney stated that the variance would be good for nine months and two extensions could be requested, each for a year. The Board Attorney also advised them that there were only five members present which were eligible to vote and because it was a use variance, all five would have to vote "yes" for a favorable resolution. Mr. Byrnes asked Mr. Julian whether he wished to have a vote or wait until the next meeting to see if more of the members eligible to vote would be in attendance. Mr. Julian indicated he wished to have a vote at this meeting.

A motion was made by Board Member Lyons to have the Board Attorney draw up a favorable resolution with a stipulation regarding that the front (east) garage door be removed and replaced by a wall. Board Member VanSchoick seconded the motion, which was carried by the following vote: "Yes" Board Members Lyons, Trafford, VanSchoick, Bogan and Burke.

APPLICATION 6-90 - Gary and Patricia Walsh - 111 Stockton Lake Boulevard - The Board Attorney marked the file and administered the oath to Gary and Patricia Walsh, owners and occupants of the subject property.

The Board Attorney, Board Members and applicants discussed the application, which requested relief so that they may construct a one story addition (consisting of a study on the first floor and family room on ground floor with an interior staircase) onto the structure. Albert P. Ratz, Jr., Construction Official, denied the building permit under Section 67-18A of the Code of the Borough

of Manasquan because the structure, which has a full basement, is located in an A-5 flood zone (base flood level of 9 feet above sea level). Section 67-18A also designates the Board of Adjustment as the board of appeals of the Flood Hazard Ordinance, noted Mr. Ratz in his denial. The property is located in an R-1 zone. It was also noted that the addition will not exceed 50 percent of the fair market value of the existing structure and the structure with addition will still be within the required setbacks. .

The applicants offered testimony that about two feet of fill was used in the area of the proposed addition back when the structure was built in 1982. They added that approximately two feet of soil would be removed for the construction of the addition. Basically, Mrs. Walsh noted, they wanted to bring the grade back down to its original level.

Mr. and Mrs. Walsh also offered testimony that their present basement area is "bone dry" and discussed how the flood hazard line cuts across the northeastern/front corner of the property, where the house is not situated. Definitions of "basement" under the various codes were discussed. The topics base flood elevation levels and effects on flood insurance were also noted.

Mrs. Walsh asked if the Board would consider, if they voted favorably on the application, an immediate memorialization so the contractors could complete the project by the Holiday season.

With Board Chairman Lyons noting for the record that there were no members of the public in attendance, a motion was made, seconded and carried unanimously to close the public hearing.

The Board Attorney explained to the Board that they would need to determine certain findings of fact regarding flood regulations and whether the required conditions existed. He cited pertinent statutes/ordinances stating what the Board needed to find to determine that such conditions existed.

Mr. Walsh added that there were no sewer or water lines

in that area of Stockton Lake Boulevard.

A motion was made by Board Member Burke to have the Board Attorney draw up a favorable resolution. Before a vote could be taken, the Board Attorney once again counseled the Board about the findings of fact which they would need to determine and which would appear in the resolution. It was suggested that the Board look at each of the requirements separately.

Mrs. Walsh stated if they were unable to add to the structure they would have to consider selling the home relocating because the home only has one common area. The applicants testified that the structure is a solar home; to place the addition in a different location adjacent to the structure could affect the solar heating system or be in violation of setbacks. They stated that other options were considered.

Chairman Lyons asked if they Board wished to have a site inspection; the Board determined that one was needed.

The Board Attorney asked the Board to restate its findings of fact regarding the application.

It was noted by the applicants that the house was situated and built on the property to meet state criteria for solar housing. It was noted that there was a solid concrete wall on the southerly side of the house which retains the heat.

The motion was once again made by Board Member Burke to have the Board Attorney draw up a favorable resolution, seconded by Board Member Kazenmayer. The motion was carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Trafford, VanSchoick, Bogan and Burke.

Questions were raised over the certification regarding the flood level in the area. The certification was discussed and marked as evidence in the Board file.

A motion was then made by Board Member Burke to memorialize the resolution at this meeting. The motion was seconded and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Trafford, VanSchoick, Bogan and Burke.

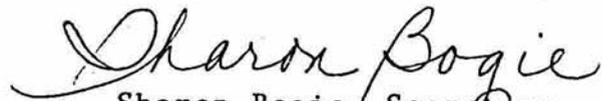
The Board Attorney stated that he would prepare the resolution as soon as possible and forward it to the Board Secretary for distribution and action.

There being no further matters on the regular agenda, the Board discussed old and new business.

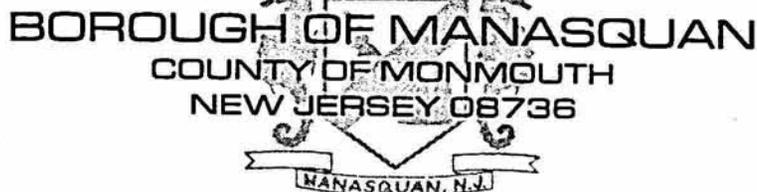
The Board discussed the 1991 Board budget and was advised by the Board Attorney that a letter had been received from Mr. Kevin Thomas asking for an extension on the variance obtained by his client, Mr. John Shawn Tawgin of John Shawn Photographers. A motion was made by Board Member Trafford to grant the year extension, seconded by Board Member Burke and carried unanimously.

There being no further matters for discussion under old, new or work session business, a motion was made, seconded and carried to adjourn.

Respectfully submitted,

  
Sharon Bogie, Secretary  
Board of Adjustment

JOHN L. WINTERSTELLA  
Mayor



MARGARET M. MONSELL  
Municipal Clerk

MANASQUAN BOARD OF ADJUSTMENT  
REGULAR MEETING AGENDA  
SEPTEMBER 19, 1990

On September 19, 1990, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

REGULAR AGENDA

Formal action will be taken on the following:

APPLICATION 7-90 - Calvin Liguori - 148 First Avenue

APPLICATION 8-90 - Chicant Co. - 166-168 First Avenue/ 165-167 Beachfront

APPLICATION 9-90 - Alex Barcheski - 20 Morris Avenue

RESOLUTION 4-90 - James Julian - 14½ Main Street

RESOLUTION 6-90- Gary and Patricia Walsh - 111 Stockton Lake Boulevard.

OLD BUSINESS  
NEW BUSINESS  
WORK SESSION

Yours Truly,

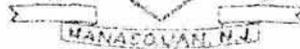
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan  
9/14/90

JOHN L. WINTERSTELLA  
Mayor

MARGARET M. MONSELL  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
**COUNTY OF MONMOUTH**  
**NEW JERSEY 08736**



**MANASQUAN BOARD OF ADJUSTMENT**  
**REGULAR MEETING MINUTES - SEPTEMBER 19, 1990**

The Manasquan Zoning Board of Adjustment held their regular meeting and work session on September 19, 1990, in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

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

Roll Call: Present - Board Members Robert Griffith, Margaret Kazenmayer, Edward Lyons, James VanSchoick, James F. Bogan Jr. and John Burke. (Board Member Christopher Trafford arrived after roll taken)

Absent - Board Member Alma Roberts.

Before requesting a motion regarding the minutes of the previous meeting, Board Chairman Lyons stated that, in regards to the application of Patricia and Gary Walsh, the minutes should read the Board felt a site inspection was "not needed" rather than "needed" as stated in the minutes submitted by the Board Secretary. A motion was made to accept the minutes for the August 15, 1990 meeting as amended; the motion was seconded and carried unanimously.

Application 7-90 - Liguori and Hoimark - 148 First Avenue -  
It was noted that the attorney and applicant had not arrived at the time; it was noted that the parties had been advised that the meeting started at 8 p.m. The Board agreed to recognize the parties upon their arrival.

Application 8-90 - Chicant Corporation - 166/168 First Ave. - 165/167 Beachfront -  
The Board Secretary stated that she had been contacted by the office of Kevin Thomas, attorney for the applicants, and that noticing had not been completed in the case; thus a continuation was requested. A motion was made and seconded to place the application on the agenda upon notification from Mr. Thomas' office that they were ready to go forward with the hearing; the motion was unanimously carried.

Application 9-90 - Alex and Colleen Barcheski - 20 Morris Avenue -  
It was noted by Board Attorney William Byrnes that he had spoken to Mr. Richard Maguire, attorney for the

applicants. He stated that Mr. Maguire advised him that because of the proper legal notice not appearing in the newspaper, Mr. Maguire wished to continue the case at the October 17, 1990 meeting. Mr. Byrnes stated that Mr. Maguire would be appearing before the Board in person to explain the situation.

Resolution 4-90 - James Julian - 14½ Main Street - The Board Attorney read the favorable resolution and Board Member VanSchoick moved that the resolution should be memorialized. The motion was seconded and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Trafford, VanSchoick, Bogan and Burke. "No" none. "Abstain" Board Member Griffith.

Resolution 6-90 - Gary and Patricia Walsh - 111 Stockton Lake Boulevard - The Board Attorney read the resolution for the record. He noted the Board had voted favorably upon the application at the August meeting and had voted to have the resolution memorialized at that time.

Mr. Byrnes then recognized Mr. Richard Maguire, who came forward and addressed the Board regarding the Barcheski case. He stated that the legal had not been published and that he was there before the Board to request a spot on the October agenda. The Board agreed to continue the case at the October meeting and there would be no need for re-noticing affected homeowners.

It was also noted that the parties involved with the Liguori-Hoimark case had arrived and were prepared for their hearing.

Application 7-90 - Liguori and Hoimark - 148 First Avenue - Mr. Byrnes recognized Mr. Arthur Leyden, attorney of record for the applicants, and marked the file. Mr. Leyden introduced Mr. Calvin Liguori, one of the owners of the subject property (it was noted that the subject property was under joint ownership with Mr. and Mrs. Liguori and Mr. and Mrs. J. Hoimark); the Board Attorney administered the oath to Mr. Liguori.

The Board, Board Attorney, applicant and applicant's attorney discussed the application, which requested relief so that they could convert a single family house into a two family dwelling; the subject lot has three structures on it. Albert P. Ratz, Jr., CO, denied the permit under Section 107-12 - not a permitted use. The property is in a R-5 zone and a use variance was requested.

Mr. Liguori offered testimony about each structure on the property, its uses and rental history. He also offered

information on the types and ages of appliances which are in the subject premises, which is located in the lower portion of 148 First Avenue. He explained that improvements were done in 1966 and 1983 (heating) on the premises; permits were acquired and no variances were needed, Mr. Liguori stated. He stated that his son has lived in the subject dwelling unit since 1983.

Mr. Liguori also submitted a list of properties in the area that have two or more dwelling units in a structure. He noted the density and character of the neighborhood.

After further discussion, Board Member Burke stated that he would like a site inspection or a better survey; Chairman Lyons stated that both could be necessary. Board Member Trafford noted the age of the survey.

Mr. Liguori stated that a code enforcement official came by to do inspections on the units for summer certificates of occupancy. It was at that time Mr. Liguori was advised that the structure was not a two-family unit.

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

The Board discussed the need for site inspection and clarification from Jerry Iannelli, zoning officer, as to whether the structure was a two family unit. Research on the matter would need to be done, including checks with the tax office and construction department regarding records and permits acquired. Board Member Burke moved to have the research undertaken and findings forwarded to the Board Attorney; the motion was seconded and carried unanimously.

The Board also agreed to continue the hearing at the October 17, 1990 meeting; the applicant agreed to waive all time requirements.

Entering into the work session and discussion of old and new business, the Board Secretary stated that revised Municipal Land Use Law booklets were available. Board Member Burke moved to order one copy for each Board member; the motion was seconded and carried unanimously.

Board Member Kazenmayer moved that the Board draft a resolution honoring recently resigned Board Chairwoman Claudia Pincus for her achievements as a member of the Board. The motion was seconded and unanimously carried.

Board Member Kazenmayer noted that the regular November meeting fell on the night before Thanksgiving; she moved that the Board move the date to November 14, 1990 at 7:30 p.m. The motion was seconded and unanimously carried. The Board Secretary stated that each Board member would be notified by memo and the proper legal would be published reflecting the change in dates.

There being no further business, a motion was made, seconded and unanimously carried to adjourn.

Respectfully submitted,

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk



### MANASQUAN BOARD OF ADJUSTMENT

On Wednesday, October 17, 1990, the Zoning Board of Adjustment of the Board of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - Regular meeting  
Work session follows the regular meeting

#### AGENDA

#### FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 7-90 (cont.) - Liguori and Hoimark - 148 First Ave.

APPLICATION 8-90 - Chicant Co. - 1668 and 168 First Ave./165  
and 167 Beachfront

APPLICATION 9-90 - Alex Barcheski - 20 Morris Avenue

#### WORK SESSION

Old Business  
New Business

Yours Truly,

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 10/11/90

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN BOARD OF ADJUSTMENT**  
OCTOBER 17, 1990  
MEETING MINUTES

The Manasquan Zoning Board of Adjustment held its regular meeting and work session on October 17, 1990 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Manasquan Board of Adjustment Chairman Edward Lyons called the meeting to order at 7:30 p.m. He stated that it was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked everyone present to join in the Salute to the Flag.

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

Board Chairman Lyons asked for a motion regarding the minutes of the September meeting. A motion was made by Board Member Trafford to approve the minutes as submitted by the Board Secretary; motion seconded by Board Member Burke and passed by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, Roberts, VanSchoick, Bogan and Burke.

The Board welcomed new member Robert Brittle and Board Attorney William Byrnes administered the oath of office.

A resolution was read by Mr. Lyons honoring Claudia Pincus for her service as Board Member and Board Chairman. A motion was made, seconded and unanimously carried to approve the resolution.

APPLICATION 7-90 (cont) - Liguori and Hoimark - 148 First Avenue - The Board continued its hearing into the application. The Board Attorney recognized Mr. Arthur Leyden, attorney for the applicants, and marked new evidence in the case.

The Board, Board Attorney, applicant Calvin Liguori and the applicants' attorney discussed the new evidence, which included permit application, an inspection request memo, tax bill and tax accessor records.

The applicant also reiterated portions of his testimony from the prior hearing, including that he had secured a permit and did work on the premises from 1966-67 and that his son presently

lives in the lower dwelling unit (there is also another apartment in the structure, it had been noted in testimony).

Mr. Lyons stated he would still like a site inspection while Board Member Bogan moved to allow the apartment with the following stipulations: 1. a survey would be required; and 2. if an encroachment is found, it would need to be removed.

Mr. Leyden came forward to amend the application to request that the Board render an interpretation rather than a variance after the Board, debating testimony and evidence, determined that a variance was not needed. A motion was made by Mr. Trafford to have Mr. Byrnes prepare a letter for Construction Official Albert P. Ratz, Jr. explaining the Board's position and findings. The motion was seconded by Board Member Kazenmayer and carried by the following vote: "Yes" Board Members Griffith, Kazenmayer, Lyons, Trafford, VanSchoick, Bogan, Burke. "No" none. "Abstain" Board Member Roberts.

APPLICATION 8-90 - Chicant Corporation - 166-168 First Avenue and 165-167 Beachfront - The Board Attorney marked the files and recognized Kevin Thomas, attorney for the applicant. Mr. Thomas brought forward William Wight, Sea Girt, agent for Chicant Corporation. Mr. Wight was sworn in and testified that he manages the affairs of the corporation and was authorized to act upon their behalf at the meeting.

The Board, Board Attorney, Mr. Wight and Mr. Thomas discussed the application, which requests relief so that a subdivision of non-conforming use may be permitted. Mr. Albert P. Ratz, Construction Official, denied the permit, citing the need to go before the Board of Adjustment for the minor subdivision and hardship variance because of side yard and front yard requirements.

The property, known as Block 170, Lot 13, is located in an R-5 zone.

Mr. Wight provided testimony as to the character of the area. He stated that the parcel was located between Beachfront and First Avenue between Riddle Way and East Main Street. Parcels in the neighborhood, he noted, were 23' to 35' in width, with the exception of the Chicant property. In some cases, he added, there are more than one dwelling unit on the property.

Presently, Mr. Wight explained, there are four structures on the Chicant property. There are two dwelling units at 168 First

Avenue as well as a two car garage; there are also two dwelling units at 166 First Avenue. There is a two family house at 165 Beachfront and a single family dwelling at 167 Beachfront, Mr. Wight stated. It was also noted that water/sewer lines enter through First Avenue and go to the Beachfront structures, but that the electric was separate in most of the structures.

The Board, Board Attorney, Mr. Thomas and Mr. Wight discussed the parking situation in the area. Mr. Wight also stated that the configuration suggested by the proposed subdivision (lot line dividing the property in half lengthwise with a Beachfront and First Avenue structure on each new lot. Proposed new lot 13.01 would have 3370 square feet and proposed lot 13.02 would have 4894 square feet, according to the application) was one consistent with other properties on the beach. He noted a lack of marketability for a such a property (based on size - 8268 square feet - and number of dwelling units) . Mr. Wight indicated that in his opinion, the property would be easier to market as two lots.

Mr. Noel Hood, Beachfront, addressed the Board on the application during the public commentary portion of the hearing, stating that Chicant had been before the Board regarding 165 Beachfront and that the work "exceeded the proposed plans."

A motion was made, seconded and carried unanimously to close the public hearing. A motion was then made by Mr. Burke for a site inspection on October 20, 1990 at 9 a.m. The motion was seconded by Mrs. Kazenmayer and carried unanimously. The applicant's attorney agreed to waive time requirements.

APPLICATION 9-90 - Alex Barcheski - 20 Morris Avenue - The Board Attorney marked the file and recognized Mr. Richard Maguire, attorney for the applicant. Mr. Maguire introduced Alex Barcheski, applicant, and Mr. Byrnes administered the oath to Mr. Barcheski.

Mr. Barcheski, Mr. Maguire, the Board and Board Attorney discussed the application, which requested relief so that the applicant could install a range, sink, kitchen cabinets and countertop area on the second floor of his home at 20 Morris Avenue. This would be in addition to an already existing first floor kitchen.

Albert P. Ratz, CO, denied the permit under Section 107-9 of the Code of the Borough of Manasquan - two family not a permitted use. Mr. Ratz noted that an interpretation would be needed

from the Board as to whether a mother/daughter arrangement constitutes a two-family use.

Mr. Barcheski offered testimony regarding his family's situation and stated that he was not seeking a two-family, but the installation of a kitchen and other facilities for the use of his in-laws, who are moving in to assist with Mr. Barcheski's children. It was noted that one of the children needed supervision because of disabilities.

Mr. Maguire also introduced Walter Donovan, who testified before the Board as a real estate expert. Mr. Donovan noted he has worked in the field for 20 years in the Southern Monmouth Northern Ocean County area.

There being no questions for the public, a motion was made, seconded and carried to close the public hearing. A motion was then made, seconded and carried to conduct a site inspection on October 20 at 9:30 a.m.

There being no further matters on the regular agenda, the Board entered into its work session to discuss old and new business. There being no further business, a motion was made, seconded and unanimously carried to adjourn at 9:35 p.m.

Respectfully submitted,

*Sharon Bogie*

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN BOARD OF ADJUSTMENT**

On Wednesday, November 14, 1990, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

7:30 p.m. - Regular meeting  
(work session will commence after regular agenda)

**AGENDA**

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

APPLICATION 8-90 (cont) - Chicant Corporation - 166 and 168  
First Avenue/ 165 and 167 Beachfront

APPLICATION 9-90 (cont) - Alex Barcheski - 20 Morris Avenue

APPLICATION 10-90 - Steven Cosentino - 148 First Avenue

APPLICATION 11-90 - Elena Telle - 348 First Avenue

**WORK SESSION**

Old Business

New Business

Yours Truly,

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 11/8/90

JOHN L. WYINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN BOARD OF ADJUSTMENT**  
NOVEMBER 14, 1990 MEETING MINUTES

The Manasquan Board of Adjustment held their regular meeting and work session on November 14, 1990 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Manasquan Board of Adjustment Chairman Edward Lyons called the meeting to order at 7:30 p.m. He stated that this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He also noted that this meeting was being held on the second Wednesday of the month rather than the regular third Wednesday of the month per the vote of the Board at their September meeting. He then asked all in attendance to join in the Salute to the Flag.

Roll Call: Present - Board Members Robert Griffith, Edward Lyons, Alma Roberts, Christopher Trafford, John Burke, Robert Brittle.

Absent - Board Members Margaret Kazenmayer, James VanSchoick, James F. Bogan Jr. (Record shows Mr. Bogan arrived at 7:38 p.m.)

The Board Chairman asked for a motion regarding the minutes of the October 17, 1990 meeting. A motion was made by Mr. Trafford and seconded by Mr. Burke to accept the minutes as submitted by the Board Secretary; motion carried unanimously.

APPLICATION 8-90 (cont.) - Chicant Co. - 166-168 First Avenue and 165-167 Beachfront - No representatives were present for the hearing; the Board agreed to return to the matter if anyone arrived.

APPLICATION 9-90 (cont.) - Alex Barcheski - 20 Morris Avenue - The Board continued its hearing into the application of Alex Barcheski, 20 Morris Avenue.

It was noted by Mr. Barcheski and his attorney, Mr. Richard Maguire, that the Board had conducted a site inspection.

Mr. Barcheski was asked by Mrs. Roberts what the purpose of the door from apartment served. He stated it was a common hallway which connects the kitchen to guest bedroom and second floor. It is not a separate entrance, it was noted.

Mr. Barcheski submitted a set of plans which were marked A-13 by Board Attorney William Byrnes.

Mr. Griffith stated that if the applicant agreed to remove the second story entrance and place a deed restriction to the effect that this cannot be used as a two-family house, he would move the petition. Mr. Barcheski stated that would be acceptable and that if the property were to be sold or transferred, the deed restriction would be placed. Mr. Trafford stated he would second that motion.

Mr. Burke asked for clarification of the motion and Mr. Barcheski noted that by eliminating the entrance, his in-laws would only have access through the Barcheskis' living area. Mr. Griffith stated that he did not want to see the house become a two-family structure in the future.

Mr. Barcheski also reiterated some of the prior work that had been done on the structure.

After further discussion, a motion was made by Mr. Trafford to have a form of favorable resolution prepared by the Board Attorney for the Board's consideration at the December 19, 1990 meeting; the resolution, it was noted, should note deed restrictions/conditions to the effect that if the property moves out of the possession of the Barcheski family it will not be used as a two-family. Mr. Byrnes also stated that in the resolution he could state that the applicant testified that should the need for such an arrangement cease, he would be willing to return the structure to its present form. Mr. Trafford's motion was seconded by Mrs. Roberts and carried by the following vote: "Yes" Board Members Lyons, Roberts, Trafford, Bogan, Burke, Brittle. "No" Board Member Griffith.

APPLICATION 10-90 - Steven Cosentino - 148 First Avenue - The Board Attorney marked the file and administered the oath to Steven Michael Cosentino, 1308 William Street, Point Pleasant, New Jersey, owner of the subject property.

The Board, Board Attorney and applicant discussed the

application, which requested relief so that heating could be installed in each of the two units (houses) on the property and so that a deck could be constructed on the front and rear of houses on the lot.

The heating request was denied by Albert P. Ratz, Jr., Construction Official, under Section 107-11 of the Code of the Borough of Manasquan (Non-conforming use. Expansion of use).

The construction of the decks was denied by Mr. Ratz under Section 107-11 (non-conforming use) as well as Section 107-27. Mr. Ratz cited that in regards to the front deck, a sideyard setback of 5' is required but 1.6' is shown for the left side and 4.03' is shown for the right side. A front yard setback of 15' is required but, stated Mr. Ratz in his denial, about 8' is shown on the plans. For the rear deck, a sideyard setback of 5' is required but approximately 2' is shown on each side.

The property is located in an R-2 zone and a use variance was being sought.

Mr. Cosentino offered testimony about the neighborhood and the project.

Regarding the heating portion of the application, Mr. Cosentino stated he would be putting heat into 135 Beachfront first, then 134 First Avenue at a later time.

Mr. Cosentino, discussing his plans for the deck, testified that he would be using wolmanized wood and that there was an existing concrete slab. He also discussed options about the step off the house. The height of the step off, he explained, would determine whether railing was needed. The applicant and Board discussed the possibilities.

The Board Chairman asked for any comments or questions from the members of the audience.

Mr. Robert Magnabousco, 133 Beachfront, was sworn in to speak about the application. He stated that his property is next door to Mr. Cosentino's property and that if the prospective deck had railing, his view would be obstructed. Mr. Magnabousco also noted lot coverage, stating that he felt it was closer to 55-60 percent rather than the 38 percent calculated in the application.

Mr. Magnabousco also asked Mr. Cosentino whether he had written permission from American Timber Company to do the work, as the land was leased land (and part of the American Timber Company major subdivision). Mr. Cosentino agreed to supply the written permission in time for the December 19, 1990 meeting.

The Board Attorney also asked Mr. Cosentino to provide the Board with a certified copy of the publication (legal notice) which appeared in the Asbury Park Press.

Mr. Noel Hood, 161 Beachfront, was also sworn in to give testimony. He brought up the topic of parking and stated that he felt adding heat to the structure would bring added people into the area.

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

Mr. Cosentino stated he was surprised that he needed a variance to install a deck on the property and went on to state that other houses in the area had concrete and wooden patios/decks. He also continued to discuss the railing for the deck and the addition of heat as a change of use. He stated that there would be no increase in the number of people cited as the limit on the Certificate of Occupancy, but that rather than just having tenants in the house over the summer he would have them all year long. Mr. Cosentino stated that in his opinion, year-round homes are more marketable. He also noted that both structures on the property are single family homes.

The Board then heard a motion from Mr. Burke to conduct a site inspection at 9 a.m. on November 24, 1990. The motion was seconded by Mr. Trafford and passed unanimously.

The applicant was asked if he waived any time limits under the Land Use Law. He asked what kind of time frame he could expect for the Board to reach its decision. The Board and Board Attorney explained the process.

APPLICATION 11-90 - Elena Telle - 348 First Avenue - The Board Attorney marked the file and administered the oath to Elena Telle, owner of the subject property. The oath was also administered to Mrs. Telle's son, Celso, and Mr Celestino Fernandes, 441 Walnut Street, Newark

(residence) and 1122 Salem Avenue, Hillside, NJ (Atuia Construction) , contractor on the project.

The Board, Board Attorney, the applicant and applicant's witnesses discussed the application, which requested relief so that a 66 x 12.10 ' wooden deck may be constructed at the rear of the second floor of 348 First Avenue. The lot has two houses on it.

Mr. Ratz denied the permit under Section 107-11 (not a permitted use) and 107-27 (schedule of limitations). It was also noted by Mr. Ratz in his denial that there are existing sideyard setback violations of 3.5' on one side and 4.1' on the other side where 5' is required. These violations will not be increased, he noted. The property is located in an R-4 zone.

Mr. Fernandes discussed the dimensions and work involved with the project, including the installation stairs coming down to an existing concrete platform.

After some discussion, the Board determined that better maps would be needed. These maps, the Board stated, should detail what is to be done and should include placement of the stairs.

A motion was made by Mr. Burke to conduct a site inspection at 9:30 a.m. on November 24, 1990. The motion was seconded by Mr. Trafford and carried unanimously.

It was noted that a representative for Chicant Co. had not appeared. The Board Secretary was asked to contact Mr. Kevin Thomas, attorney for the applicants, to find out the circumstances and his intentions regarding the case. It was asked that the Board Secretary request Mr. Thomas to notify the Board in writing about the application's status.

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

The Board discussed having the Board Secretary prepare a list with all the Board Members' names, addresses and phone numbers to be distributed among the Board Members. A motion was made, seconded and carried to have the Board Secretary prepare and distribute such a list.

The Board Secretary brought to the Board's attention a request from attorney Thomas O'Brien on behalf of his clients, Judith and Michael Kornas, 359 Beachfront. Mr. O'Brien asked if the case could be moved to the January 16, 1991 meeting. A motion was made, seconded and carried to allow the case to be moved.

The Board Attorney read for the record a letter regarding the Board's interpretations in the case of Hoimark and Liguori, 148 First Avenue (Case 7-90). The Board Secretary also noted that a letter had been received from Richard Doyle, attorney for the case, asking that the Board consider some refund of the application fee. The Board noted that work had been done in preparing for the case; upon discussion, Mr. Trafford made a motion to grant a 50 percent (\$300) refund. The motion was seconded by Mr. Griffith and carried by unanimous vote.

At the suggestion of the Board Attorney, the Board agreed unanimously to have the Board Secretary summarize new cases for the record at meetings.

There being no further matters on the agenda, a motion was made, seconded and carried unanimously to adjourn at 9:36 p.m.

Respectfully submitted,

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN BOARD OF ADJUSTMENT**  
AGENDA FOR DECEMBER 19, 1990

On December 19, 1990, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting and work session at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

APPLICATION 10-90 (cont.) - Steven M. Cosentino - 148 First Avenue

APPLICATION 11-90 (cont.) - Elena Telle - 348 First Avenue

APPLICATION 8-90 (cont.) - Chicant Co. - 166-168 First Avenue  
and 165-167 Beachfront

RESOLUTION 9-90 - Alexander Barcheski - 20 Morris Avenue

WORK SESSION IMMEDIATELY AFTER REGULAR AGENDA

OLD BUSINESS

NEW BUSINESS

1. Budget information
2. Discussion of year end report
3. Discussion of by-laws
4. Correspondance

Yours truly,

*Sharon Bogie*

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated in Manasquan 12/13/90

JOHN L. WINTERSTELLA  
Mayor

MARGARET M. MONSELL  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

**MANASQUAN BOARD OF ADJUSTMENT**  
DECEMBER 19, 1990 MEETING MINUTES

The Manasquan Board of Adjustment held their regular meeting and work session on December 19, 1990 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Manasquan Board of Adjustment Chairman Edward Lyons called the meeting to order at 7:30 p.m. He stated that this was an Open Public Meetings Act and had been published according to law. He then asked all in attendance to join in the Salute to the Flag.

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

Absent - Board Member Robert Griffith.

The Board Chairman asked for a motion regarding the minutes of the November 14, 1990 regular meeting. Mr. Burke noted that a correction needed to be made in reference to the address of the subject property in Case 10-90 - Steven Cosentino. Mr. Burke noted that in the minutes, as well as the year-end report submitted by the Board Secretary, the address was referred to as "148 First Avenue" when the correct address is 134 First Avenue. The Board Secretary stated that the record would be corrected. A motion was made, seconded and carried unanimously to approve the minutes with the corrections stated.

It was also noted for the record that Board Members VanSchoick and Kazenmayer had listened to the tapes and could be eligible to vote.

APPLICATION 10-90 (cont.) - Steven M. Cosentino - 134 First Ave./ 135 Beachfront - The Board Attorney recognized Steven M. Cosentino, applicant, and reminded him that he was still under oath.

It was noted that a site inspection had been made of the subject property.

Board Attorney William Byrnes noted that Mr. Cosentino had provided the Board with a letter from American Timber Company which stated that ATC has given permission for Mr. Cosentino to seek the requested relief (the subject structures are on

land leased from American Timber Company) as well as a certified copy of the legal notice published in the Asbury Park Press regarding the hearing. Both were marked as evidence.

Mr. VanSchoick asked the applicant about the foundation at 134 Beachfront; the applicant stated there was a concrete foundation under the entire building. There was further discussion on the condition and construction of the structures.

Mr. Noel Hood, Beachfront, asked if he could address the Board on the application; it was noted that the public hearing had been closed at the November meeting. Mr. Burke made a motion to reopen the hearing; the motion was seconded and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Roberts, Trafford, VanSchoick, Burke and Brittle; "No" Board Member Bogan.

Mr. Hood discussed the application and provided photographs for the Board's consideration. He stated that the subject property was one of 18 lots on the east side. Mr. Hood commented there were parking problems in the area and that the property does not meet its sideyard setbacks. The property is zoned for one house on the lot, he continued, and he stated that it should be made more conforming rather than less conforming. Mr. Hood stated that in his opinion, parking problems could compound in the area if the heating portion of the application was granted. He stated that only 10 lots in the area (from Riddle to Ocean) have parking. He also expressed concern that if the heat was granted, the Board would have to grant such requests to all the structures in the area; he added that, based on research conducted by neighbor Robert Magnabousco and himself, 16 homes on the east side and 12 on the west do not have heat.

"This is going to create so much more of a headache down there with the parking," stated Mr. Hood.

Mr. Hood stated that the parking issue was not just a summer issue and that parking was difficult to find all year long.

Mr. Richard Dunne, 458 Long Avenue, was sworn in to provide testimony. Mr. Dunne noted recent Manasquan Planning Board policy regarding subdivision in the beach area, commenting that they were considering some subdivision so that improvements could happen in the area.

There being no further public comment, a motion was made,

seconded and unanimously carried to reclose the public hearing.

The applicant stated that there were two driveways on the property and also noted that many lots in the area were non-conforming. He stated it was his intent to improve his property in Manasquan and he felt that rather than moving away from being conforming, he felt he was making his property more conforming "within the mood and complexion of Manasquan."

The Board and applicant continued to discuss the parking situation in the area as well as location of the prospective deck on the property.

Mr. Burke asked if the variance could be broken down so that the Board could vote on separate parts; Mr. Byrnes stated that yes, the Board could do this and stated that, for example, the Board could vote separately on the requests for heat in each house.

Mr. Burke noted that most front houses in the area have decks similiar to the one being requested. He then discussed the heating aspects of the application, stating that he had reservations about granting heat in the First Avenue house because of the lack of parking. Mrs. Kazenmayer, also expressing concerns about the condition of the First Avenue structure, asked if perhaps the applicant might want to separate the requests. Mr. Cosentino stated that his original intent was just to heat the Beachfront house, but that because of logistics, he decided to apply for heating in both at the same time. He said he did not mind separating the 134 First structure request from the application.

Mr. Cosentino stated he would like to purchase the property from American Timber Company.

Mrs. Roberts moved to have the Board Attorney prepare a resolution granting the deck and heating at 135 Beachfront but denying the heating request at 134 First Avenue. The motion was seconded by Mr. Bogan and carried by the following vote: "Yes" - Board Members Kazenmayer, Lyons, Trafford, Roberts, VanShoick, Bogan. "No" Board Member Burke.

RESOLUTION 9-90 - Alexander Barcheski - 20 Morris Avenue - Mr. Richard Maguire, counsel for Mr. Barcheski, asked the Board's consideration in allowing the form of favorable resolution to be read and voted on at this point in the meeting. After

the Board agreed and consent was granted by the next applicant, Mr. Byrnes read the form of favorable resolution as presented to the Board. A motion was made by Mr. Trafford to memorialize the resolution; the motion was seconded by Mr. Burke and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Trafford, Roberts, VanSchoick, Bogan, Burke.

APPLICATION 11-90 (cont.) - Elena Telle - 348 First Avenue - The Board recognized Mrs. Telle, her contractor Filistino Fernandes of Aguia Construction, Hillside; and her son. Mr. Byrnes reminded them that they were still under oath.

A new set of plans per the Board's request was submitted and marked A-9 for the file. The plans consisted of seven pages.

The Board, Board Attorney, applicant and contractor discussed the new plans and the prospective deck. Included in the discussion were pilings and the location of the stairway.

Mr. Burke asked about access to the deck from the house; it was stated that there would be no direct access from the house. The applicant stated there would be no tendency to enter/exit through the small windows there. In response to the Board's question as to why onme of the windows could not be made into a door, Mrs. Telle stated that the one window was blocked by a bed and the other was the window to the bathroom.

After further discussion and there being no comments from the public, a motion was made, seconded and carried unanimously to close the public hearing.

Mr. Trafford expressed reservations about the deck having no access from the second floor.

Mrs. Kazenmayer moved to have the Board Attorney prepare a form of favorable resolution. The motion was seconded by Mr. Bogan and the following roll call vote was taken: "Yes" Board Members Kazenmayer, Lyons, Roberts, Bogan. "No" Board Members Trafford, VanSchoick.

The Board then entered into a discussion as to whether the application was a hardship or use variance and as to whether or not there were enough "yes" votes for a favorable resolution. Mr. Byrnes stated he would research the matter and report to the Board at the January 16, 1991 meeting.

APPLICATION 8-90 (cont. ) - Chicant Co. - 166-168 First Avenue/165-167 Beachfront - The Board recognized Kevin Thomas, attorney for the applicant, and Willian Wight, representative of the applicant.

It was noted that a site inspection had been conducted.

The Board, Board Attorney, Mr. Thomas and Mr. Wight continued to discuss the application. Mr. VanSchoick and Mrs. Roberts asked if there was any way to make the projected subdivision lot lines straight; it was stated that this could not be done unless a "kink" is put in it. Mr. Wight explained this was due to the positions and dimensions of the structures and the only thing that could be done is to make the "jag" in the line a little more "gentle." Mr. Wight, in response to questions from Mr. VanSchoick, offered testimony on the water/sewer lines for the property.

Mr. Thomas stated that he had no further witnesses or evidence to present to the Board.

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

Testimony was also offered by Mr. Noel Hood, 161 Beachfront, who lives one house away from the subject property; and Mr. Dunne, 458 Long Avenue. Both were sworn in.

Mr. Hood offered testimony on the background and history of the property, noting that it had been the subject of a prior Board case. He discussed the situation regarding the dwelling units on the property.

Mr. Hood stated that he felt a Board would lean toward making a property more conforming. He stated that the property does not meet the code now, but it would meet it even less if the subdivision was granted. He stated that he would be more in favor of the subdivision if lines were adjusted down the center of the houses and a sideyard was established on the property with the large house on it.

Mr. Dunne once again noted recent Planning Board discussion regarding subdivision.

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

Oferreing his summations, Mr. Thomas stated that in his opinion the application promoted single family ownership for the houses on the property and create new parking.

A motion was made by Mr. Trafford to deny the application; the motion was seconded by Mr. Bogan and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Roberts, Trafford, VanSchoick, Bogan and Burke.

There being no further applications on the agenda, the Board discussed old and new business.

It was noted for the record that members of the Board of Adjustment had been invited to take part in a Manasquan PTO event which would feature booths and information from groups which service Manasquan.

The Board Secretary brought to the Board's attention that it was time to renew membership in the New Jersey Federation of Planning Officials. She commented that if both development boards joined, there was a lower price rate. A motion was made by Mr. Burke that the Board would rejoin contingent on the Planning Board also agreeing to join. The motion was second and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Trafford, Roberts, VanSchoick, Burke and Brittle; "No" Board Member Bogan.

The Board then discussed the budget for 1991. After analyzing the figures, Mr. Burke moved to request the same amount as the 1990 budget and to note that the request was because of the probable American Timber Company related cases which may come before the Board and anticipated postage rate increases. The motion was seconded by Mr. Trafford and carried unanimously. The Board also discussed the year-end report as submitted by the Board Secretary and elected to discuss the Board by-laws at the January 16, 1991 meeting.

There being no further matters on the agenda, a motion was made, second and carried to adjourn at 10:30 p.m.

Respectfully submitted,

*Sharon Bogie*

Sharon Bogie, Secretary  
Manasquan Board of Adjustment