

1991 - CONT.

A G R E E M E N T

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

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

WHEREAS, the Board recognizes that it is empowered and permitted by the Municipal Land Use Law, Chapter 291, Laws of New Jersey, 1975, and the Land Use Procedures Ordinance of the Borough of Manasquan, to appoint and affix the rate of compensation of the attorney for the Board:

AND, WHEREAS, William Byrnes an attorney at law of the State of New Jersey has been duly appointed by Resolution of the Board as attorney for the Board.

AND, WHEREAS, the most recent draft of the revised Local Public Contract Guidelines and Local Public Contract Regulations dated August 13, 1976 drawn and prepared by the Local Finance Board of the Division of Local Government Services, urges and recommends that contracts be entered into with professionals retained by the public agency:

AND WHEREAS, the members of the Board further recognize that it is to the best interests of the Board and the inhabitants of the Borough of Manasquan that a Contract be entered into between it and its attorney:

W I T N E S S E T H:

FOR AND IN CONSIDERATION of the sum of One Dollar

(\$1.00) and other good and valuable considerations, to each in hand paid one to the other, the parties AGREE as follows:

1. That William Byrnes, Esq., be and he is hereby specifically retained to perform all legal services required by the Board.

2. That William Byrnes, Esq., shall be paid for services rendered at the rate of *twenty five* dollars per hour.

3. That in addition to the hourly rate, any and all costs incurred will be reimbursed by the Board on a dollar for dollar basis.

4. That the within Agreement shall terminate at such time as William Byrnes, Esq., is no longer the duly appointed attorney for the Board.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by its proper officers the day and year first above written.

ZONING BOARD OF ADJUSTMENT OF  
THE BOROUGH OF MANASQUAN

By:

*Edward A. Lyons*  
\_\_\_\_\_  
CHARIMAN

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1. That William Byrnes, Esq., be and he is hereby specifically retained to perform all legal services required by the Board.

2. That William Byrnes, Esq., shall be paid for services rendered at the rate of ~~thirty and 25/100~~ *Seventy five* dollars per hour.

3. That in addition to the hourly rate, any and all costs incurred will be reimbursed by the Board on a dollar for dollar basis.

4. That the within Agreement shall terminate at such time as William Byrnes, Esq., is no longer the duly appointed attorney for the Board.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by its proper officers the day and year first above written.

ZONING BOARD OF ADJUSTMENT OF  
THE BOROUGH OF MANASQUAN

By:

*Edward J. Jones*  
\_\_\_\_\_  
CHARIMAN

\_\_\_\_\_

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And WILLIAM BYRNES, an attorney at law of the State  
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W I T N E S S E T H:

FOR AND IN CONSIDERATION of the sum of One Dollar

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "A"

RE: CHAIRMAN

WHEREAS, Article II, Section 2 of the Land Use Procedures Ordinance of the Borough of Manasquan, Ordinance No. 1006 provides that the Zoning Board of Adjustment of the Borough of Manasquan shall elect a Chairman from its members:

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

ROLL CALL VOTE:

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

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 16, 1991.

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

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "B"

RE: VICE-CHARIMAN

WHEREAS, Article II, Section 2, of the Land Use Procedures Ordinance of the Borough of Manasquan, Ordinance No. 1006, provides that the Zoning Board of Adjustment of the Borough of Manasquan shall elect a Vice-Chairman from its members:

NOW THEREFORE BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan that James F. Bogan, Jr. be and hereby is elected and designated as Vice-Chairman of the Zoning Board of Adjustment of the Borough of Manasquan, effective as of Wednesday, January 16, 1991, and whose term as Vice-Chairman shall terminate at the close of the first regular meeting of the Board held in the month of January 1992.

ROLL CALL VOTE:

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

NO: None.

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 16, 1991.

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

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "D"

RE: OFFICIAL NEWSPAPERS

WHEREAS, the "Open Public Meeting Law", Public Laws of 1975, Chapter 23, provides that various notices be transmitted and/or published in two newspapers most likely to inform the people within the jurisdictional area of the Zoning Board of Adjustment of the Borough of Manasquan and that one of said newspapers be designated as the "official newspaper":

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan that its official newspaper be and the same is hereby designated to the The Coast Star, 13 Broad Street, Manasquan, New Jersey, and that the secondary newspaper shall be The Asbury Park Press, Press Plaza, Asbury Park, New Jersey.

ROLL CALL VOTE:

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

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organization meeting conducted on January 16, 1991.

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

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "E"

RE: APPOINTMENT OF BOARD OF ADJUSTMENT ATTORNEY

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

WHEREAS, Article 11, Section 3 of Ordinance No. 1006 of the Borough of Manasquan entitled "THE LAND USE PROCEDURES ORDINANCE OF THE BOROUGH OF MANASQUAN", adopted by the Borough of Council of the Borough of Manasquan, January 24, 1977, provides for the appointment of an attorney by the Board of Adjustment of the Borough of Manasquan: and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the Resolution authorizing the appointment of an attorney to the Board of Adjustment for "professional services" without competitive bidding must be publicly advertised:

AND WHEREAS, each member of this Board has reviewed the form of Agreement with regard to legal services to be entered into as between it and William Byrnes, Esq.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Borough of Manasquan as follows:

1. That William Byrnes, Esq., be and he is hereby appointed as Attorney for the Board of Adjustment of the Borough of Manasquan for a term of one year. The effective date of this appointment shall be as of January 16, 1991, and the same shall terminate at the close of the first

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

2. The aforesaid appointment is made without competitive bidding as "professional services" under the provisions of the Local Public Contracts Law because the services to be performed are to be performed by a recognized professional, licensed and regulated by law.

3. The the Chairman of this Board be and he is hereby authorized to enter the aforementioned Agreement on behalf of this Board with William Byrnes, Esq., with regard to legal services to be rendered and that a copy of said Agreement shall be kept on file with the Secretary of the Board.

4. That a copy of this Resolution be published according to law within ten days of adoption.

ROLL CALL VOTE:

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

NO: None.

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 16, 1991.

*Sharon Bogie*  
SHARON BOGIE, Secretary to  
the Board of Adjustment of the  
Borough of Manasquan

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "F"

RE: APPOINTMENT OF SECRETARY TO  
ZONING BOARD OF ADJUSTMENT

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

WHEREAS, Article 11, Section 2 of Ordinance No. 1006 of the Borough of Manasquan entitled "THE LAND USE PROCEDURES ORDINANCE OF THE BOROUGH OF MANASQUAN", adopted by the Borough of Council of the Borough of Manasquan, January 24, 1977, provides for the appointment of Secretary to said Board:

AND WHEREAS, funds are available for this purpose:

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan as follows:

1. That Sharon Bogie be and is hereby appointed as Secretary to the Zoning Board of Adjustment of the Borough of Manasquan for a term of one year. The effective date of this appointment shall be as of January 16, 1991, and the same shall terminate at the close of the first regular meeting of this Board held in the month of January, 1992.
2. That the salary of said Secretary shall in the amount and payable in the manner as shall be fixed by the Borough Council of the Borough of Manasquan.
3. That a copy of this Resolution be published according to law within ten days of adoption.

ROLL CALL VOTE:

YES: Board Members James F. Bogan, Jr., Margaret Kazemayer, Edward Lyons, Alma Roberts, Christopher Trafford, James VanSchoick and John Burke.

NO: None.

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 16, 1991.

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

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "C"

RE: MEETING DATE

WHEREAS, the "Open Public Meeting Law", Public Laws of 1975, Chapter 231, requires that annual notice of the public meeting of the public body such as the Zoning Board of Adjustment of the Borough of Manasquan be disseminated within seven days following the annual organization or reorganization of such a public body:

NOW THEREFORE BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan as follows:

1. That the third Wednesday of each month shall be designated as the regular monthly meeting of the Zoning Board of Adjustment of the Borough of Manasquan, except that when the third Wednesday of any month falls on a holiday celebrated by the Borough of Manasquan, then and in that case only the regular meeting of the Zoning Board of Adjustment of the Borough of Manasquan shall be designated by the Board at the regular monthly meeting immediately prior to that which shall fall on a holiday and public notification of the same shall be made in accordance with the provisions of the Open Public Meeting Law;

AND BE IT FURTHER RESOLVED that each regular meeting of the Zoning Board of Adjustment of the Borough of Manasquan shall convene at 7:30 p.m., and be followed by a work session

at the end of the regular meeting, and that the location of the same shall be at the Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey:

AND BE IT FURTHER RESOLVED, that a copy of this Resolution be disseminated and published according to law within seven days of the date hereof.

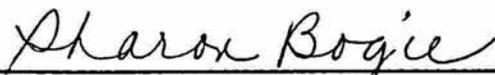
ROLL CALL VOTE:

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

MEETING DATES:

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

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 16, 1991.

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

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN BOARD OF ADJUSTMENT**  
AGENDA FOR JANUARY 16, 1991 MEETING

On January 16, 1991, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting and work session at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

REORGANIZATION SESSION:

Swearing in of members, reading of reorganization resolutions.

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

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

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

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

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

OLD BUSINESS

NEW BUSINESS

Yours truly,

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

Dated at Manasquan 1/11/91

JOHN L. WINTERSTELLA  
Mayor

MARGARET M. MONSELL  
Municipal Clerk

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

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

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

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

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

Absent - Board Member Robert Griffith.

The Board Chairman asked for a motion regarding the minutes of the December 19, 1990 meeting of the Board of Adjustment. Mr. Burke asked that a correction be made in that he, too, had voted "no" on the motion to draw up a favorable resolution regarding the application of Elena Telle (Case 11-90). The Board Secretary stated she would make such a correction. A motion was then made, seconded and carried unanimously to approve the minutes as submitted by the Board Secretary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The property is located in an R-4 zone.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,



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

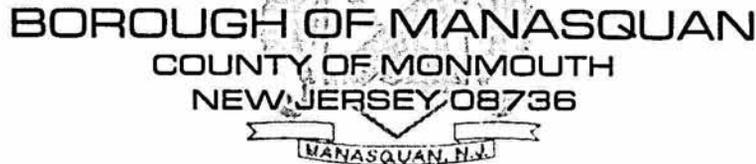
BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

JOHN L. WINTERSTELLA  
Mayor

MARGARET M. MONSELL  
Municipal Clerk



### MANASQUAN ZONING BOARD OF ADJUSTMENT

On Wednesday, February 20, 1991, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

#### AGENDA

#### FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING

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

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

Old Business

New Business

(Work session to be held following regular agenda)

Yours truly,

  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 2/15/91

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk

**MANASQUAN BOARD OF ADJUSTMENT**  
FEBRUARY 20, 1991 REGULAR MEETING

The Zoning Board of Adjustment of the Borough of Manasquan held their regular meeting on February 20, 1991 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Manasquan Board of Adjustment Chairman Edward Lyons called the meeting to order at 7:30 p.m. He stated that this was an open public meeting held in accordance with the Open Public Meetings Act and had been published according to law. Mr. Lyons then asked all in attendance to join in the Salute to the Flag.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Byrnes gave the Board possible options in determining the

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

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

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

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

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

Respectfully submitted,

*Sharon Bogie*

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN BOARD OF ADJUSTMENT**  
MARCH 20, 1991 REGULAR MEETING

On Wednesday, March 20, 1991, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

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

Application 3-91 - Edward Roeth - 369 First Avenue

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

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

Old business

New Business

(Work session follows regular agenda)

Yours truly,

*Sharon Bogie*

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated in Manasquan 3/14/91

JOHN L. WINTERSTELLA  
Mayor

MARGARET M. MONSELL  
Municipal Clerk

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

**MANASQUAN BOARD OF ADJUSTMENT**

**MARCH 20, 1991 REGULAR MEETING MINUTES**

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

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

Absent - Board Member John Burke.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours truly,

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

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN ZONING BOARD OF ADJUSTMENT**

On Wednesday, April 17, 1991, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

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

APPLICATION 4-91 - Ronald Dana - 365 Beachfront

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

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

OLD BUSINESS

NEW BUSINESS

1. Board by-laws

Yours truly,

*Sharon Bogie*

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA  
Mayor

MARGARET M. MONSELL  
Municipal Clerk

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



**MANASQUAN ZONING BOARD OF ADJUSTMENT**  
APRIL 17, 1991

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

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

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

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

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

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

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

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

pg. 2

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

Respectfully submitted,

*Sharon Bogie*

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA  
Mayor

MARGARET M. MONSELL  
Municipal Clerk

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



**MANASQUAN ZONING BOARD OF ADJUSTMENT**

On Wednesday May 15, 1991 the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 4-91 - Ronald Dana - 365 Beachfront

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

APPLICATION 6-91 - Estelle Stoedter - 72 Church Street

APPLICATION 7-91 - Richard Peters - 573 Pike Avenue

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

OLD BUSINESS

1. Correspondance
  - a. Letter re: Julian case

NEW BUSINESS

1. Discussion of by-laws.

(Work session follows regular agenda)

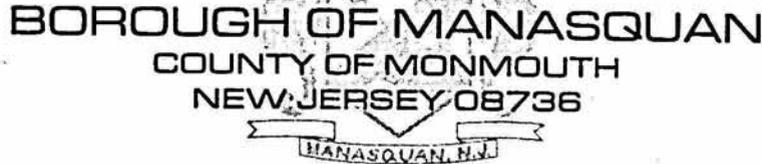
Yours truly,

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

Dated at Manasquan 5/9/91

JOHN L. WINTERSTELLA  
Mayor

MARGARET M. MONSELL  
Municipal Clerk



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

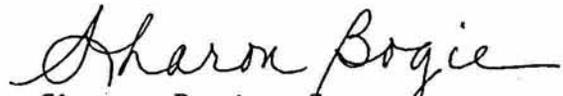
The Board discussed a letter received from James Julian asking for an extension on the variance the Board had granted him on his property at 14½ Main Street. The variance was dated August 15, 1990 and was good for nine months. In the letter, Mr. Julian explained that financial circumstances did not enable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

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

Vouchers and correspondance were addressed.

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

Respectfully submitted,



Sharon Bogie, Secretary  
Manasquan Board of Adjustment

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

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

CERTIFICATION

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

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

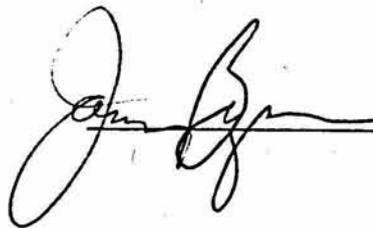
May 15 1991

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

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

Dated:

5/20/91

  
\_\_\_\_\_

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

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

CERTIFICATION

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

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

May 15, 1991

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

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

Dated: 6/18/91

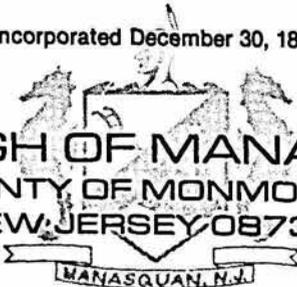
R. Buttle

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

(201) 223-0544

JOHN L. WINTERSTELLA  
Mayor

  
BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk

### MANASQUAN ZONING BOARD OF ADJUSTMENT

On Wednesday June 19, 1991 the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

#### FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

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

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

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

APPLICATION 7-91 - Richard Peters - 573 Pike Avenue

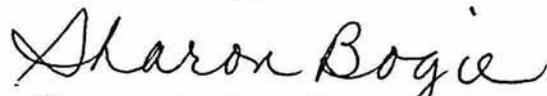
OLD BUSINESS

NEW BUSINESS

1. Discussion of by-laws.

(Work session follows regular agenda)

Yours truly,



Sharon Bogie, Secretary  
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN BOARD OF ADJUSTMENT**  
MEETING MINUTES - JUNE 19, 1991

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

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

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

Absent - Board Member Margaret Kazenmayer.

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

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

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

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

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

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

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

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

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

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

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

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

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

The parking situation was also reviewed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

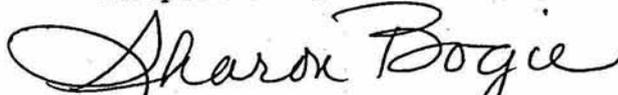
A motion was made, seconded and unanimously carried to conduct a site inspection on June 22, 1991 at 9 a.m.

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

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

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

Respectfully submitted,



Sharon Bogie, Secretary  
Manasquan Board of Adjustment

BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

CERTIFICATION

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

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

6/19/91

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

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

Dated:

Margaret J. Genova

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN ZONING BOARD OF ADJUSTMENT**

On Wednesday, July 17, 1991, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

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

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

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

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

RESOLUTION 4-91 - Ronald Dana - 365 Beachfront

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

RESOLUTION 6-91 - Estelle Stoedter - 72 Church Street

OLD BUSINESS

NEW BUSINESS

(Work session held following regular agenda matters)

Yours truly,

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 7/10/91

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN ZONING BOARD OF ADJUSTMENT**  
MEETING MINUTES  
JULY 17, 1991

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

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

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

Absent - Board Members Edward Lyons and Alma Roberts.

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

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

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

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

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

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

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

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

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

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

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

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

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

The Board, Board Attorney and applicants discussed the

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

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

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

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

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

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

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

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

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

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

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

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

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

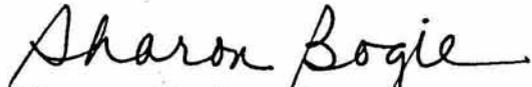
OLD AND NEW BUSINESS - The Board Members discussed the possibility of having a member of the Manasquan Planning Board attend a Board of Adjustment meeting for explanation of the Master Plan, and, in particular, Master Plan projections for the beachfront area.

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

The Board also addressed correspondance and the payment of vouchers.

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

Respectfully submitted,



Sharon Bogie, Secretary  
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN ZONING BOARD OF ADJUSTMENT**  
**AGENDA**

On Wednesday, August 21, 1991, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 11-91 - Robert Scerrato - 373 Beachfront

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

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

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

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

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

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

OLD BUSINESS

NEW BUSINESS

(Work session held following regular agenda matters)

Yours truly,

*Sharon Bogie*

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 8/2/91

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN ZONING BOARD OF ADJUSTMENT**  
MEETING MINUTES  
AUGUST 21, 1991

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

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

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

Absent - Board Members Margaret Kazenmayer, Christopher Trafford.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Board Chairman opened up comments from the public.

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

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

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

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

The public hearing was not closed on the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

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

BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

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

CERTIFICATION

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

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

8/21/91

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

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

Dated:

Christopher T. Raffe

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN ZONING BOARD OF ADJUSTMENT**

On Wednesday, September 18, 1991, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

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

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

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

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

OLD BUSINESS

NEW BUSINESS

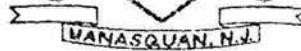
Yours truly,

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

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN ZONING BOARD OF ADJUSTMENT**  
MEETING MINUTES  
SEPTEMBER 18, 1991

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

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

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

Absent - None.

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

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

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

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

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

It was noted that a site inspection had been conducted.

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

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

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

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

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

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

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

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

APPLICATION 14-91 - Jerry Clancy - 67-67½ Sea Girt Avenue - The Board Attorney recognized Mr. Mark Troncone, attorney for Mr. Clancy, 1872 Crimson Lane, Santa Rosa, CA. and owner of the subject property. Mr. Troncone stated that Mr. Clancy was

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Byrnes then addressed three of the Board Members individually

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

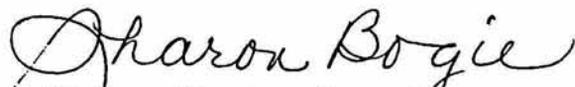
The Board then discussed changes in their by-laws. After specific changes were noted, the Board asked the Board Secretary to prepare a memorandum listing those changes.

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

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

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

Respectfully submitted,



Sharon Bogie, Secretary  
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk



October 11, 1991

MEMORANDUM

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

Dear Board Members and Counsel:

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

ARTICLE III, Section 1 (pg.II)

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

ARTICLE IV, Section 1 (pg. III)

"All meetings of the Board shall proceed as follows:

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

ARTICLE 5, Section 5 (pg. V)

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

ARTICLE 5, Section 6 (pg. VI)

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

ARTICLE VII, Section 6 (pg. XI)

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

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

Yours truly,

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

MEMORANDUM

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

Dear Mr. Chairman and Board Members:

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

Proposal #1

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

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

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

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

(908) 223-0544

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN BOARD OF ADJUSTMENT**  
OCTOBER 16, 1991 REGULAR MEETING

On Wednesday, October 16, 1991, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

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

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

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

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

Resolution 11-91 - Robert Scerrato - 373 Beachfront

Old Business

1. Discussion of By-laws

New Business

(Work Session follows regular agenda)

Yours truly,

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated in Manasquan 10/11/91

JOHN L. WINTERSTELLA  
Mayor

MARGARET M. MONSELL  
Municipal Clerk

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



**MANASQUAN ZONING BOARD OF ADJUSTMENT**  
**REGULAR MEETING MINUTES**

OCTOBER 16, 1991 - MANASQUAN BOROUGH HALL, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held its regular meeting on Wednesday, October 16, 1991 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman Edward Lyons called the meeting to order at 7:30 p.m. He stated that this was an open public meeting held in accordance with the Open Public Meetings Act and had been published according to law. He asked all in attendance to join in the Salute to the Flag.

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

absent : None.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Deppeler and Mr. Thomas then offered summations.

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

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

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

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

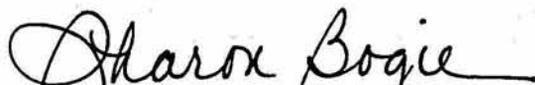
The property is located in a R-2 zone and a use variance was requested. The A-5 flood zone is not applicable.

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

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

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

Respectfully submitted,



Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 11/14/91

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN ZONING BOARD OF ADJUSTMENT**  
NOVEMBER 20, 1991 REGULAR MEETING

On Wednesday, November 20, 1991, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

AGENDA

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING :

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

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

Application 17-91 - Frank Dwyer - 196 Third Avenue

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

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

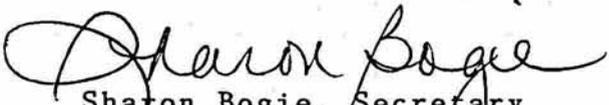
Resolution 15-91 - Dr. Thomas Tallon/Laurie and Richard Brandon-  
414 Beachfront

Old Business

New Business

(Work Session follows regular agenda)

Yours truly,

  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated in Manasquan 11/14/91

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN ZONING BOARD OF ADJUSTMENT**  
REGULAR MEETING MINUTES

NOVEMBER 20, 1991 - MANASQUAN BOROUGH HALL, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held its regular meeting on Wednesday, November 20, 1991 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman Edward Lyons called the meeting to order at 7:30 p.m. He stated that this was an open public meeting held in accordance with the Open Public Meetings Act and had been published according to law. He asked all in attendance to join in the Salute to the Flag.

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

absent : None.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLUTION 14-91 - Jerry Clancy, Jr. - 67-67½ Sea Girt Avenue  
- John Jackson from the law firm Kittrick, Jackson and Troncone

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

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

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

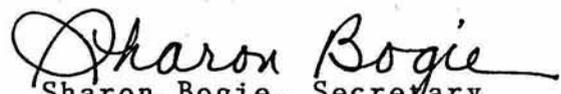
OLD BUSINESS / NEW BUSINESS - The Board Secretary submitted vouchers and correspondance for the Board's consideration.

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

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

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

Respectfully submitted,

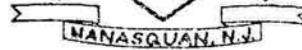
  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 12/6/91

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN ZONING BOARD OF ADJUSTMENT**  
DECEMBER 18, 1991

On Wednesday, December 18, 1991, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

**AGENDA**

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING :

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

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

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

Resolution 16-91 - Donald Prior - 54½ Ocean Avenue

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

Old Business

New Business

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

2. Budget

(Work session follows regular agenda)

Yours truly,

  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated in Manasquan 12/9/91

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk



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

The Manasquan Zoning Board of Adjustment held its regular meeting on Wednesday, December 18, 1991 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman Edward Lyons called the meeting to order at 7:30 p.m. He stated that this was an open public meeting held in accordance with the Open Public Meetings Act and had been published according to law. He asked all in attendance to join in the Salute to the Flag.

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

Absent - None.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

January 15, 1992 meeting.

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

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

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

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

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

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

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

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

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

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

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

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

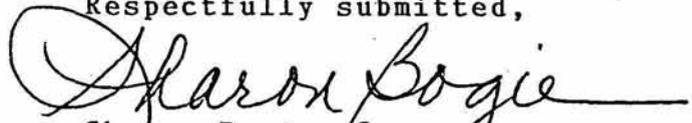
The Board discussed its 1992 budget and unanimously agreed to request the same amount in 1992 as it had in 1991.

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

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

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

Respectfully submitted,

  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

1992

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

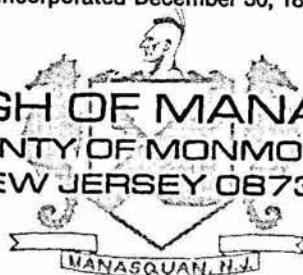
Incorporated December 30, 1887

(908) 223-0544

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk



**MANASQUAN BOARD OF ADJUSTMENT - 1992**

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

John Burke  
4 Stockton Ave.  
Manasquan, NJ 08736

Margaret Kazenmayer  
112 Wyckoff Ave.  
Manasquan, NJ 08736

Edward Lyons  
40 McGreevey Dr.  
Manasquan, NJ 08736

Claudia Pincus  
104 Church Street  
Manasquan, NJ 08736

Christopher Trafford  
50 Broad St.  
Manasquan, NJ 08736

James VanSchoick  
92 McLean Ave.  
Manasquan, NJ 08736

Robert Brittle  
386 Euclid Ave.  
Manasquan, NJ 08736

Jack Langella  
405 Pine Avenue  
Manasquan, NJ 08736

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

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

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "A"

RE: CHAIRMAN

WHEREAS, Article II, Section 2 of the Land Use Procedures Ordinance of the Borough of Manasquan, Ordinance No. 1006 provides that the Zoning Board of Adjustment of the Borough of Manasquan shall elect a Chairman from its members:

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

ROLL CALL VOTE:

James F. Bogan Jr., John Burke, Margaret Kazenmayer, Edward Lyons, Christopher Trafford, James VanSchoick, Robert Brittle and Jack Langella.  
YES:  
NO: NONE.

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 15, 1992.

*Sharon Bogie*

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

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "B"

RE: VICE-CHAIRMAN

WHEREAS, Article II, Section 2, of the Land Use Procedures Ordinance of the Borough of Manasquan, Ordinance No. 1006, provides that the Zoning Board of Adjustment of the Borough of Manasquan shall elect a Vice-Chairman from its members:

NOW THEREFORE BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan that James F. Bogan, Jr. be and hereby is elected and designated as Vice-Chairman of the Zoning Board of Adjustment of the Borough of Manasquan, effective as of Wednesday, January 15, 1992, and whose term as Vice-Chairman shall terminate at the close of the first regular meeting of the Board held in the month of January 1993.

ROLL CALL VOTE:

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

NO: None.

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 15, 1992.

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

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "C"

RE: MEETING DATE

WHEREAS, the "Open Public Meeting Law", Public Laws of 1975, Chapter 231, requires that annual notice of the public meeting of the public body such as the Zoning Board of Adjustment of the Borough of Manasquan be disseminated within seven days following the annual organization or reorganization of such a public body:

NOW THEREFORE BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan as follows:

1. That the third Wednesday of each month shall be designated as the regular monthly meeting of the Zoning Board of Adjustment of the Borough of Manasquan, except that when the third Wednesday of any month falls on a holiday celebrated by the Borough of Manasquan, then and in that case only the regular meeting of the Zoning Board of Adjustment of the Borough of Manasquan shall be designated by the Board at the regular monthly meeting immediately prior to that which shall fall on a holiday and public notification of the same shall be made in accordance with the provisions of the Open Public Meeting Law;

AND BE IT FURTHER RESOLVED that each regular meeting of the Zoning Board of Adjustment of the Borough of Manasquan shall convene at 7:30 p.m., and be followed by a work session

at the end of the regular meeting, and that the location of the same shall be at the Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey:

AND BE IT FURTHER RESOLVED, that a copy of this Resolution be disseminated and published according to law within seven days of the date hereof.

ROLL CALL VOTE:

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

NO: None.

MEETING DATES:

February 19, 1992

March 18, 1992

April 15, 1992

May 20, 1992

June 17, 1992

July 15, 1992

August 19, 1992

September 16, 1992

October 21, 1992

November 18, 1992

December 16, 1992

January 20, 1993

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 15, 1992.

*Sharon Bogie*

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

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "D"

RE: OFFICIAL NEWSPAPERS

WHEREAS, the "Open Public Meeting Law", Public Laws of 1975, Chapter 23, provides that various notices be transmitted and/or published in two newspapers most likely to inform the people within the jurisdictional area of the Zoning Board of Adjustment of the Borough of Manasquan and that one of said newspapers be designated as the "official newspaper":

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan that its official newspaper be and the same is hereby designated to the The Coast Star, 13 Broad Street, Manasquan, New Jersey, and that the secondary newspaper shall be The Asbury Park Press, Press Plaza, Asbury Park, New Jersey.

ROLL CALL VOTE:

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

NO: None.

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organization meeting conducted on January 15, 1992.

*Sharon Bogie*

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

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "E"

RE: APPOINTMENT OF BOARD OF ADJUSTMENT ATTORNEY

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

WHEREAS, Article 11, Section 3 of Ordinance No. 1006 of the Borough of Manasquan entitled "THE LAND USE PROCEDURES ORDINANCE OF THE BOROUGH OF MANASQUAN", adopted by the Borough of Council of the Borough of Manasquan, January 24, 1977, provides for the appointment of an attorney by the Board of Adjustment of the Borough of Manasquan; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the Resolution authorizing the appointment of an attorney to the Board of Adjustment for "professional services" without competitive bidding must be publicly advertised:

AND WHEREAS, each member of this Board has reviewed the form of Agreement with regard to legal services to be entered into as between it and William Byrnes, Esq.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Borough of Manasquan as follows:

1. That William Byrnes, Esq., be and he is hereby appointed as Attorney for the Board of Adjustment of the Borough of Manasquan for a term of one year. The effective date of this appointment shall be as of January 15, 1992, and the same shall terminate at the close of the first

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

2. The aforesaid appointment is made without competitive bidding as "professional services" under the provisions of the Local Public Contracts Law because the services to be performed are to be performed by a recognized professional, licensed and regulated by law.

3. The the Chairman of this Board be and he is hereby authorized to enter the aforementioned Agreement on behalf of this Board with William Byrnes, Esq., with regard to legal services to be rendered and that a copy of said Agreement shall be kept on file with the Secretary of the Board.

4. That a copy of this Resolution be published according to law within ten days of adoption.

ROLL CALL VOTE:

Board Members James F. Bogan Jr., John Burke, Margaret Kazenmayer,  
YES: Edward Lyons, Christopher Trafford, James VanSchoick, Robert  
Brittle and Jack Langella.  
NO: None.

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 15, 1992.

*Sharon Bogie*  
SHARON BOGIE, Secretary to  
the Board of Adjustment of the  
Borough of Manasquan

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "F"

RE: APPOINTMENT OF SECRETARY TO  
ZONING BOARD OF ADJUSTMENT

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

WHEREAS, Article 11, Section 2 of Ordinance No. 1006 of the Borough of Manasquan entitled "THE LAND USE PROCEDURES ORDINANCE OF THE BOROUGH OF MANASQUAN", adopted by the Borough of Council of the Borough of Manasquan, January 24, 1977, provides for the appointment of Secretary to said Board:

AND WHEREAS, funds are available for this purpose:

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan as follows:

1. That Sharon Bogie be and is hereby appointed as Secretary to the Zoning Board of Adjustment of the Borough of Manasquan for a term of one year. The effective date of this appointment shall be as of January 15, 1992, and the same shall terminate at the close of the first regular meeting of this Board held in the month of January, 1993.

2. That the salary of said Secretary shall in the amount and payable in the manner as shall be fixed by the Borough Council of the Borough of Manasquan.

3. That a copy of this Resolution be published according to law within ten days of adoption.

ROLL CALL VOTE:

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

NO: None.

The foregoing is a true copy of a Resolution  
adopted by the Zoning Board of Adjustment of the Borough of  
Manasquan at its organizational meeting conducted on January  
15, 1992.

*Sharon Bogie*

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

A G R E E M E N T

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

Between THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH  
OF MANASQUAN, hereinafter designated as "BOARD"

And WILLIAM BYRNES, an attorney at law of the State  
of New Jersey

WHEREAS, the Board recognizes that it is empowered and permitted by the Municipal Land Use Law, Chapter 291, Laws of New Jersey, 1975, and the Land Use Procedures Ordinance of the Borough of Manasquan, to appoint and affix the rate of compensation of the attorney for the Board:

AND, WHEREAS, William Byrnes an attorney at law of the State of New Jersey has been duly appointed by Resolution of the Board as attorney for the Board:

AND, WHEREAS, the most recent draft of the revised Local Public Contract Guidelines and Local Public Contract Regulations dated August 13, 1976 drawn and prepared by the Local Finance Board of the Division of Local Government Services, urges and recommends that contracts be entered into with professionals retained by the public agency:

AND WHEREAS, the members of the Board further recognize that it is to the best interests of the Board and the inhabitants of the Borough of Manasquan that a Contract be entered into between it and its attorney:

W I T N E S S E T H:

FOR AND IN CONSIDERATION of the sum of One Dollar

(\$1.00) and other good and valuable considerations, to each in hand paid one to the other, the parties AGREE as follows:

1. That William Byrnes, Esq., be and he is hereby specifically retained to perform all legal services required by the Board.

2. That William Byrnes, Esq., shall be paid for services rendered at the rate of 85.00 dollars per hour.

3. That in addition to the hourly rate, any and all costs incurred will be reimbursed by the Board on a dollar for dollar basis.

4. That the within Agreement shall terminate at such time as William Byrnes, Esq., is no longer the duly appointed attorney for the Board.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by its proper officers the day and year first above written.

ZONING BOARD OF ADJUSTMENT OF  
THE BOROUGH OF MANASQUAN

By:   
CHAIRMAN  


JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk

**MANASQUAN ZONING BOARD OF ADJUSTMENT**  
JANUARY 15, 1992

On Wednesday, January 15, 1992, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

**AGENDA**

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING :

REORGANIZATION FOR 1992

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

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

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

Application 1-92 - Paul Pawchuk - 43 Lakewood Road

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

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

Old Business

1. Annual report for 1991.

New Business

(Work session follows regular agenda)

Yours truly,

  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated in Manasquan 1/9/92

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk

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

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

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

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

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

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

Absent - Board Member Alma Roberts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,



Sharon Bogie, Secretary  
Manasquan Board of Adjustment

dated at Manasquan 2/6/92

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk

January 10, 1992

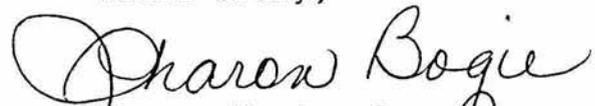
MEMORANDUM TO: Members of the Manasquan Board of Adjustment  
RE: 1991 year-end report

Dear Board Members:

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

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

Yours truly,



Sharon Bogie, Secretary  
Manasquan Board of Adjustment

**MANASQUAN ZONING BOARD OF ADJUSTMENT - 1991**

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

TOTAL FEES: \$4,900.00

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk

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

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

JOHN L. WINTERSTELLA  
Mayor

MARGARET M. MONSELL  
Municipal Clerk

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

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

1991

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

1992

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

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

JOHN L. WINTERSTELLA  
Mayor

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

MARGARET M. MONSELL  
Municipal Clerk

**MANASQUAN ZONING BOARD OF ADJUSTMENT**  
FEBRUARY 19, 1992

On Wednesday, February 19, 1992, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

**AGENDA**

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Application 2-92 - Joseph Gumienny - 107 Beachfront

Resolution 17-91 - Frank Dwyer - 196 Third Avenue

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

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

Old Business

New Business

(Work Session follows regular agenda)

Yours truly,



Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated in Manasquan 2/7/92

JOHN L. WINTERSTELLA  
Mayor

MARGARET M. MONSELL  
Municipal Clerk

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

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

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

Board Chairman John Burke called the meeting to order at 7:30 p.m. He stated that this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law.

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

Absent: Board Member Christopher Trafford

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Walsh, professional engineer and planner, offered testimony on the project.

Mr. Walsh gave testimony as to how he became involved with the Gumienny case and identified plans A-4 as being prepared by his office. He stated those plans were planned to show the the third floor prior to the renovations; the depiction was

based on plans, materials and descriptions by the applicant because Mr. Walsh was brought in to work on the project subsequent to the construction.

The third floor area had a sitting room indicated; this room had been noted by Mr. Gumienny as a bedroom. Mr. Walsh indicated that this area consisted of a set of walls with no fixtures at this point. Mr. Walsh gave the measurements of the third floor area as 11'3" x 20'6". He stated he had conducted site inspections and took some of the photographs provided to the Board. Mr. Walsh also prepared a front elevation depiction in regards to the third level; it was marked as A-13 for the file. The height of the building was 31' prior to the renovation and is now 30'8", stated Mr. Walsh.

Mr. Walsh stated in his opinion there would be no substantial impairment to the light and air flow in the area. He also discussed previous access to the third floor level. He commented on egress from the area in an emergency situation and stated that should a fire occur in the actual roof structure the area would be inaccessible for egress purposes. He stated under present regulations it would not be allowed to be constructed (as it had existed). Mr. Walsh stated that he was a volunteer fireman and from a fire standpoint, Mr. Walsh felt that if there was a fire on the second story of the building the deck would probably be the primary means of exit.

Mr. Burke stated that he would like to hear from the audience regarding whether they felt the flow of light and air would be impeded. He asked the Board if they needed more information to make their determinations on the C or D variance issue. The Board indicated they needed no further information.

Mr. Burke opened the floor to comments from the public.

Dr. John McCue, 103 Beachfront, was sworn in. He stated he lives 25' north of the subject property and his mother lives at the property 50' south. He stated he has no objections to the project.

Patricia McCue, 103 Beachfront, was sworn in. In her opinion, she stated, there would be no effects on the air flow.

Mr. Magnabousco, 133 Beachfront, stated he felt the project benefits the neighborhood.

Virginia Birckhead, 121 Beachfront, was sworn in and stated that she had no objections to the project.

Mr. Birckhead, 121 Beachfront, noted the good conduct of Mr. Gumienny's tenants and asked if any water, gas or sewer lines were planned; Mr. Gumienny stated there are no new lines planned.

There being no further comments from the public, a motion was made, seconded and carried to close the public hearing.

Board members asked for clarification of the differences between C and D variances. Mr. Byrnes stated he felt Mr. O'Brien should offer his opinions, after which Mr. Byrnes would offer the definitions requested.

Mr. O'Brien once again he presented his arguments on the C or D variance issue. Definitions were discussed, including that of "non-conforming lot" and types of C variances.

After further discussion, the Board determined that a "C-2" variance was needed by the following poll of the members: "C-2" variance: Mr. Lyons, Mr. Langella, Mr. VanSchoick, Mr. Bogan and Mr. Brittle; "D-variance": Mrs. Kazenmayer.

Mr. Walsh the offered further testimony on the project. He stated the renovation increases the habitability of the dwelling and enhances safety factors. He stated that if Mr. Gumienny was required to return the third floor area to its original state it would not be very habitable or safe. He stated there would be no detriments to the neighborhood and that the benefits to the borough and Mr. Gumienny outweigh detriments. Mr. Burke stated that it was the applicant's choice to use the third floor as a bedroom and that in his opinion he was expanding the area to make better use of it as a bedroom. Mr. Walsh asked the Board to consider the factors presented and take it strictly from a planning perspective.

Mr. Bogan stated that the Board was deciding whether the structure should remain as is or be put back to its original state. Mr. Burke also stated the Board needed to consider the affects on the zoning.

Mr. Byrnes offered pertinent case law, stating that a C-2 variance should not be granted if only the purposes of the owner are advanced and it must "present a better zoning alternative to the property."

Once again calling upon Mr. Ratz, Mr. Burke asked Mr. Ratz, based on prior experience, what these small structures/cupolas originally designed as. Mr. Ratz stated he thought they were designed for people to just go up and look at the ocean, not

as bedrooms or living rooms. Mr. Burke then asked Mr. Gumienny what the area had been used as when he purchased the house; Mr. Gumienny stated it had been used as a bedroom.

Mr. Van Schoick asked Mr. Walsh whether enlargement of the cupola was needed for safe access.

Case law and definitions were clarified for the Board. Mr. Burke then called upon Board members to offer their opinion.

Mr. Lyons expressed the wish that the applicant had come to the Board before construction had commenced.

Mr. Langella stated he was trying to look at it as if the work had not already been done and that if anyone would have approved it prior to the construction they should approve it now.

Mr. VanSchoick commented on the testimony. Mr. Bogan stated he felt it needed to be reduced and that the handrail on the deck should be removed; he felt that while the deck should be allowed to remain, the use of the area as a recreational deck should not be encouraged and that the doors going onto the deck should be changed to windows.

Mrs. Kazenmayer stated it was three stories and she was not sure it represented better zoning.

Mr. Brittle stated that he agreed it was a three story but it had been that way ever since it was built.

Mr. Burke asked Mr. O'Brien if he would like five minutes to confer with Mr. Gumienny. Mr. O'Brien agreed.

While Mr. O'Brien conferred with Mr. Gumienny, the Board came out of the hearing to discuss old and new business.

The Board Secretary submitted a resolution honoring Mrs. Roberts for her service to the Board. The resolution was passed by unanimous vote.

Correspondance and vouchers were discussed.

The Board then entered back into its regular session and hearing on the Gumienny application.

Mr. O'Brien addressed the Board regarding the possibility of decreasing the size of the structure. He stated the only possibility would be to "lop" 6'8" off the back of structure

and change the location of the landing; this would allow the staircase to remain but eliminate some closet space. It would bring the structure down to 13' 10" long x 11' wide (156 square feet, up from the original size of 81 square feet and down from renovated size of 230 square feet).

The Board discussed the option. Mr. Langella stated that the proposal did not address the issue of it being a third floor.

Mrs. Kazenmayer stated that she still felt it was a third story and an expansion of use.

Mr. Bogan stated he would like them to take the six feet off and making the door into a window. He wanted there to be "absolutely no question" that the second floor roof should not be used as a deck.

Mr. Byrnes explained to the Board what options they had in regards to the application. He stated the Board could approve the application as it presently exists, approve the application with stipulations/conditions or deny the application. He said it should be kept in mind that denial did not mean that the third floor would be eliminated because 9x9 had been there.

Mr. Langella stated he assumed the applicant could keep his deck and sliding doors.

Mr. Byrnes noted that the deck had been covered over by a roof and that Board relief would be required to build a different deck. He added an argument could be made that the previous owner abandoned the use by putting a roof over it.

Mr. Bogan stated all railing should be removed from the second floor roof area because railing implied usage as a deck.

After discussion, Mr. O'Brien and Mr. Gumienny stated they could not give up the deck.

Mr. Bogan moved to deny the application; the motion was seconded by Mr. VanSchoick and carried by the following vote: "Yes" Board Members Bogan, Kazenmayer, Lyons, VanSchoick and Burke. "No" Board Members Brittle and Langella.

Mr. Magnabousco asked if the public would have the opportunity to comment; it was stated that the case was closed.

RESOLUTION 17-91 - Frank Dwyer - 196 Third Avenue - The Board Attorney read the favorable resolution for the Board's

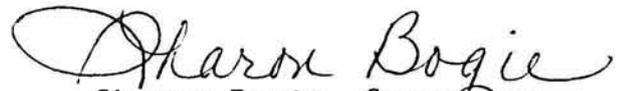
consideration. It was noted that Mrs. Kazenmayer, Mr. VanSchoick and Mr. Langella were not eligible to vote on the resolution. A motion was made by Mr. Brittle to memorialize the resolution; motion seconded by Mr. Bogan and carried by the following vote: "Yes" Board Members Bogan, Brittle, Lyons and Burke. "No" none.

RESOLUTION 19-91 - John and Mona Kirk - 67 Lakewood Road - The Board Attorney read the favorable resolution for the Board's consideration. A motion to memorialize was made by Mr. VanSchoick, seconded by Mr. Brittle and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Lyons, VanSchoick and Burke. "No" none.

RESOLUTION 1-92 - Paul Pawchuk Jr. - 43 Lakewood Road - The Board Attorney read the favorable resolution for the Board's consideration. A motion to memorialize was made, seconded and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Lyons, VanSchoick and Burke. "No" none.

There being no further matters for consideration, motion was made, seconded and unanimously carried to adjourn at 12:06 a.m.

Respectfully submitted,



Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated in Manasquan 3/6/92

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk

**MANASQUAN ZONING BOARD OF ADJUSTMENT**  
APRIL 15, 1992  
REGULAR MEETING AGENDA  
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN

On Wednesday, April 15, 1992, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

**AGENDA**

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 4-92 (cont.) -George M. Spadaro- 34 Deep Creek Dr.

APPLICATION 6-92 - George and Barbara Lund - 271 First Avenue

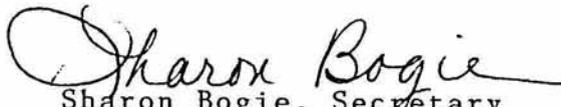
APPLICATION 7-92 - Ronald Dana - 381 Beachfront

RESOLUTION 3-92 - Rev. and Mrs. F. Mold - 564 Pompano Ave.

RESOLUTION 5-92 - Florence M. and Marie E. Breunig - 263  
Beachfront/262 First Avenue

OLD BUSINESS/NEW BUSINESS

Yours truly,

  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 4/8/92

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk

**MANASQUAN ZONING BOARD OF ADJUSTMENT**

APRIL 15, 1992 MEETING MINUTES  
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held their regular meeting and work session on April 15, 1992 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke called the meeting to order at 7:30 p.m. He stated that it was an Open Public Meeting held in accordance with the Open Public Meetings Act and published according to law.

ROLL CALL : Present - Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer, Edward Lyons, Christopher Trafford, James VanSchoick and John Burke.

Absent - Board Member Jack Langella.

It was noted for the record that Mrs. Kazenmayer had listened to the March meeting tapes and was therefore eligible to vote.

A motion was made, seconded and unanimously carried to approve the March 18, 1992 minutes as submitted by the Board Secretary.

APPLICATION 4-92 (cont.) - George M. Spadaro - 34 Deep Creek Drive - The Board continued its hearing on the matter, with Mr. Spadaro, applicant/owner of subject property, testifying.

Mr. Spadaro submitted a letter from Albert P. Ratz Jr., Construction Official. The letter, marked A-11 for the file, stated that based on review of an elevation certificate provided by Mr. Spadaro, Mr. Ratz found that the existing structure has a finished first floor of 10.4 feet. The minimum first floor elevation in an A-5 zone, where the property is located, is nine feet above sea level. The letter went on to say that the dwelling complies with flood zone regulations as will the addition, and therefore should not be an issue for the Board to consider.

Mr. Spadaro also submitted a letter from Elbert Morris, president of Morris and Glasgow, Inc., engineering and surveying firm, Point Pleasant. The letter states that the lowest structural timber is at elevation 9.1' NGVD. The letter was marked A-12.

Pursuant to the Board's request, a drawing of the roofline was shown. It was noted this was the only copy and one would submit one for the Board file. It was marked A-13.

After further discussion and no comments from the public, a motion was made, seconded and unanimously carried to close the public portion of the meeting. A motion was then made by Mr. Bogan for a favorable resolution with the new roofline being incorporated; motion seconded and carried by following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Lyons, Trafford, VanSchoick and Burke. "No" none.

A motion was then made by Mr. Bogan to immediately memorialize the resolution, pursuant to the applicant's request. Motion seconded by Mr. VanSchoick and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Lyons, Trafford, VanSchoick and Burke; "No" none.

APPLICATION 6-92 - George and Barbara Lund - 271 First Avenue - The Board recognized George Lund, 709 Union Lane, Brielle, applicant and owner of the subject property. Mr. Lund and Tom Peterson, Point Pleasant, architect on the project, were sworn in to offer testimony.

The Board, Board Attorney and applicant commenced discussion on the application, which sought relief so that the existing single family house on the property could be demolished and a new single family home could be constructed.

Construction Official Albert P. Ratz Jr. denied the application for a building permit under Section 107-27 (Schedule of Limitations - front yard setback of 10' required, 7'9" requested) of the Code of the Borough of Manasquan. A hardship variance is required and the A-5 flood zone will apply; the property is located in a R-5 zone.

Mr. Lund gave a description of the property and background, stating he had bought the house in 1964 and the land from American Timber Company in 1991. The plans which had been submitted were discussed as well as easements and parking. It was noted that only the front yard setback was deficient.

Mr. Peterson also commented on the project.

On questioning from the Board, Mr. Lund stated there were no intentions to turn the old garage into living space. He also noted the existence of some two-family structures/situations in the neighborhood.

After further discussion amongst the Board Members and applicant, and there being no comments or questions from the public, a motion was made, seconded and unanimously carried to close the public hearing.

Mr. Byrnes stated the Board would need revised figures from Mr. Peterson on the project.

A motion was made by Mr. Trafford to conduct a site inspection on April 18, 1992 at 9 a.m. Motion seconded and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Lyons, Trafford, VanSchoick and Burke. The applicant agreed to waive time limitations under the Land Use Law.

APPLICATION 7-92 - Ronald Dana - 381 Beachfront - The Board recognized Kevin Thomas, attorney for the applicant, and Ronald Dana, 1 Kinney Road, Freehold, owner of the subject property.

The Board, Board Attorney, applicant and applicant's attorney commenced discussion of the application, which sought relief so that the existing house at 381 Beachfront could be demolished and a new one constructed. The home is situated on a lot with another house, 380 First Avenue. This, Mr. Ratz put forth in his denial, is not a permitted use.

Mr. Ratz also denied the permit under Sections 107-27 (Schedule I - sideyard setbacks, 5' required, 3.5' shown, and front yard setback, 15' required and 7.5' requested) and 107-36 (schedule II parking - four parking spaces required, none shown) of the Code of the Borough of Manasquan.

The V-6 flood zone is not applicable, the house must comply with code requirements, Mr. Ratz added. A use variance is needed and the property is in a R-4 zone.

Mr. Dana, under questioning from Mr. Thomas, described the neighborhood. He stated his house is surrounded by two-story homes: Plans prepared by J.R. Saunders, New Jersey and Florida, were discussed.

Parking was discussed and clarifications were made regarding the western floor plans. The applicant stated that revisions would be made regarding the side porch.

The Board made comments on the application. Mr. Burke stated he felt it was a three-story and noted it came to just under the 35 foot maximum height cited in the Code. Mr. Thomas felt it was two and a half stories and added if the Board desired

a condition could be placed in the resolution that there would be no living space on the third story.

"Legally and practically speaking it is not a third floor," Mr. Thomas maintained.

The floor was open to public questions/comments. Speaking in favor of the project were Edward Roeth, 369 First Avenue, Noel Hood, 161 Beachfront, and Warren Randolph, 563 Salmon Avenue.

A motion was made, seconded and unanimously carried to hold a site inspection on April 18, 1992 at 9:30 a.m. The applicant waived the time limitations under the Land Use Law.

RESOLUTION 3-92 - Rev. and Mrs. Frederick Mold - 564 Pompano Avenue - Mr. Byrnes read the favorable resolution. A motion was made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Lyons, Trafford, VanSchoick and Burke, "No" none, and "Abstain" Board Member Kazenmayer.

RESOLUTION 5-92 - Florence M. and Marie E. Breunig - 263 Beachfront/262 First Avenue - Mr. Byrnes read the favorable resolution. A motion was made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Lyons, Trafford, VanSchoick and Burke, "No" none and "Abstain" Board Member Kazenmayer.

OLD BUSINESS / NEW BUSINESS - The Board Secretary brought correspondence and vouchers to the Board's attention.

There being no further matters for discussion, a motion was made, seconded and unanimously carried to adjourn at 9:20 p.m.

Respectfully submitted,



Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 4/29/92

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk

**MANASQUAN ZONING BOARD OF ADJUSTMENT**

MAY 20, 1992

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, May 20, 1992, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

**AGENDA**

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 6-92 - (cont.) George and Barbara Lund - 271 First Avenue.

APPLICATION 7-92 - (cont.) Ronald Dana - 381 Beachfront

APPLICATION 8-92 - George Rostron - 564 Whiting Avenue

APPLICATION 9-92 - Manasquan First Aid, Inc. - 65 Broad Street

RESOLUTION 4-92 - George M. Spadaro - 34 Deep Creek Drive

OLD BUSINESS / NEW BUSINESS

Yours truly,

*Sharon Bogie*

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 5/13/92

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk

**MANASQUAN ZONING BOARD OF ADJUSTMENT**  
MAY 20, 1992 MEETING MINUTES  
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, May 20, 1992, the Manasquan Zoning Board of Adjustment held their regular meeting and work session in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, NJ.

Vice Chairman James F. Bogan Jr. called the meeting to order at 7:30 p.m. in the absence of Chairman John Burke. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law.

ROLL CALL: Present - Board Members James F. Bogan Jr., Margaret Kazenmayer, Edward Lyons, Robert Brittle and Jack Langella.

Absent - Board Members John Burke, Christopher Trafford and James VanSchoick.

A motion was made by Mr. Brittle to approve the minutes of the April 15, 1992 meeting as submitted by the Board Secretary. Motion second and carried by the following vote: "Yes" Board Members Bogan, Kazenmayer, Lyons and Brittle. "No" none. "Abstain" Board Member Langella.

APPLICATION 6-92 - (cont.) - George and Barbara Lund - 271 First Avenue - The Board recognized George Lund, applicant and owner of subject property. After further discussion, and there being no further comment/questions from the public, a motion was made, seconded and unanimously carried to close the public hearing.

It was explained to Mr. Lund that only four members present were eligible to vote and therefore all four members would need to vote "yes" to approve the application. After brief discussion and comments from the Board, Mr. Lund elected to go forward with the motion and vote on the application.

A motion was made and seconded to approve the application; motion carried by the following vote: "Yes" Board Members Bogan, Kazenmayer, Lyons and Brittle.

APPLICATION 7-92 - (cont.) - Ronald Dana - 381 Beachfront - Kevin Thomas, attorney for the applicant, was advised that there were only four eligible voting members at the meeting. He requested that the hearing be continued at the June 17, 1992 meeting. The Board agreed to continue the case. Mr. Thomas also asked that the revised plans which had been submitted since the April 15, 1992 meeting be marked as evidence; Board Attorney William Byrnes marked the plans A-5A.

APPLICATION 8-92 - George Rostron - 564 Whiting Avenue - Mr. Byrnes marked the file and recognized George Rostron, 187 Grove Street, Somerville, applicant and owner of subject property. Mr. Rostron was sworn in to offer testimony.

The Board and applicant began their discussion of the application, which requested relief so the applicant could construct a concrete pad adjacent to the present gravel driveway; the present concrete curb would then be cut to 18 feet overall.

Albert P. Ratz, Jr., Construction Official, denied the permit under Section 107-23.3 (no curb cut shall exceed 12' in width at the curb line) of the Code of the Borough of Manasquan.

Mr. Rostron explained the project, stating he wished for the larger curb cut for parking purposes. He said he bought the house in 1978 and purchased the land from American Timber Company last year.

A motion was made for a site inspection on May 30, 1992 at 9 a.m. Motion seconded and carried unanimously. The applicant agreed to waive time limitations under Land Use Law.

APPLICATION 9-92 - Manasquan First Aid, Inc. - 65 Broad Street - Mr. Byrnes marked the Board file and Kevin Callahan, attorney with the firm of Monte and Marriott, placed himself on the record as representing the applicant, which is a corporation. Mr. Callahan introduced Michael Long, 52 Taylor Avenue, Manasquan, Captain and Trustee of the squad; and Richard Graham, 600 Sea Girt Avenue, Sea Girt, architect on the project. Mr. Long and Mr. Graham were sworn in to offer testimony.

The Board, Board Attorney and representatives/professionals on behalf of the applicant commenced the hearing on the application, which requested relief so that the First Aid Squad could construct numerous additions (including upgrading the bathroom facilities to accomodate handicapped persons) and change the present flat roof to a pitched roof.

Mr. Ratz denied the building permit under Section 107-9 (not a permitted use) and 107-82.A (4) (non-conforming use may not be expanded without a variance). A use variance was needed.

Mr. Callahan discussed the legalities of the case, stating that the property is in an R-2 zone and a first aid building is not a permitted use in this zone.

Mr. Long described the proposed renovations, noting the addition of bathrooms to meet handicapped regulations, storage space

and change in the roofline as well as giving specifics on each part of the project. He stated there would not be any changes to the parking facilities and the number of people going into the building would not increase.

Mr. Graham offered testimony regarding the submitted plans. He stated the project would not increase traffic and felt that approval of the application would not be detrimental to the public good or the zoning ordinance.

Virginia Birckhead, East Main Street, asked if any parking spaces had been eliminated; it was stated all spaces would remain.

The Board asked whether the Monmouth County Planning Board had been notified since Broad Street is a county road. Mr. Byrnes requested that the applicant's attorney secure a letter of "no interest" on the application from the county.

A motion was made, seconded and unanimously carried to close the public hearing on the application.

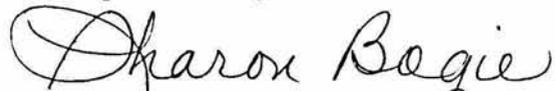
A motion was made by Mr. Langella to approve the application with the stipulation that the applicants would provide a letter of "no interest" from Monmouth County. Motion seconded and carried by the following vote: "Yes" Board Members Bogan, Kazenmayer, Lyons, Brittle and Langella. "No" none.

RESOLUTION 4-92 - George M Spadaro - 34 Deep Creek Drive - Mr. Byrnes read the favorable resolution for the record. Since the Board had voted at the last meeting to memorialize the application immediately, there was no need for further vote.

OLD BUSINESS / NEW BUSINESS - The Board Secretary submitted vouchers and correspondence for the Board's consideration.

The Board then entered into closed session to discuss pending litigation. Upon coming back into regular session, and there being no further matters on the agenda, a motion was made, seconded and unanimously carried to adjourn at 9:27 p.m.

Respectfully submitted,



Sharon Bogie, Secretary  
Manasquan Board of Adjustment  
(Dated at Manasquan 6/8/92)

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk

**MANASQUAN ZONING BOARD OF ADJUSTMENT**

JUNE 17, 1992

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, June 17, 1992, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

**AGENDA**

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 10-92 - Andrew and April Ely- 525 Perrine Boulevard

APPLICATION 7-92 (cont.) - Ronald Dana - 381 Beachfront

APPLICATION 8-92 (cont.) - George Rostron - 564 Whiting Avenue

APPLICATION 11-92 - Robert Balot - 71 Second Avenue

APPLICATION 12-92 - David and Ann Marie Tessin - 167 South Street

RESOLUTION 9-92 - Manasquan First Aid, Inc. - 65 Broad Street

OLD BUSINESS / NEW BUSINESS

Yours truly,

  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 6/11/92

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk

**MANASQUAN ZONING BOARD OF ADJUSTMENT**  
JUNE 17, 1992

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, NJ

The Manasquan Zoning Board of Adjustment held their regular meeting and work session on June 17, 1992 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke called the meeting to order at 7:30 p.m. He stated that it was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked everyone present to join in the salute to the flag.

ROLL CALL: Present - Board Members Robert Brittle, Margaret Kazenmayer, Edward Lyons, Christopher Trafford, John Burke, Jack Langella and Claudia Pincus.

Absent - Board Members James F. Bogan Jr. and James VanSchoick.

(Record reflects that Mrs. Pincus left at 7:35 p.m. and Mr. Lyons at 8:45 p.m. It was also stated that Mr. Burke and Mr. Trafford each listened to the tapes of the May 20, 1992 meeting and were thus eligible to vote.)

Claudia Pincus was sworn in as an alternate member of the Board. She fills the vacancy left by the resignation of Alma Roberts.

A motion was made, seconded and unanimously carried to approve the minutes of the May 20, 1992 meeting as submitted by the Board Secretary.

APPLICATION 10-92 - Andrew and April Ely - 525 Perrine Boulevard - Board Attorney William Byrnes stated he would not be able to hear this case due to a conflict of interest. He introduced Ernest Bongiovanni, attorney, who would be hearing the case. Mr. Bongiovanni marked the file and swore in Andrew Ely, owner of the subject property.

The Board, Mr. Bongiovanni and the applicant commenced discussion on the application, which requested relief so that a shower enclosure might be constructed within five feet of the side lot line. Albert P. Ratz Jr., Construction Official, denied the permit under Section 107-27 - Schedule of Limitations - sideyard setback - five feet required, one foot requested. A hardship variance was requested. The property is in a R-2 zone.

Mr. Ely explained the plans for the shower stall, which was

to sit on a foundation and be nailed to the house. Other options in regards to placement were also discussed, with Mr. Ely noting the problems with each option.

After further discussion, the floor was open to the public. There being no public comments or questions, a motion to close the public hearing was made, seconded and carried unanimously.

Mr. Trafford said he was concerned that the stall would be a permanent structure on the property.

Concerns about drainage of soap and water were discussed.

Mr. Ely summed up by stating the prospective location was the "most logical, economic and convenient spot" to place the shower.

After further discussion, a motion was made, seconded and unanimously carried to conduct a site inspection on June 20, 1992 at 9 a.m. Time limitations under Muncipal Land Use Law (MLUL) were waived.

After the hearing Mr. Byrnes took his place as Board Attorney.

APPLICATION 7-92 (cont.) - Ronald Dana - 381 Beachfront - The Board recognized Kevin Thomas, attorney for the applicant. It was noted that a site inspection had been conducted.

The Board continued discussion on the application, indicating concerns about living space on third floor area and questioning the open staircase opening onto the deck.

After further discussion, the floor was open to the public. There being no comments from the audience, a motion was made, seconded and carried to close the public hearing.

A motion was made by Mr. Trafford to approve the application with the stipulation that there would be no living space on the third floor area. Motion seconded and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, Trafford and Burke. "No" none. "Abstain" Board Member Langella.

APPLICATION 8-92 (cont.) - George and Jean Rostron - 564 Whiting Avenue - The Board recognized Mr. Rostron and continued the hearing on his application. It was noted a site inspection had been conducted. Jean Rostron was sworn in to offer testimony.

Mr. Burke brought the council's ordinance regarding curb cut size to the attention of the Board. The parking situation in

the area was discussed as were options.

Mr. Trafford stated he felt such a curb cut would be out of character with the neighborhood.

After further discussion, the floor was open to the public. There being no comments from the public, a motion was made, seconded and unanimously carried to close the public hearing.

A motion was made and seconded to deny the relief requested in the application. Motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, Trafford, Burke and Langella. "No" none.

A motion was made, seconded and unanimously carried for a brief recess. Post-recess roll call: "Present" - Board Members Brittle, Kazenmayer, Trafford, Burke and Langella. "Absent" - Board Members Bogan, Lyons, VanSchoick and Pincus.

APPLICATION 11-92 - Robert Balot - 71 Second Avenue - The Board discussed a request from Stephen Schueler, attorney for the applicant, requesting a continuance until the July 15, 1992 meeting. The Board indicated they wished to see a complete set of architectural plans and survey by a licensed surveyor. The Board Attorney stated, in his opinion, that this was an incomplete application and as such all persons within 200 feet would need to be renoticed and the legal notice would need to be placed again in the newspaper. The Board Secretary was directed to inform Mr. Schueler of the requests.

APPLICATION 12-92 - David and Ann Marie Tessin - 167 South Street - Mr. Byrnes marked the file and swore in David Tessin, applicant and owner of subject property. The Board and Mr. Tessin proceeded to discuss the application, in which relief was requested so that a garage might be built on the property. The permit was denied by Construction Official Ratz under Section 107-27 - Schedule I - five feet required for side and rear setbacks, 0 feet requested. A hardship "C" variance was requested. The property is in a R-2 zone.

Mr. Tessin offered specifics on the garage, stating it would be 24' x 20' and hold two cars. He stated the reasons why he wished to place it in the location indicated, including the driveway (which, he stated, would not allow him to come forward with the garage) and aesthetics. The neighborhood and its character were also discussed, including the property which was subject of the Condon-Peters minor subdivision and the Water Department property adjacent to the subject site. It

was also stated that an 8' x 12' shed is presently located in basically the same spot as the garage is projected.

A motion was made by Mrs. Kazenmayer to conduct a site inspection on Saturday, June 27, 1992 at 9 a.m. Motion seconded by Mr. Trafford and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Trafford, Burke and Langella. "No" none.

RESOLUTION 9-92 - Manasquan First Aid, Inc.- Broad Street - It was noted that the applicant, per request of the Board, had secured documentation of approval from the county. Mr. Byrnes read the favorable resolution. Mr. Langella moved to memorialize the resolution; motion seconded by Mrs. Kazenmayer and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer and Langella. "No" none.

RESOLUTION 6-92 - George Lund - 271 First Avenue - It was noted that only two Board Members present (Mrs. Kazenmayer and Mr. Brittle) were eligible to vote on memorialization. The resolution was read for the record and the Board Secretary was directed to inform Mr. Lund that the vote on memorialization would take place at the July 15, 1992 meeting.

OLD AND NEW BUSINESS - The Board Secretary brought correspondance and vouchers to the Board's attention.

The Board unanimously agreed to join the Federation of Planners. It was noted that there would be a discount price since the Planning Board was also joining.

The Board also voted unanimously to refund the entire application fee for June Cunningham; the application was scheduled to be heard in July but had been withdrawn.

There being no further matters on the regular agenda, the Board entered into closed session to discuss pending litigation. The Board then re-entered regular session. A motion was then made, seconded and unanimously carried to adjourn at 10:22 p.m.

Respectfully submitted,

*Sharon Bogie*  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk

**MANASQUAN ZONING BOARD OF ADJUSTMENT**  
JULY 15, 1992

On Wednesday, July 15, 1992, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

**AGENDA**

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

Application 10-92 (cont.)-Andrew & April Ely -525 Perrine Blvd.

Application 12-92 (cont.)- David Tessin - 167 South Street

Application 11-92 -Robert Balot -71 Second-POSTPONED INDEFINITELY

Application 13-92 - J. Cunningham - 448 Cedar - WITHDRAWN

Application 14-92 - Pat Scarano - 11½ Sims Avenue

Application 15-92 - Patricia Terry - 57½ Osborn Avenue

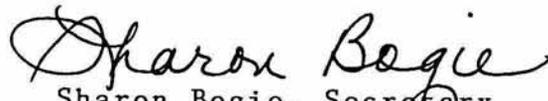
Resolution 6-92 - George and Barbara Lund - 271 First Avenue

Resolution 7-92 - Ronald Dana - 381 Beachfront

Resolution 8-92 - George Rostron - 564 Whiting Avenue

Old Business / New Business  
(Work session follows regular agenda)

Yours truly,

  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 7/10/92

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk

**MANASQUAN ZONING BOARD OF ADJUSTMENT**

MEETING MINUTES - JULY 15, 1992 REGULAR MEETING  
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held its regular meeting on July 15, 1992 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke called the meeting to order at 7:30 p.m. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He then asked all in attendance to join in the Salute to the Flag.

ROLL CALL - Present: Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer, Edward Lyons, James VanSchoick, John Burke and Claudia Pincus. (Board Member Christopher Trafford arrived at 7:50 p.m.)

Absent: Board Member Jack Langella.

A motion was made, seconded and carried to approve the minutes of the June 17, 1992 meeting as submitted by the Board Secretary.

APPLICATION 10-92 - (cont.) - Andrew and April Ely - 525 Perrine Boulevard - The Board discussed a letter from the applicant requesting a continuance. The Board agreed to continue the case by unanimous vote and requested that the Board Secretary contact the applicant with its decision.

APPLICATION 12-92 - (cont.) - David and Ann Marie Tessin - 167 South Street - The Board recognized Mr. Tessin and Board Attorney William Byrnes swore in Ann Marie Tessin to offer testimony.

It was noted that a site inspection had been conducted.

Mr. Tessin submitted letters from Frederick and Claudia Zimmerman, owners 169 South Street, adjacent to the subject property, stating that he had no objections to the Tessins' plans (marked A-7 and A-8 respectively). A revised sketch, marked A-9, and a letter from Professional Asphalt Maintenance Company, marked A-10, were also submitted.

Options for the location of the garage were discussed by the Board and applicants. Mr. Tessin stated he was willing to bring it in one foot.

The Board also discussed the fact that a hardship variance was being requested and the criteria of a hardship variance.

After further discussion, Mr. Tessin requested a brief break to discuss the matter in private with Mrs. Tessin. Upon returning to the hearing, Mr. Tessin agreed to move the garage over one and a half feet.

There being no comments from the public, a motion was made by Mr. Trafford to close the public hearing; motion carried by unanimous vote.

Mr. Trafford moved to approve the application with the stipulation that the garage maintain rear and sideyard setbacks of 1½ feet. Mr. Tessin also noted that he maintains a portion of the borough property in the rear of his property and would like the opportunity to purchase it at some time. After discussion, however, the motion was amended to state 1½ foot sideyard and 6 foot rear yard. Motion seconded and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer and Trafford; "No" Board Member Burke. "Abstain" Board Member Lyons, VanSchoick and Pincus.

Mr. Byrnes requested that a revised set of plans be submitted; these plans should show new placement of the doors on the garage.

APPLICATION 11-92 - Robert Balot - 71 Second Avenue - The Board Secretary reported that the applicant had not submitted plans and survey, as requested by the Board, in a timely manner. After discussion and consideration of the Board agenda, the Board agreed to continue the case at the October 21, 1992 meeting and requested that the Board Secretary inform the applicant's attorney of the date.

APPLICATION 13-92 - J. Cunningham - 448 Cedar Avenue - It was noted for the record that the application had been withdrawn at the request of the applicant.

APPLICATION 14-92 - Pat Scarano - 11½ Sims Avenue - Mr. Byrnes marked the file and swore in Pat Scarano, 143 Primrose lane, Brick, owner of the subject property.

Mr. Byrnes stated there was a jurisdictional problem with the case insofar that the required utilities were not noticed. Thus, he stated, the Board could not hear the case. It was stated that Mr. Scarano would need to notice the utilities but would not need to notice the residents which had already done.

Mr. Bogan suggested the Board request new plans and set a site inspection for expediency. The Board requested a new detailed drawing be done to scale and submitted. The members agreed unanimously to conduct a site inspection on July 18, 1992.

APPLICATION 15-92 - Patricia Terry - 57½ Osborn Avenue - Mr. Byrnes marked the file and swore in Patricia Terry, owner of the subject property, and Margaret Monsell, Ms. Terry's mother and resident of 57½ Osborn Avenue.

The Board and applicants commenced discussion of the case, which sought relief so that a screened porch could be constructed over 2/3 of an existing rear deck. This would be expansion of a non-conforming use since the structure is a two-family house as approved in Board of Adjustment Resolution 6-89.

Albert P. Ratz Jr., Construction Official, denied the permit under Sections 107-9 (not a permitted use) and 107-82.A (4) (non-conforming uses may not be expanded without approval of the Board of Adjustment) of the Code of the Borough of Manasquan.

Ms. Terry stated they wished to enclose the portion of the deck so they could get more use out of it. She also gave testimony about the property and its two-family use.

There being no comments from the public, a motion was made, seconded and unanimously carried to close the public hearing.

A motion was made by Mr. VanSchoick to approve the application. Motion seconded and carried by the following vote: "Yes" Board Members Bogan, Brittle, Lyons, Trafford, VanSchoick, John Burke and Claudia Pincus. "No" none. "Abstain" Board Member Kazenmayer.

RESOLUTION 6-92 - George and Barbara Lund - 271 First Avenue - It was noted that Board Members Bogan, Brittle, Kazenmayer and Lyons were eligible to vote on the memorialization. Mr. Byrnes read the resolution for the record. A motion was made by Mrs. Kazenmayer to memorialize the favorable resolution; motion seconded and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer and Lyons. "No" none.

RESOLUTION 7-92 - Ronald Dana - 381 Beachfront - It was noted that Mr. Bogan, Mr. VanSchoick and Mrs. Pincus were not eligible to vote on the memorialization. Mr. Byrnes read the favorable resolution. A motion was made by Mr. Trafford to memorialize the resolution; motion seconded and carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, Trafford, and Burke. "No" none.

RESOLUTION 8-92 - George Rostron - 564 Whiting Avenue - It was noted that Board Members Bogan, VanSchoick and Pincus were not eligible to vote on the resolution, which denied the relief requested in the application. A motion was made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer, Lyons, Trafford and Burke.

OLD BUSINESS / NEW BUSINESS - The Board Secretary submitted correspondence and vouchers for the Board's consideration.

Discussion was continued regarding the possibility of designating Board Members to follow up on applications heard by the Board. It was agreed that the Board would give the idea a trial period until the end of the year.

A motion was made by Mrs. Kazenmayer, seconded by Mr. VanSchoick, to go into closed session to discuss pending litigation; motion unanimously carried. After coming out of closed session, and there being no further matters or business on the agenda, a motion was made, seconded and unanimously carried to adjourn at 10:10 p.m.

Respectfully submitted,



Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 8/10/92

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk

**MANASQUAN ZONING BOARD OF ADJUSTMENT**  
AUGUST 19, 1992  
REGULAR MEETING AGENDA  
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, August 19, 1992, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

**AGENDA**

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 10-92 (cont.)-Andrew & April Ely-525 Perrine Blvd.

APPLICATION 14-92 (cont.)- Pat Scarano - 11½ Sims Avenue

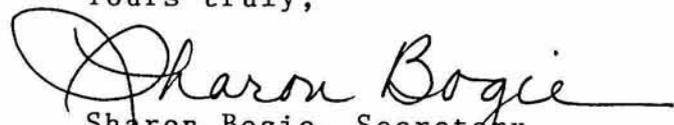
APPLICATION 16-92 - Exxon, Inc. - Union Avenue

RESOLUTION 12-92 - David Tessin - 167 South Street

RESOLUTION 15-92 - Patricia Terry - 57½ Osborn Avenue

OLD BUSINESS / NEW BUSINESS

Yours truly,

  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 8/12/92

JOHN L. WINTERSTELLA  
Mayor

MARGARET M. MONSELL  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

**MANASQUAN ZONING BOARD OF ADJUSTMENT**

MEETING MINUTES - AUGUST 19, 1992

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held their regular meeting and work session on August 19, 1992 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke called the meeting to order at 7:30 p.m. He noted it was an open public meeting held in accord with the Open Public Meetings Act and published according to law.

ROLL CALL: Present - Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer, Edward Lyons, Christopher Trafford, James VanSchoick, John Burke, Jack Langella and Claudia Pincus.

Absent - None.

(Record shows Mr. Langella and Mrs. Pincus left at 10:50 p.m.)

A motion was made, seconded and carried to approve the minutes of the July 15, 1992 meeting as submitted by the Board Secretary.

APPLICATION 10-92 (cont.) - Andrew and April Ely - 525 Perrine Boulevard - William Byrnes, Board Attorney, again placed on the record that he would be unable to offer counsel on this case because of a conflict of interest; he introduced Ernest Bongiovanni, who continued to hear the case.

Mr. Ely came forward to offer further testimony. It was noted that a site inspection had been conducted.

There being no comments from the public, a motion was made, seconded and unanimously carried to close the public hearing.

Mr. Burke once again went over options and ideas discussed at the July meeting and noted that the Board had expressed concern over the shower being a "solid" structure which could affect emergency access to the property.

Mr. Ely submitted a copy of the Perrine Boulevard subdivision plot, which was marked A-8 by Mr. Bongiovanni. Mr. Ely then explained why the prospective location was chosen for the shower, noting the piping situation on the property.

After further discussion, Mr. Ely requested that he be allowed

to continue the case at the September 16, 1992 meeting so he could discuss the situation/options with his wife and decide whether to continue with the application or withdraw. A motion was made, seconded and carried to grant Mr. Ely a continuance until the September 16, 1992 meeting.

APPLICATION 14-92 (cont.) - Pat Scarano - 11½ Sims Avenue - It was noted that Mr. Byrnes had marked the file at the last meeting but that the Board could not start its hearing because the utilities had not been properly notified. ( Mr. Scarano submitted the proper noticing prior to this meeting)

The Board and Mr. Scarano then began to discuss the application, which requested relief so that an 8' x 15' addition could be constructed to the rear house on the subject property. It was noted that there are two houses on the property.

Albert P. Ratz Jr., Construction Official, denied the building permit under Sections 107-10 (not a permitted use), 107-27 (sideyard and rear yard setbacks - 5' required sideyard, 2.5' existing, 20' required rear yard, 2.85' proposed), 107-30 (residential structure on rear of lot) and 107-82.A (4) (nonconforming uses may not be expanded without variance). A use variance was requested.

The property is located in an R-3 zone and construction would comply with all flood regulations, it was noted.

Mr. Scarano, referring to plans prepared by Creative Construction, Manasquan, noted he needed to amend the application to make it an 8' x 19' addition; this was to account for the addition of a four foot roof to cover the front entrance for safety purposes. He stated the addition would include a bathtub, larger hot water heater, laundry room and closet space so that the unit could be rented out on a year-round basis rather than seasonal. He noted that this would conform with other properties in the neighborhood.

It had been noted that the Board had conducted a site inspection of the property,

A motion was made, seconded and carried to close the public hearing.

Mr. Byrnes pointed out setback issues while the Board expressed concerns over the density on the property.

A motion was made by Mrs. Kazenmayer to deny the application.

Motion seconded and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Trafford, VanSchoick and Burke. "No" Board Members Bogan and Brittle.

A recess was taken at 8:30 p.m. The Board reconvened at 8:40 p.m.; Post-recess roll call: Present - Board Members Bogan, Brittle, Kazenmayer, Lyons, Trafford, VanSchoick, Burke, Langella and Pincus. Absent - none.

APPLICATION 16-92 - Exxon, Inc. - Union Avenue (route 71) and Main Street - Mr. Byrnes marked the file and recognized James Carton III, attorney for the applicants.

Board Member Langella excused himself from the hearing because he owns property within 200 feet of the subject property and had been noticed as such.

The Board began hearing the case, with relief being requested by the applicant so that the service station on the property could be demolished and reconstructed with a convenience store.

Mr. Ratz had denied the building permit under Section 107-39.A (9) - the service station is within 500 feet of the Municipal Building. Site plan approval is required. The property is in a B-1 zone.

Mr. Carton introduced Richard Brown, Storch Engineering, who prepared the plans of the project; Henry Ney, traffic engineer; and Carl Johnson, real estate expert, to offer testimony. Each professional was sworn in and accepted as an expert by the Board.

Referring to the plans marked A-9 (rendering of the project), Mr. Brown offered testimony on landscaping and traffic ingress/egress issues. It was stated that there would only be one ingress/egress onto Main Street where there are presently two. This would be brought down further away from the intersection of Main and Union (Route 71). There would still be two ingress/egress openings on Union Avenue and one onto Abe Voorhees Drive.

Mr. Lyons asked about sidewalks on the site while Mr. Burke wished to know about traffic flow (Mr. Brown stated that each of the ingress/egress openings would have traffic coming on and off the site). Mr. Brittle asked about the parking situation; plans provided for five parking spaces to the right of the projected building and five more, including one handicapped space, to the left. It was also stated that it would be a 1200 square foot building.

Thomas Birckhead, Beachfront, asked what distance the building would be from Manasquan Savings and Loan. He also asked who at borough hall received notice of the hearing.

Mr. Ney then offered testimony on the project, stating that it would not be like a Seven-11 (in variety/stock carried) and that it would be a typical Exxon modernization project. He said that approximately 20 percent of persons coming onto the site would need to use a parking space; most patrons, he maintained, would use the store in conjunction with the purchase of gas.

Mr. Burke expressed concerns over parking and pedestrian traffic, such as school children cutting across the property on their way to or from school. Mr. Ney said he felt the proposed site would be safer and noted that it would be handicapped accessible.

Questions were asked by the Board and Board Attorney about the traffic survey, including when it was taken and whether other seashore communities with similiar stations were compared. Mr. Ney explained the methods and formulas he used to make his determinations, including that a pedestrian count was not taken because in his opinion it was "light."

Judith and Robert Curley, 18 Wyckoff Avenue, and Mr. Langella, 405 Pine Avenue, each asked questions of Mr. Ney regarding the traffic survey and findings.

In resposne to questions, Mr. Ney once again affirmed there would be no oil changes or tire sales on the site. The convenience shop, he testified, would be open 24 hours a day with a minimum of two employees on duty.

Carl Johnson, commercial real estate appraiser, testified about the property, stating that it could be subdivided into several lots and uses could include such concerns as retail stores and emergency medical care facilities. "There are a number of commercial development opportunities," he stated.

Mr. Johnson stated he believed the present gas station/service bay setting was established back in the 1960s. A change from the present setting to the prospective plan, with the elimination of the on-site vehicle parking for servicing and the bays themselves along with the addition of landscaping, would be beneficial, he commented.

Mrs. Kazenmayer brought up sign issues; it had been noted that Exxon had previously been granted a variance for signs by the

Board. Mr. Carton stated the applicant could come back to the Board if a sign variance is needed.

Mr. Curley also asked questions of Mr. Johnson regarding his testimony .

Greg Devivo, project engineer with Exxon, was sworn in. He stated that the project would be isolated with little public access while the project was in progress. Soil testing will also be done prior to tank removals and the filling of the tanks would take approximately 20 minutes every two to three days, he stated. Exxon would be under obligation to maintain the property for one year and then responsibility would be turned over to the store manager. A fire and smoke alarm system will be installed.

Anthony Luciano, sales manager, was sworn in. He confirmed that there were certain risks with eliminating the vehicle servicing (bays) and converting into a convenience store. He commented that with cars becoming so sophisticated and high tech the public is "gravitating" toward larger establishments and dealers.

Mr. Curley asked Mr. Luciano about the number of customers and services that the repair shop had serviced. Mr. Luciano explained the company's leasing policies.

There being no further testimony, Mr. Burke opened the floor to comments on the application.

Mr. Curley pointed out that the station is within 500' of borough hall and he felt that traffic would be more than anticipated by Exxon.

Mr. Langella spoke in favor of the application, noting that the planned facility would be cleaner and "smells" and stored cars would be eliminated. He also noted other work being done on Old Squan Plaza, including the Algonquin Arts project.

A motion was made, seconded and unanimously carried to close the public hearing.

Mr. Byrnes noted that the Algonquin Theater (Arts) building was within 500' of the site and Mr. Carton agreed to amend his application to note that such an establishment was there under the Code of the Borough of Manasquan.

A motion was made and seconded to approve the application with

parking as indicated; motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Burke, Kazenmayer, Lyons, Trafford and VanSchoick. "No" none.

RESOLUTION 12-92 - David Tessin - 167 South Street - It was noted that the applicant had submitted revised plans showing the new location of the doors on the garage. This was marked A-5A for the file.

Mr. Byrnes read the resolution for the record. It was noted that Board Members Bogan, Brittle, Kazenmayer and Trafford were eligible to vote on the resolution.

A motion was made by Mr. Trafford, seconded by Mrs. Kazenmayer, to memorialize the favorable resolution. Motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer and Trafford; "No" none.

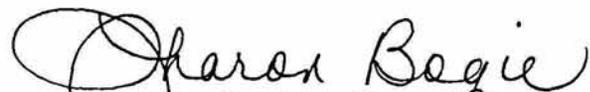
RESOLUTION 15-92- Patricia Terry- 57 Osborn Avenue - Mr. Byrnes read the favorable resolution. Motion made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Lyons, Trafford, VanSchoick and Burke."No" none."Abstain" Board Member Kazenmayer.

OLD BUSINESS / NEW BUSINESS - The Board Secretary brought vouchers and correspondance to the Board's attention.

The Board discussed a request from Kevin Thomas, attorney, on behalf of his client John S. Tawgin regarding the site plan portion of his previous development application. The Board agreed to hear Mr. Thomas' presentation during the October 21, 1992 meeting and extend previously granted approvals on the project until that time.

The Board then voted unanimously to enter into closed session to discuss litigation. Upon reentering their regular session, and there being no further matters on the agenda, a motion was made, seconded and unanimously carried to adjourn at 11:43 p.m.

Respectfully submitted,



Sharon Bogie, Secretary  
Manasquan Board of Adjustment  
Dated at Manasquan 9/10/92

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk

**MANASQUAN ZONING BOARD OF ADJUSTMENT**

SEPTEMBER 16, 1992

REGULAR MEETING AGENDA

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, September 16, 1992, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

**AGENDA**

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 10-92 (cont.) - Andrew and April Ely - 525 Perrine  
Boulevard - WITHDRAWN AT REQUEST OF APPLICANT

APPLICATION 17-92 - R. Schmidt - 74 Fletcher Avenue

APPLICATION 18-92 - William and Penelope Malcolm - 133 First  
Avenue

RESOLUTION 16-92 - Exxon, Inc. - Union Avenue

RESOLUTION 14-92 - Pat Scarano - 11½ Sims Avenue

OLD/NEW BUSINESS

Yours truly,

*Sharon Bogie*

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated in Manasquan 9/11/92

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk

**MANASQUAN ZONING BOARD OF ADJUSTMENT**  
REGULAR MEETING MINUTES - SEPTEMBER 16, 1992  
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, September 16, 1992, the Zoning Board of Adjustment of the Borough of Manasquan held their regular meeting and work session at Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

John Burke, Board Chairman, called the meeting to order at 7:30 p.m. He stated that it was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in the salute to the flag.

ROLL CALL : Present - Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer, Edward Lyons, Christopher Trafford, James VanSchoick, John Burke and Jack Langella.

Absent - Board Member Claudia Pincus.

A motion was made, seconded and carried to approve the minutes of the August 19, 1992 meeting as submitted by the Board Secretary.

APPLICATION 10-92 (cont.) - Andrew and April Ely - 525 Perrine Boulevard - The Board Secretary submitted a letter to the Board from the Elys stating they wished to withdraw the application. The letter was read and accepted for the record.

APPLICATION 17-92 - Mr. and Mrs. Richard Schmidt - 74 Fletcher Avenue - William Byrnes, Board Attorney, marked the file. Richard and Shirley Anne Schmidt, owners of the subject property, and John Gassner Jr., contractor on the project, were sworn in to offer testimony.

The Board, applicants and Mr. Gassner commenced discussion on the application, which requested relief so that a 22' x 18' Master bedroom addition could be constructed. The addition would be built onto a house which is 2.7 feet from the side lot line; the addition, however, will be five feet from the side lot line.

Albert P. Ratz Jr., Construction Official, denied the building permit under Section 107-27 (Schedule of limitations - five foot sideyard setback required) and Section 107-82.A.(4) (a non-conforming building may not be expanded without Board of

Adjustment approval) of the Code of the Borough of Manasquan.

The property is in a R-1 zone and A-5 flood zone; project will comply with flood regulations.

Mr. Schmidt offered testimony on the background of the application and the reasons for the relief requested. Mr. Gassner testified regarding the actual project; he stated that the addition would be conforming. Mr. Gassner added that the applicant would have liked a full basement but is going for a crawl space due to the flood zone regulations.

Mr. Byrnes asked about the setbacks for the shed on the property. Mr. Gassner said he would advise the Board of the measurements.

A motion was made, seconded and unanimously carried to close the public hearing.

A motion was made and seconded to approve the application; motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Lyons, Trafford, VanSchoick and Burke. "No" none.

APPLICATION 18-92 - William and Penelope Malcolm - 133 First Avenue - Mr. Byrnes marked the file and swore in Mr. and Mrs. Malcolm, owners of the subject property.

The applicants and Board began their discussion of the application, which requested relief so that a front stairway and front door could be constructed. In addition, the applicants wished to build a small dormer over the projected front door. The structure is a two family dwelling.

Mr. Ratz denied the building permit under Sections 107-12 (not a permitted use) and 107-82.A (4) (non-conforming uses require Board of Adjustment approval in order to be expanded or structurally altered).

The property is in a R-5 zone and a use variance is requested; flood zone not applicable (less than 50 percent alteration).

It was stated by Mr. Malcolm that the lower area of the structure was a garage but the previous owner had made it into a living space. Mr. Malcolm noted that he had bought the property from American Timber Company in late 1991-early 1992.

Photographs were submitted for the Board's consideration.

A motion was made, seconded and unanimously carried to conduct a site inspection on Saturday, September 19, 1992, 9 a.m. The applicant agreed to waive time limitations under the Municipal Land Use Law. It was agreed to continue the hearing at the October 21, 1992 meeting.

The Board then discussed going into closed session to discuss litigation but Mr. Langella suggested reading of the resolutions prior to leaving the public meeting.

RESOLUTION 16-92 - Exxon, Inc. - Union Avenue - Mr. Byrnes read the favorable resolution for the Board's consideration. It was noted that Mr. Langella was ineligible to vote on the matter because he owned property within 200 feet of the subject site. A motion was made and seconded to memorialize the resolution including siteplan per plans marked A- 8A . Motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Lyons, Trafford and Burke. "No" none. "Abstain" Mr. VanSchoick.

RESOLUTION 14-92 - Pat Scarano - 11½ Sims Avenue - Mr. Byrnes read the resolution denying the application. It was noted that Board Members Bogan, Brittle and Langella were ineligible to vote. A motion was made by Mr. Trafford to memorialize the application; motion seconded and carried by the following vote: "Yes" Board Members Kazenmayer, Lyons, Trafford, VanSchoick and Burke; "No" none.

The Board entered closed session to discuss litigation at 8:43 p.m. and reentered the public meeting at 8:50 p.m.

Upon reentering the public meeting, Mr. Byrnes recognized Joseph Gummienny. Mr. Byrnes noted that Mr. Gummienny's counsel Thomas O'Brien had been confirmed as a judge in Ocean County and as such could no longer appear before judicial boards. Mr. Byrnes then recognized Nancy Wright, also of the firm Bathgate, Wegener, Wouters and Neumann, who was appearing on Mr. Gummienny's behalf. It was stated that the litigation was able to be settled amicably and that there were no changes proposed to the consent order as submitted by the plaintiff's attorney. It was stated that the consent order would be signed and forwarded to Judge Strudleki for her signature.

Ms. Wright confirmed that she had reviewed the consent order with her client.

The consent order was read for the record. Mr. Byrnes noted that Mr. Gummienny would have 45 days after Judge Strudleki

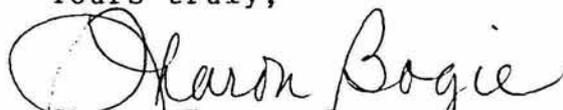
signed the document to apply for a building permit.

It was stated that the hearing had been closed and no public comments would be taken. Thomas Birckhead, East Main Street, showed a letter from Mr. O'Brien stating there would be a chance for the public to comment. Mr. Burke reiterated that this was not the case and that the public hearing on the matter had been closed.

OLD / NEW BUSINESS - The Board Secretary brought correspondence and vouchers to the Board's attention. She also noted that Rutgers University was conducting a course on zoning and planning in Asbury Park; Mr. Burke said that if two members would like to attend they should contact the Board Secretary.

There being no further matters on the agenda, a motion was made, seconded and unanimously carried to adjourn at 9:12 p.m.

Yours truly,



Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 9/28/92

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk

**MANASQUAN ZONING BOARD OF ADJUSTMENT**

OCTOBER 21, 1992

REGULAR MEETING AGENDA

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, October 21, 1992, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

**AGENDA**

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 18-92 - (cont.) - William and Penelope Malcolm -  
133 First Avenue

APPLICATION 11-92 - Robert Balot - 71 Second Avenue

APPLICATION 19-92 - John F. and Theresa Tanis - 29 First Avenue

APPLICATION 20-92 - Robert and Marguerite Scott -13-15  
Iroquois Rd.

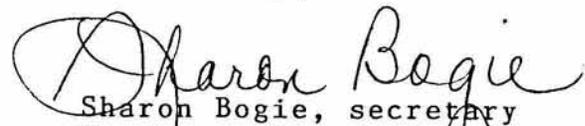
APPLICATION 18-91 - J.S. Tawgin - Sea Girt Ave. (site plan  
submission per original application)

APPLICATION 16-92 - Exxon, Inc. - Union Avenue (revised site  
plan submission per original application)

RESOLUTION 17-92 - Richard Schmidt - 74 Fletcher Avenue

OLD BUSINESS/NEW BUSINESS

Yours truly,

  
Sharon Bogie, secretary  
Manasquan Board of Adjustment

Dated at Manasquan 10/16/92

JOHN L. WINTERSTELLA  
Mayor

MARGARET M. MONSELL  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

**MANASQUAN ZONING BOARD OF ADJUSTMENT**

OCTOBER 21, 1992 MEETING MINUTES

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, NJ

The Manasquan Zoning Board of Adjustment held its regular meeting on October 21, 1992 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

John Burke, Board Chairman, called the meeting to order at 7:30 p.m. He announced that it was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in a salute to the flag.

ROLL CALL: Present - Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer, Christopher Trafford, James VanSchoick, John Burke and Claudia Pincus.

Absent - Board Members Edward Lyons and Jack Langella.

A motion was made, seconded and unanimously carried to approve the minutes as submitted by the Board Secretary.

APPLICATION 18-92 - (cont.) - William and Penelope Malcolm - 133 First Avenue - The Board recognized the applicants and continued the hearing on the case.

It was noted that a site inspection had been conducted.

Mrs. Kazenmayer asked why the applicant had proposed the stairway coming down two sides. Mr. Malcolm stated he did it only for symmetry purposes and would be satisfied with just coming down the one side. Placement of the window was also discussed. Mr. Malcolm said he could modify his plans to take half the stair structure off, but this would block the window.

Mr. VanSchoick said he felt the stairs were out too far and would interfere with the sidewalk; he said no other house in that area came out so far. Mr. Burke said if you move the stairway back against the building it would block the window, which would be against fire code. Mr. Brittle suggested bringing it to five feet from the property line. Concerns were expressed over the size of the stairway proposed. Mrs. Pincus, Mr. Burke and Mr. Trafford noted the aesthetics of the project. The landing size was also discussed.

There being no public comment, Mr. Bogan moved to close the

public hearing; motion seconded and carried unanimously.

Mr. Trafford moved to approve the application; motion seconded by Mr. Bogan. It was noted Mrs. Pincus was not eligible to vote because she was not at the September meeting. The following vote was taken: "Yes" Board Members Bogan, Brittle, Trafford and Burke; "No" Board Members Kazenmayer and VanSchoick. Because it was a use variance application, which requires five affirmative votes, the application was denied. Mr. Malcolm asked about the procedure and route of appeal. Mr. Byrnes explained options to Mr. Malcolm.

APPLICATION 11-92 - Robert Balot - 71 Second Avenue - William Byrnes, Board Attorney, marked the file and recognized Stephen Schueler, attorney for the applicant. Robert Balot, applicant, and Richard Grasso, architect, were sworn in to offer testimony.

The Board, Board Attorney, applicant and applicant's professionals began to discuss the case, which requested relief so that the applicant could demolish the existing house and construct a new single family house.

The building permit was denied by Construction Official Albert P. Ratz Jr. under Section 107-27 (lot width - 40' required, 25' existing; sideyard setback - 5' required, 2.5' requested; front yard setback - 25' required, 10' requested; and rear yard setback - 20' required, 10' requested) of the Code of the Borough of Manasquan. The property is in a R-5 zone and a hardship variance was requested. Construction would be required to comply with flood zone requirements as the property is in an A-5 zone.

It was noted Mr. Balot was contract purchaser of the subject property under agreement with owner Theodore Griffiths.

The applicant, under examination by his counsel, testified there is presently a "very small" one-story dwelling on the property. The applicant also offered testimony about the location and character of the area. Mr. Balot said he had spoken with his neighbors and based on input had revised his plans and submitted these revised plans for the Board's consideration.

Mr. Grasso testified regarding the project, describing the existing house (garage-like one-story home approximately 60 - 70 years old) and its setbacks. He stated the house is very close to neighboring property lines and is "very run down." He stated the projected house would be 20 feet wide and compared the projected setbacks/house to others in the neighborhood. Mr. Grasso stated he felt it would be an asset to the

neighborhood in terms of fire safety, new construction and property values.

Mr. Grasso also detailed the floor plan of the existing house, which he said would be two and a half stories high. He also detailed the location of the house on the property, addressing the issue of the bulkhead at the rear of the property.

Mr. Schueler, calling upon Mr. Balot again, asked him whether there was any other land which Mr. Balot could purchase to increase the size of the lot and eliminate the size non-conformities. Mr. Balot said there was none he knew of.

The Board questioned Mr. Schueler and Mr. Grasso about the height of the building, noting that it was cited as three stories in the application. It was stated the proposed building is approximately 30 feet, two and half stories, high. Definitions of story and half story were discussed.

Mrs. Kazenmayer questioned setbacks from bulkhead to the deck at the rear of the house; Mr. Grasso replied it was 10 feet.

Discussion continued on the definitions of half and full story and whether the house as proposed constituted a two and a half or three story house.

The public was then allowed to cross-examine Mr. Grasso.

Frank Orleans, 75 First Avenue, asked Mr. Grasso about the reductions in size of the proposed structure from what was depicted on the original plans. The plan revisions were discussed. Mr. Grasso said as presently proposed the house will be 64 feet long (front of garage to the back of the dining room). Mr. Grasso added the present projected house had been brought back 10 feet beyond the 15 feet in the original plans. Views of neighboring homes were also questioned.

Mr. Grasso said Mr. Balot expressed intention to modify the plans (take nine feet off the house, thus shortening the structure, and possibly eliminate the garage) so that his neighbor's view would not be obstructed.

Responding to counsel's recommendations, Mr. Burke stated he felt it would serve all parties involved to adjourn the hearing on the case until the new plans were before the Board. Mr. Schueler asked if there were any other areas in which the Board has input; Mr. Trafford said they should consult borough ordinances and added it was not up to the Board to recommend

changes in plans. Mr. Burke reiterated some of the issues involved with the case.

Mr. Burke allowed Mr. Orleans to continue his questioning, which included such issues as flood zone requirements and elevations.

A motion was made seconded and unanimously carried to hold a site inspection on October 24, 1992 at 9 a.m. A motion was then made, seconded and unanimously carried to continue the hearing at the November 18, 1992 meeting.

The Board requested that the new plans include exact elevations and be submitted to the Board by November 7, 1992. The applicant waived time regulations under Municipal Land Use Law.

A motion was made, seconded and unanimously carried to conduct a brief recess. Reconvened at 9:24 p.m. After recess roll call: "Present" - Board Members Bogan, Brittle, Kazenmayer, Trafford, VanSchoick, Burke and Pincus. "Absent" - Board Members Lyons and Langella.

APPLICATION 19-92 - John F. and Theresa Tanis - 29 First Avenue - Mr. Burke excused himself from hearing the case as he lives within 200 feet of the subject property and was among those noticed. Mr. Bogan, vice chairman, presided over the case.

Mr. Byrnes marked the file and recognized the applicants, who were sworn in to offer testimony.

The Board, Board Attorney and applicants commenced discussion on the application, which requested relief so that an addition could be constructed to the rear of the existing house.

It was testified the dimensions of the addition would actually be 24' x 23' rather than the 22' x 26' cited in the denial.

Mr. Ratz denied the building permit under Section 107-27 (Schedule of Limitations - sideyard setback - 5' required, 2.77' requested and existing) of the Code of the Borough of Manasquan.

The property is in a R-2 zone and A-5 flood zone; the applicant submitted a copy of his flood elevation showing that the existing dwelling complies with the minimum flood elevation of nine feet. A hardship variance was requested.

Mr. Tanis gave background on the application, including that they had bought the property in 1970. Mr. Tanis explained that Mr. Ratz had advised him that, because of the setbacks, windows

would not be able to be installed in the addition. Mr. Tanis said that he wished to have windows so he revised the plans to bring the addition in another three feet. This brought the addition (new construction) into conformity with the code, but the original bungalow was still non-conforming (expansion of a pre-existing non-conformity).

The plans submitted were discussed, with Mrs. Pincus asking about the layout of the present home as compared to the layout of the proposed addition.

There being no comments from the public, a motion was made, seconded and unanimously carried to close the public hearing.

A motion was made by Mrs. Pincus, seconded by Mr. VanSchoick, to draw up a favorable resolution; motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Trafford, VanSchoick and Pincus; "No" none.

APPLICATION 20-92 - Robert and Marguerite Scott - 13-15 Iroquois Road - Mrs. Pincus excused herself from hearing the case as an acquaintance of the applicants.

Mr. Byrnes marked the file and swore in Mr. and Mrs. Scott to offer testimony.

The applicants requested that the Board interpret whether their structure at 13-15 Iroquois Road is a two-family house. The house is in a R-2 zone.

A history of the property was offered; it was stated the Scotts bought the house as a two-family structure in 1974. Mrs. Scott testified that the two dwelling units are completely separate and identical. She said the situation (of needing to come to the Board for an interpretation) recently came to light when they rented out the 15 Wigwam unit and no evidence of a variance for a two-family use had been discovered. It was stated they had always been billed for two water charges and tax assessed for two dwellings as far back as 1967; prior to that, Mrs. Scott stated, there were no records. Copies of assessor records and tax/water charges were submitted as evidence.

Mr. Byrnes asked whether the Scotts had the deed from when they purchased the property. Mr. Byrnes then asked who the Scotts had bought the house from; Mrs. Scott replied they had bought it from Swenson. It was stated that the Scotts only had the deed drawn up in 1980, when Mrs. Scott's mother, who had been a partner in purchasing the house in 1974, had deeded it over

to Mr. and Mrs. Scott. Mrs. Scott stated that the Swensons had used it as a two family, with Mrs. Swenson's brother living in the other unit. When the Scotts bought the property, the Scotts lived on one side and Mrs. Scott's parents on the other. After Mrs. Scott's mother died in 1987, the Scotts rented out the unit. No changes have been made to combine the two dwelling units and at no time was it used as anything other than a two-family house, the Scotts testified.

There being no comments from the public, a motion was made, seconded and unanimously carried to close the public hearing.

Mr. Byrnes instructed the Boards on points of law regarding two-family uses.

A motion was made by Mr. Trafford to interpret the structure as a two-family house. Motion seconded and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Trafford, VanSchoick and Burke.

APPLICATION 18-91 - J.S. Tawgin - Sea Girt Avenue - The Board recognized Kevin Thomas, attorney for the applicant, and Charles Gilligan, engineer. It was stated that the revised site plan plot prepared by Mr. Gilligan and presented to the Board was to satisfy the resolution condition requiring such action.

Mr. Gilligan and Mr. Thomas gave a brief explanation of the revised plans.

A motion was made by Mr. Burke, seconded by Mr. VanSchoick, to approve the revised site plan. Motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Trafford, VanSchoick, Burke and Pincus. "No" none.

APPLICATION 16-92 - Exxon, Inc. - Union Avenue - The Board discussed a set of revised plans submitted to satisfy conditions of the resolution in the Exxon, Inc. application. After discussing the plans, a motion was made, seconded and unanimously carried to approve the revised plans.

RESOLUTION 17-92 - Richard Schmidt - 74 Fletcher Avenue - Mr. Byrnes read the favorable resolution. A motion was made by Mr. Trafford to memorialize the resolution, seconded by Mr. Bogan. It was noted Mrs. Pincus had not been at the September 16, 1992 meeting and was ineligible to vote. Motion carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Trafford and Burke. "Abstain" Mr. VanSchoick.

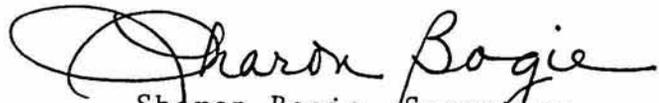
OLD / NEW BUSINESS - Vouchers and correspondance were submitted to the Board by the Board Secretary.

Mr. Trafford brought up the topic of persons coming before the Board for interpretation as to whether their house is a two-family structure in cases wwhere the use may have pre-dated zoning or no records of a variance are evident. He said he felt people were being put to too much expense. Options were discussed and Mr. Burke stated he would take the suggestions, including the possibility of a mailing requesting people to seek such an interpretation during a "grace period", to Mayor John Winterstella.

The issue of certified lists and how long they may be relied on was also discussed. After discussion it was decided to offer a recommendation to Mayor and Council asking for an ordinance to be passed allowing such a list to be acceptable for 120 days; after that point the applicant would need to contact the tax assessor for an update or new list. Mr. Burke said he would take the suggestion to the Mayor and Mr. Byrnes was also directed to prepare the proper correspondance.

A motion was made, seconded and unanimously carried to enter closed session to discuss litigation matters. The Board then returned to their regular session. There being no further matters on the agenda, a motion was made, seconded and carried to adjourn at 11:35 p.m.

Respectfully submitted,



Sharon Bogie, Secretary  
Manasquan Board of Adjustment

dated in Manasquan 11/5/92

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk

**MANASQUAN ZONING BOARD OF ADJUSTMENT**

NOVEMBER 18, 1992

REGULAR MEETING AGENDA

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, NJ

On Wednesday, November 18, 1992, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

**AGENDA**

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 11-92 - (cont.) - Robert Balot - 71 Second Avenue

APPLICATION 21-92 - Thomas J. O'Leary - 101½ First Avenue

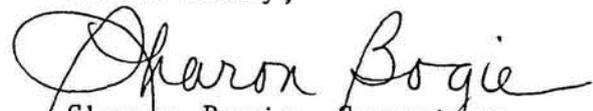
APPLICATION 22-92 - Anne Girone - 123-125 Atlantic Avenue

RESOLUTION 18-92 - William & Penelope Malcolm - 133 First Ave.

RESOLUTION 19-92 - John F. & Theresa Tanis - 29 First Avenue

OLD BUSINESS / NEW BUSINESS

Yours truly,

  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 11/11/92

JOHN L. WINTERSTELLA  
Mayor

MARGARET M. MONSELL  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

**MANASQUAN ZONING BOARD OF ADJUSTMENT**

NOVEMBER 18, 1992 REGULAR MEETING MINUTES

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, NEW JERSEY

The Zoning Board of Adjustment of the Borough of Manasquan held their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke called the meeting to order at 7:30 p.m. He announced that it was an open public meeting held in accordance with the Open Public Meetings Act and published according to law.

ROLL CALL - Present: Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer, Edward Lyons, John Burke, Jack Langella and Claudia Pincus

Absent: Board Members Christopher Trafford and James VanSchoick.

A motion was made, seconded and carried by unanimous vote to approve the minutes of the October 21, 1992 meeting as submitted by the Board Secretary.

(Record reflects Mr. Bogan left at 8:25 p.m. and the Board conducted a brief recess at approximately 9:15 p.m.)

APPLICATION 11-92 (cont.) - Robert Balot - 71 Second Avenue - The Board recognized Stephen Schueler, attorney for the applicant. He brought forward Richard Grasso, architect, and Mrs. Balot (Mr. Balot was unable to attend the meeting).

Revised plans which had been submitted to the Board were discussed, with Mr. Schueler noting reductions in variance requests and detailing requirements in the R-5 zone against what was being requested. The unobstructed sightline designated on the plan was also noted.

Mr. Grasso then continued testimony on the project and revisions. He stated he made the house smaller, explaining he "compressed" it but tried not to change the character in the scaling down process. Roofline and roofline pitch were also discussed.

Mr. Grasso also noted the design of the Tischio house which he worked on five doors away.

The floor was opened to questions of Mr. Grasso from the public.

Robert Zanes, 431 Long Avenue, asked about the portion of the property which is underwater and how it was calculated into the square footage. Mr. Schueler said it had been calculated.

Noel Hood, 161 Beachfront, asked about various measurements, including curb to garage. He asked about sidewalk and parking issues, inquiring whether variances were needed (requirement of two on-site parking spots).

Frank Orleans, 75 First Avenue, asked about floor sizes and the deck in the rear in regards to the riparian area. He also asked whether there would be improvements (i.e., sidewalks, curbing) because it appeared that none were indicated on the plans. Sidewalk issues were also addressed; Mr. Grasso said he was unsure whether a sidewalk would be installed.

Mr. Orleans also addressed parking issues, asking whether the applicant would have a legal offstreet space. Board Attorney William Byrnes noted that a car could not block a sidewalk under state regulations.

Options were discussed, as were issues regarding the underwater portion of the property and the rear lot line. Mr. Byrnes offered the legal opinion that the deck is part of the house.

After Board questioning, the floor was opened to comments from the public.

Joseph Tischio, 83 Second Avenue, was sworn in. He spoke in favor of the project, commenting on the condition of the present building. He said the new building would make a contribution to the neighborhood.

Mr. Orleans asked Mr Tischio about the height of his house.

Mr. Zanes was sworn in. He stated he would like to see the property improved but felt the house was too tall and that it was not necessary to go that high. He felt it overbuilt a small lot.

Upon further discussion, Mr. Byrnes once again stated his legal position that the deck was part of the house.

Mr. Hood was sworn in. Mr. Hood also stated there was a need to improve but the building was too large (high).

Mr. Grasso said he would lower the pitch of the roof to bring it down to 30 feet in height.

Richard Dunne, Long Avenue, was sworn in. He commented on the size of the project and said it was important to arrive at a compromise.

Mr. Orleans was sworn in. He submitted to the Board a picture display of the area and other materials, which were marked 0-1 through 0-4 for the file. He offered testimony on the character of the neighborhood, the flow of light and air and parking issues, among other items. He detailed each of his exhibitions for the Board's consideration.

Visibility from Mr. and Mrs. McGrath's property at 73 Second Avenue was discussed and options noted.

Mr. Orleans stated the project was a "gross overuse of an undersized lot". He said he recognized that the applicant had the right to use his land but not this "excessive." He suggested conditions which the Board could consider in its deliberations, including a 22 feet height restriction, granting of a variance for parking so that there would be no need to force two cars on the lot, building of the deck at grade with five feet sideyards on each side and installation of sidewalks. Also, he added, the applicant should be allowed to bring the structure closer to the park side of the property.

Mr. Tischio questioned Mr. Orleans while Mr. Burke cautioned that there could be no encroachment onto the park.

Patterns of light (rising and setting sun) were also discussed.

There being no further public comments, Mr. Burke noted several items which required further comments and discussion. He noted there were only four members present who were eligible to vote. He also commented on the deck issue (should the board, he asked, take measurements from the bulkhead or riparian area) and parking issue. It was determined that Mr. Grasso would need to revised the plans once more and then come back.

At the request of Mr. Schueler, the Board unanimously agreed to recess the case so that Mr. Schueler, Mr. Grasso and Mrs. Balot could confer. The Board agreed to deal with other matters on the agenda until they were ready to address the Board.

RESOLUTION 18-92 - William and Penelope Malcolm - 133 First Avenue - Mr. Byrnes read the resolution for the record. It was noted Mrs. Kazenmayer was the only board member present eligible to vote on the resolution denying the application; as such, the matter was held until the Decemember 16, 1992 meeting.

RESOLUTION 19-92 - John F. and Theresa Tanis - 29 First Avenue - Mr. Byrnes read the resolution for the record. It was noted that Board Members Brittle, Kazenmayer and Pincus were the only members present who were eligible to vote on the resolution. A motion was made and seconded to memorialize the resolution; motion carried by the following vote: "Yes" Board Members Brittle, Kazenmayer and Pincus. "No" none.

APPLICATION 21-92 - Thomas J. O'Leary - 101 $\frac{1}{2}$  First Avenue - Mr. Byrnes marked the file and the Board recognized Richard Maguire, attorney for the applicant. Mr. O'Leary, applicant, and Robert Houseal, architect, were sworn in to offer testimony.

Mr. Maguire and Mr. Byrnes addressed the issue of noticing utilities, as it had been noted that the utilities had not been served at least 10 days prior to the meeting. Mr. Maguire said he discovered the requirement after he mailed out all the other notices and it was his opinion that utilities were not applicable in this application. The number of eligible voting members was also discussed; there were only six members present and because a use variance was being requested, the applicant would need to receive five affirmative votes.

It was agreed to adjourn the case until the January 20, 1993 meeting. The Board Members voted to conduct a site inspection on December 5, 1992 at 9 a.m.; the Board Secretary was requested to notify the members of the inspection.

APPLICATION - Balot (continued after recess) - Mr. Schueler, Mrs. Balot and Mr. Grasso re-entered the meeting. Mr. Schueler summed up the prospective revisions. Mr. Burke requested comments from each of the Board members; concerns raised included height and deck issues.

Mrs. Kazenmayer wished to see a softening of the overall effect.

Mr. Burke said since a 30' high house was now being proposed, he wanted to see plans for a 30' house and would request an adjournment of the case until those revised plans were submitted.

The Board agreed to continue the case until the December 16, 1992 meeting so Mr. Schueler could have an opportunity to discuss the matter with the Balots and, if necessary, submit revised plans if they wished to continue the case or make arrangements to withdraw the application. It was stated that persons with 200 feet would need to be re-noticed as to all changes and revised plans must be submitted to the Board by December 4.

APPLICATION 22-92 - Anne Girone - 123-125 Atlantic Avenue -  
It was stated that the Board could not begin hearing the case  
because of noticing issues. The Board voted to adjourn the case  
until the December 16, 1992 and noted as such for the record.

OLD BUSINESS/NEW BUSINESS - Vouchers and correspondance were  
submitted for the Board's consideration.

The Board discussed letters which the Board Attorney had prepared  
regarding the Scott interpretation, the Exxon and Tawgin site  
plans and the request to Mayor and Council regarding a time  
limit on how long certified lists may be relied upon. The Board  
Secretary stated copies of each letter will be forwarded to  
individual board members in their next packet.

Mr. Burke also discussed a project being undertaken by students  
at Manasquan High School which would involve videotaping the  
entire borough. He emphasised the importance of such a project  
to the development boards and other commissions/agencies in  
the borough.

There being no further items on the agenda, a motion was made,  
seconded and unanimously carried to adjourn at 11:35 p.m.

Respectfully submitted,

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 12/8/92

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk

**MANASQUAN ZONING BOARD OF ADJUSTMENT**

DECEMBER 16, 1992

REGULAR MEETING AGENDA

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

On Wednesday, <sup>December 16</sup> ~~November 18~~, 1992, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

*SMB 12/16/92*

**AGENDA**

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

APPLICATION 11-92 -(cont.) - Robert Balot - 72 Second Avenue

APPLICATION 22-92 - Anne Girone - 123/125 Atlantic Avenue

APPLICATION 23-92 - James Swift - 411 Beachfront

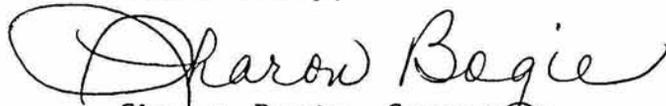
APPLICATION 24-92 - Frank Federici - 406 First Avenue

RESOLUTION 18-92 - William & Penelope Malcolm - 133 First Avenue

OLD/NEW BUSINESS

Please be advised that Application 21-92 - Thomas J. O'Leary - 101½ First Avenue - was adjourned until the January 20, 1993 agenda.

Yours truly,



Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 12/9/92

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk

**MANASQUAN ZONING BOARD OF ADJUSTMENT**  
DECEMBER 16, 1992 MEETING MINUTES  
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held their regular meeting and work session on December 16, 1992 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke called the meeting to order at 7:30 p.m. He stated that it was an open public meeting held in accordance with the Open Public Meetings Act and published according to law.

ROLL CALL: Present - Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer, Edward Lyons, John Burke, Jack Langella and Claudia Pincus

Absent - Board Members Christopher Trafford and James VanSchoick.

(Record shows Mrs. Pincus left at 7:40 p.m.)

A motion was made by Mrs. Kazenmayer to approve the minutes of the November 18, 1992 meeting as submitted by the Board Secretary. Motion seconded and carried unanimously.

APPLICATION 11-92 - (cont.) - Robert Balot - 72 Second Avenue - The Board continued its hearing on the application. A letter from Stephen Schueler, applicant's attorney, indicated that his client was not willing to revise the plans previously submitted and asked the Board to react accordingly. He stated the Balots had a contact to purchase the property contingent on a favorable resolution.

A motion was made, seconded and unanimously carried to close the public hearing. A motion was then made by Mrs. Kazenmayer to deny the application; motion seconded by Mrs. Pincus and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Burke and Pincus. "No" none. (It was noted Mr. Lyons and Mr. Langella were not eligible to vote on the application)

APPLICATION 22-92 - Anne Girone - 123-125 Atlantic Avenue - Board Attorney William Byrnes marked the file. Mrs. Girone, owner of the subject property, was sworn in to offer testimony.

The Board and Mrs. Girone began discussing the application, which requested relief so that a dormer could be added to the

third floor of the structure, which is a two family dwelling.

Albert P. Ratz Jr., Construction Official, denied the permit under Section 107-9 (not a permitted use) and Section 107-27 (Schedule of Limitations - maximum of 2½ stories is maximum permitted. This is an existing three story building and owners will be enlarging the third floor) of the Code of the Borough of Manasquan.

The property is in a R-2 zone and flood regulations are not applicable. A use variance is requested.

Mrs. Girone commented on the size of each apartment in the structure and said she lives in one part of the house and her son and his family in the other.

A motion was made, seconded and unanimously carried to conduct a site inspection on Saturday, January 9, 1993 at 9 a.m.; the Board Secretary was instructed to memo the members of the appointment. The applicant waived time restrictions under the Municipal Land Use Law.

APPLICATION 23-92 - James Swift - 411 Beachfront - The Board Secretary indicated that John Deppeler III, attorney for the Swifts, had been in contact to explain that because of problems meeting the requirements to be heard by the Board he would not be able to proceed at this meeting. It was requested the matter be adjourned until the January 20, 1993 meeting. It was agreed to commence the hearing on January 20.

APPLICATION 24-92 - Frank Federici - 406 First Avenue - Mr. Byrnes marked the file and swore in Frank and Patricia Federici, applicants, and James Wishbow, contractor, to offer testimony.

The Board, applicants and professionals began their discussion of the application, which requested relief so that an addition could be put onto the rear cottage on the property.

The building permit had been denied by Mr. Ratz under Sections 107-11 (not a permitted use; two houses on one lot) and 107-27 (Schedule of Limitations: sideyard setback 1.9 feet existing and proposed) of the Code of the Borough of Manasquan.

The property is in an R-4 zone and A-5 flood zone; project must comply to flood regulations. A use variance is requested.

Plans prepared by Lawrence F. Slawson, architect, were submitted and discussed. The plans depict that the applicant will be

closing in the back end of the garage apartment and renovating so that the finished dwelling will include three bedrooms and a living / eating area located almost entirely in the portion that presently exists and a bath and kitchen basically in the added areas.

Mr. Wishbow stated the project will not change to setback of the house.

Photos were submitted for the Board's consideration. The applicants said the property was presently a rental property but they wanted to put their family there.

Mr. Byrnes suggested the applicants amend the application to include a variance for parking because four off street spaces were needed.

Thomas Tallon, 413 Beachfront, spoke in favor of the application. Lawrence Lodato, 409 Beachfront/410 First Avenue, also spoke in favor of the application.

Mr. Federici noted that there was "not one drop of water" in the house during the recent storm.

A motion was made by Mr. Bogan, seconded by Mr. Langella and carried unanimously to close the public hearing. A motion was made by Mr. Langella to approve the application conditioned upon the applicant submitting the materials (survey and elevation certification) requested by Mr. Byrnes. Motion seconded and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Lyon, Burke, and Langella. "No" none.

RESOLUTION 18-92 - William and Penelope Malcolm - 133 First Avenue - Matter held; not enough voting members to deny.

Mr. Byrnes recommended entering closed session to discuss possible litigation. The Board voted unanimously to enter the closed session; the Board reentered the regular meeting at 8:50 p.m.

OLD / NEW BUSINESS - The Board Secretary submitted correspondance and vouchers for the Board's consideration.

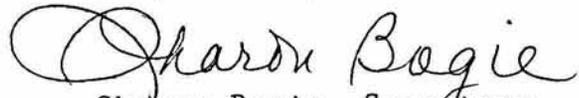
The Board discussed the 1993 budget and agreed to continue discussions when all 1992 figures were complete. Mr. Burke said he wished to request approximately \$1000 more to offset the costs of two possible litigation matters in 1993.

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The Board also discussed a draft of an ordinance before Mayor and Council putting a time limit of 120 days on certified lists of homeowners. The Board directed the Board Secretary to forward a letter of support to Mayor and Council.

There being no further matters on the agenda, a motion was made, seconded and unanimously carried to adjourn at 9:10 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sharon Bogie". The signature is written in dark ink and is positioned above the typed name and title.

Sharon Bogie, Secretary  
Manasquan Board of Adjustment

1993

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk

**ZONING BOARD OF ADJUSTMENT - 1993 ANNUAL REPORT**

<u>CASE#</u>	<u>APPLICANT</u>	<u>ADDRESS</u>	<u>TYPE OF VARIANCE</u>	<u>STATUS</u>	<u>FEE PD.</u>
1-93	E. Leahy	475 Long	hardship-curb cut	Denied but later revised, approved Res. pending.	\$ 25.00
2-93	A. Dickson	305 E. Main	hardship	Memorialized	\$ 200.00
3-93	M. Taufic	483 Long	hardship-curb cut	Memorialized	\$ 25.00
4-93	B. Crook	130 McLean	heat-use variance	Memorialized	\$ 300.00
5-93	J. Trengrove	88 Parker	porch-hardship	Memorialized	\$ 200.00
6-93	K. Callaghan	275 Beachfront	use - demolish and rebuild storm damaged home-2 houses on lot	Memorialized	\$ 300.00
7-93	Kirsch, etal (Leggetts)	215 First	site plan/variances	Memorialized	\$1125.00
8-93	K. Thompson	62 Atlantic	hardship variance	Memorialized	\$ 200.00
9-93	L. Morton	493 Long	hardship-curb cut	Memorialized	\$ 25.00
10-93	I.B Kirsch	237 Beachfront	PENDING		\$ 300.00
11-93	" "	239 Beachfront	PENDING		\$ 300.00
12-93	Acme Mkt.	176 Main	Satellite dish	Memorialized	\$ 350.00
13-93	C. Travers	368 Pine	addition-hardship	Memorialized	\$ 200.00
14-93	B. Reilly	66 Fletcher	addition-hardship	Memorialized	\$ 200.00
15-93	J. Rupprecht	113 Beachfront	use -extend roof	Memorialized	
16-93	B. Wagner	56 Potter	Hardship	Memorialized	\$ 200.00
17-93	R. Hare	74 Second	Hardship-deck	Memorialized	\$ 200.00
18-93	L. McClennan	566 Whiting	Hardship-deck	Memorialized	\$ 200.00
19-93	P. Williamson	41 Beachfront	use (two houses) -enclose porch, addition	PENDING	\$ 300.00
20-93	J. McKearney	First Av(vacant lot)	new house	WITHDREW	\$ 200.00

21-93	J. Tanis	29 First	Hardship-roof	Memorialized	\$ 200.00
22-93	R. Shim	60 Central	Hardship-addition	Memorialized	\$ 200.00
23-93	K. Boden	81 N. Main	Hardship-addition	Memorialized	\$ 200.00
24-93	I. Lloyd	155 Beachfront	Hardship-deck	Memorialized	\$ 200.00
25-93	R. Schroeder	54 Pearce Av.	addition-hardship	Memorialized	\$ 200.00
26-93	T. Collinson	339 Pine	Addition-hardship	Memorialized	\$ 200.00
27-93	P. Yuro	84 Marcellus	Use -2 dwelling units-addition to garage.	PENDING	\$ 300.00
28-93	N. Hood	165-165 $\frac{1}{2}$ First	Use variance	(set for 1/19/94)	\$ 450.00
29-93	C. Galdieri	117 Beachfront	Use variance	(set for 1/19/94)	\$ 300.00

RESOLUTIONS GRANTED: 21

Hardship variances - 16  
Use variances - 5  
Site plans - 1

TOTAL FEES: \$ 7400.00

BOROUGH HALL, 15 TAYLOR AVENUE  
POST OFFICE BOX 199

Incorporated December 30, 1887

(908) 223-0544

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk

January 8, 1993

MEMO TO: Members, Manasquan Zoning Board of Adjustment  
Mayor and Council, Borough of Manasquan

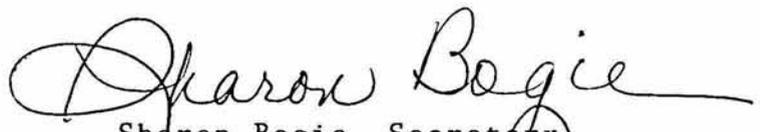
RE: Manasquan Zoning Board of Adjustment  
1992 Year-End Report

Dear Members and Mayor and Council:

The Manasquan Zoning Board of Adjustment opened hearings on 23 cases in the calendar year 1992, memorializing 13 favorable resolutions and generating \$7050.00 in revenue.

Attached please find information on the individual cases before the Board during 1992.

Yours truly,

  
Sharon Bogie, Secretary  
Manasquan Planning Board

**MANASQUAN ZONING BOARD OF ADJUSTMENT**  
1992 YEAR END REPORT

<u>RESOLUTION</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>RELIEF REQUESTED</u>	<u>FEES</u>
1-92	Pawchuk	43 Lakewood	dormers	\$ 200
* 2-92	Gumienny	107 Beachfront	use (deck)	\$1050
3-92	Mold	564 Pompano	hardship (roof)	\$ 200
4-92	Spadaro	34 Deep Creek	hardship (addition)	\$ 200
5-92	Bruenig	263 Beachfront/ 262 First Ave.	minor subdivision w/variance (Razberry)	\$450
6-92	Lund	271 First	hardship (new house)	\$ 200
7-92	Dana	381 Beachfront	use (2 houses on lot)	\$ 300
* 8-92	Rostron	564 Whiting	curb cut	\$ 200
9-92	Squan 1st Aid	65 Broad	use (renovations)	waived
** 10-92	Ely	525 Perrine	shower stall	\$ 200
***11-92	Balot	71 Second	New house	\$ 200
12-92	Tessin	167 South	hardship (garage)	\$ 200
** 13-92	Cunningham	448 Cedar	deck	refunded
* 14-92	Scarano	11½ Sims	use (addition)	\$ 300
15-92	Terry	57½ Osborn	use (enclose deck)	\$ 300
16-92	Exxon, Inc.	Union Ave.	site plan w/variances	\$1200
17-92	Schmidt	74 Fletcher	addition	\$ 300
***18-92	Malcolm	133 First	use (renovations)	\$ 300
19-92	Tanis	29 First	hardship	\$ 200
20-92	Scott	13-15 Wigwam	interpretation	\$ 150
***21-92	Girone	123-125 Atlantic	use (dormer)	\$ 300
***22-92	Swift	411 Beachfront	use (deck, roof)	\$ 300
***23-92	Federici	406 First	use (addition)	\$ 300

\* Indicates Board denied the relief requested.

\*\* Withdrawn

\*\*\* Final resolution/memorialization pending

TOTAL FEES: \$7050.00

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "A"

RE: CHAIRMAN

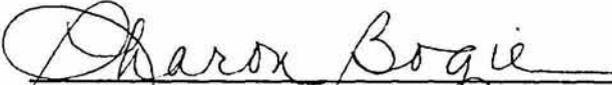
WHEREAS, Article II, Section 2 of the Land Use Procedures ordinance of the Borough of Manasquan, Ordinance No. 1006 provides that the Zoning Board of Adjustment of the Borough of Manasquan shall elect a Chairman from its members:

NOW THEREFORE BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan that John Burke be and is hereby elected and designated as Chairman of the Zoning Board of Adjustment of the Borough of Manasquan, effective as of January 20, 1993, and whose term as Chairman shall terminate at the close of the first regular meeting of the Board held in the month of January, 1994.

ROLL CALL VOTE:

YES: Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer,  
Edward Lyons, Christopher Trafford, James VanSchoick, Jack  
Langella and Claudia Pincus.  
NO: None.

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 20, 1993.

  
SHARON BOGIE, Secretary to the Zoning  
Board of Adjustment of the Borough of  
Manasquan

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "B"

RE: VICE-CHAIRMAN

WHEREAS, Article II, Section 2 of the Land Use Procedures ordinance of the Borough of Manasquan, Ordinance No. 1006 provides that the Zoning Board of Adjustment of the Borough of Manasquan shall elect a Vice-Chairman from its members:

NOW THEREFORE BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan that Robert C. Brittle be and is hereby elected and designated as Vice-Chairman of the Zoning Board of Adjustment of the Borough of Manasquan, effective as of January 20, 1993, and whose term as Vice-Chairman shall terminate at the close of the first regular meeting of the Board held in the month of January, 1994.

ROLL CALL VOTE:

Board Members James F. Bogan Jr., Margaret Kazenmayer, Edward Lyons,  
YES: Christopher Trafford, James VanSchoick, John Burke, Jack Langella  
and Claudia Pincus.  
NO: NONE.

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 20, 1993.

  
SHARON BOGIE, Secretary to the Zoning  
Board of Adjustment of the Borough of  
Manasquan

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "C"

RE: MEETING DATE

WHEREAS, the "Open Public Meeting Law," public laws of 1975, Chapter 231, requires that annual notice of the public meeting of the public body such as the Zoning Board of Adjustment of the Borough of Manasquan be disseminated within seven days following the annual organization or reorganization of such a public body;

NOW THEREFORE BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan as follows:

1. That the third Wednesday of each month shall be designated as the regular monthly meeting of the Zoning Board of Adjustment of the Borough of Manasquan, except that when the third Wednesday of any month falls on a holiday celebrated by the Borough of Manasquan, then and in that case only a regular meeting of the Zoning Board of Adjustment of the Borough of Manasquan shall be designated by the Board at the regular monthly meeting immediately prior to that which shall fall on a holiday and public notification of the same shall be made in accordance with the provisions of the Open Public Meeting Law;

AND BE IT FURTHER RESOLVED that each regular meeting of the Zoning Board of Adjustment of the Borough of Manasquan shall convene at 7:30 p.m., and be followed by a work session at the end of the regular meeting, and that the location of the same shall be at the Borough Hall, 15, Taylor Avenue, Manasquan, New Jersey:

AND BE IT FURTHER RESOLVED that a copy of this Resolution be

disseminated and published according to law within seven days of the date hereof.

ROLL CALL VOTE:

Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer,  
YES: Edward Lyons, Christopher Trafford, James VanSchoick, John Burke,  
Jack Langella and Claudia Pincus.  
NO: None.

MEETING DATES:

February 17, 1993

March 17, 1993

April 21, 1993

May 19, 1993

June 16, 1993

July 21, 1993

August 18, 1993

September 15, 1993

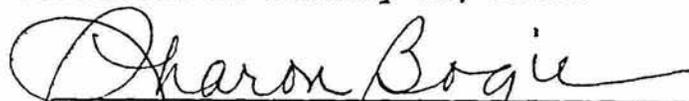
October 20, 1993

November 17, 1993

December 15, 1993

January 19, 1994

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 20, 1993.



SHARON BOGIE, Secretary to the Zoning Board of Adjustment of the Borough of Manasquan

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "D"

RE: OFFICIAL NEWSPAPERS

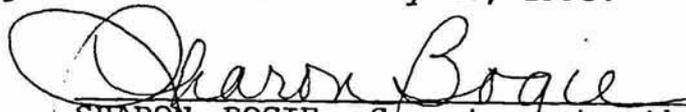
WHEREAS, the "Open Public Meeting Law," public laws of 1975, Chapter 231, provides that various notices be transmitted and/or published in two newspapers most likely to inform the people within the jurisdictional area of the Zoning Board of Adjustment of the Borough of Manasquan and that one of said newspapers be designated as the "official newspaper,":

NOW THEREFORE BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan that its official newspaper be and the same is hereby designated to The Coast Star, 13 Broad Street, Manasquan, New Jersey, and that the secondary newspaper shall be The Asbury Park Press, Press Plaza, Asbury Park, New Jersey.

ROLL CALL VOTE:

Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer,  
YES: Edward Lyons, Christopher Trafford, James VanSchoick, John Burke,  
Jack Langella and Claudia Pincus.  
NO: NONE.

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 20, 1993.

  
SHARON BOGIE, Secretary to the Zoning  
Board of Adjustment of the Borough of  
Manasquan



2. The aforesaid appointment is made without competitive bidding as "professional services" under the provisions of the local Public Contracts Law because the services to be performed are to be performed by a recognized professional, licensed and regulated by law.

3. The Chairman of this Board be and he is hereby authorized to enter the aforementioned Agreement on behalf of this Board with William Byrnes, Esq., with regard to legal services to be rendered and that a copy of said Agreement shall be kept on file with the Secretary of the Board.

4. That a copy of this Resolution be published according to law within ten days of adoption.

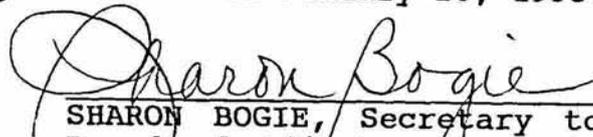
ROLL CALL VOTE:

Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer,

YES: Edward Lyons, Christopher Trafford, James VanSchoick, John Burke,  
Jack Langella and Claudia Pincus.

NO: None.

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of Manasquan at its organizational meeting conducted on January 20, 1993.



SHARON BOGIE, Secretary to the Zoning Board of Adjustment of the Borough of Manasquan

BOROUGH OF MANASQUAN  
ZONING BOARD OF ADJUSTMENT

RESOLUTION "F"

RE: APPOINTMENT OF SECRETARY TO ZONING BOARD OF ADJUSTMENT

offered the following Resolution and  
moved its adoption, seconded by

WHEREAS, Article 11, Section 2 of Ordinance No. 1006 of the Borough of Manasquan entitled "THE LAND USE PROCEDURES ORDINANCE OF THE BOROUGH OF MANASQUAN," adopted by the Borough Council of the Borough of Manasquan, January 24, 1977, provides for the appointment of Secretary to said Board;

AND WHEREAS, the funds are available for this purpose:

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Manasquan as follows:

1. That Sharon Bogie be and is hereby appointed as Secretary to the Zoning Board of Adjustment of the Borough of Manasquan for a term of one year. The effective date of this appointment shall be as of January 20, 1993, and the same shall terminate at the close of the first regular meeting of this Board held in the month of January, 1994.

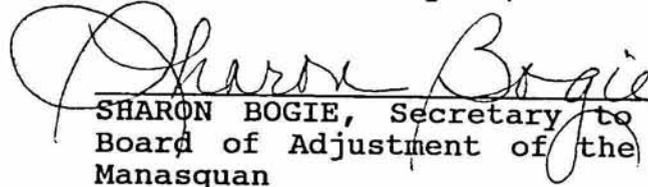
2. That the salary of said Secretary shall be in the amount and payable in the manner as shall be fixed by the Borough Council of the Board of Manasquan.

3. That a copy of this Resolution be published according to law within ten days of adoption.

ROLL CALL VOTE:

Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer,  
YES: Edward Lyons, Christopher Trafford, James VanSchoick, John Burke,  
Jack Langella and Claudia Pincus.  
NO: None.

The foregoing is a true copy of a Resolution adopted by the  
Zoning Board of Adjustment of the Borough of Manasquan at its  
organizational meeting conducted on January 20, 1993.



SHARON BOGIE, Secretary to the Zoning  
Board of Adjustment of the Borough of  
Manasquan

A G R E E M E N T

THIS AGREEMENT made on the 20th day of January, 1993

BETWEEN THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF  
MANASQUAN, hereinafter designated as "BOARD"

AND WILLIAM BYRNES, an attorney at law of the State of New  
Jersey

WHEREAS, the Board recognizes that it is empowered and permitted by the Municipal Land Use Law, Chapter 291, Laws of New Jersey, 1975, and the Land Use Procedures Ordinance of the Borough of Manasquan, to appoint and affix the rate of compensation of the attorney for the Board;

AND WHEREAS, William Byrnes, an attorney at law of the State of New Jersey, has been duly appointed by Resolution of the Board as attorney for the Board,

AND WHEREAS, the most recent draft of the revised Local Public Contract Guidelines and Local Public Contract Regulations dated August 13, 1976, drawn and prepared by the Local Finance Board of the Division of Local Government Services, urges and recommends that contracts be entered into with professionals retained by the public agency;

AND WHEREAS, the members of the Board further recognize that it is to the best interests of the Board and the inhabitants of the Borough of Manasquan that a Contract be entered into between it and its attorney;

W I T N E S S E T H :

FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00) and of the good and valuable considerations, to each in hand paid one

to the other, the parties AGREE as follows:

1. That William Byrnes, Esq., be and he is hereby specifically retained to perform all legal services required by the Board.

2. That William Byrnes, Esq., shall be paid for services rendered at the rate of \$ 35.00 dollars per hour.

3. That in addition to the hourly rate, any and all costs incurred will be reimbursed by the Board on a dollar-for-dollar basis.

4. That the within Agreement shall terminate at such time as William Byrnes, Esq., is no longer the duly appointed attorney for the Board.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by its proper officers the day and year first above written.

ZONING BOARD OF ADJUSTMENT OF THE BOROUGH  
OF MANASQUAN

By: 

Chairman

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JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk

January 22, 1993

MEMO TO: Mayor and Council  
Margaret Monsell, Municipal Clerk  
Colleen Scimeca, Deputy Municipal Clerk  
Kathryn Fetten, Municipal Calendar  
Manasquan Board of Adjustment Members and professionals  
Planning Board Chairman Kevin Thompson

FROM: Sharon Bogie, Secretary  
Manasquan Zoning Board of Adjustment

RE: 1993 Reorganization

The ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MANASQUAN will hold their regular meetings for 1993 on the third Wednesday of any month, except when the third Wednesday falls on a holiday celebrated by the Borough of Manasquan; in that case a regular meeting of the Manasquan Zoning Board of Adjustment shall be designated at the regular monthly meeting immediately prior to that holiday and notification shall be made in accordance with the Open Public Meeting Law. Meetings shall be as follows: February 17, March 17, April 21, May 19, June 16, July 21, August 18, September 15, October 20, November 17 and December 15, 1993; and January 19, 1994.

Each regular meeting of the Zoning Board will convene at 7:30 p.m. and the location of the same shall be at Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey. The work shop meeting of the Board will be held immediately after every regular monthly meeting in the same location.

At the Board's January 20, 1993 reorganization session, John Burke was named chairman and Robert Brittle vice chairman. In addition to Mr. Burke and Mr. Brittle, other members of the Board are Margaret Kazenmayer, Jack Langella, Edward Lyons, Christopher Trafford, James VanSchoickand Claudia Pincus. One alternate post remains vacant at the present time. William Byrnes was reappointed counsel and Sharon Bogie was reappointed board secretary.

Yours truly,

  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

JOHN L. WINTERSTELLA  
Mayor

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

MARGARET M. MONSELL  
Municipal Clerk

**MANASQUAN ZONING BOARD OF ADJUSTMENT**

MEETING AGENDA - JANUARY 20, 1993

MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN, NEW JERSEY

On Wednesday, January 20, 1993, the Zoning Board of Adjustment of the Borough of Manasquan will hold their regular meeting at 7:30 p.m. in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

**AGENDA**

FORMAL ACTION WILL BE TAKEN ON THE FOLLOWING:

REORGANIZATION SESSION

1. Resolutions re: Chairman and Vice-Chairman
2. Resolution re: Meeting dates and times
3. Resolution re: Reappointment of Board Attorney
4. Resolution re: Reappointment of Board Secretary
5. Resolution re; Official newspapers
6. Swearing-in of reappointed Board Members
7. 1992 Year-End Report
8. 1993 Budget

RESOLUTION 6-92 - Time extension - George Lund - 271 First Avenue

APPLICATION 18-92 - (cont.) William Malcolm - 133 First Avenue

APPLICATION 21-92 (cont.) - Thomas J. O'Leary - 101½ First Avenue

APPLICATION 22-92 (cont.) - Anne Girone - 123-125 Atlantic Avenue

APPLICATION 23-92 - James Swift - 411 Beachfront

APPLICATION 1-93 - Eugene Leahey- 475 Long Avenue

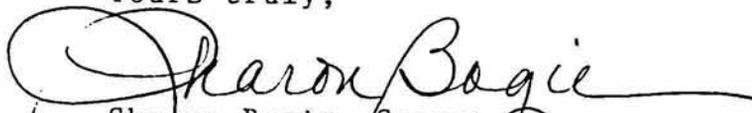
APPLICATION 2-93 - Alan Dickson - 305 E. Main Street

RESOLUTION 24-92 - Frank Federici - 406 First Avenue

OLD/NEW BUSINESS

(Work Session will immediately follow the regular session)

Yours truly,

  
Sharon Bogie, Secretary  
Manasquan Board of Adjustment

Dated at Manasquan 1/15/93

JOHN L. WINTERSTELLA  
Mayor

MARGARET M. MONSELL  
Municipal Clerk

**BOROUGH OF MANASQUAN**  
COUNTY OF MONMOUTH  
NEW JERSEY 08736

**MANASQUAN ZONING BOARD OF ADJUSTMENT**  
MEETING MINUTES - JANUARY 20, 1993  
MANASQUAN BOROUGH HALL, 15 TAYLOR AVENUE, MANASQUAN NJ

The Manasquan Zoning Board of Adjustment held their regular meeting on January 20, 1993 in Manasquan Borough Hall, 15 Taylor Avenue, Manasquan, New Jersey.

Board Chairman John Burke called the meeting to order at 7:30 p.m. He stated this was an open public meeting held in accordance with the Open Public Meetings Act and published according to law. He asked all in attendance to join in the Salute to the Flag.

ROLL CALL - Present: Board Members James F. Bogan Jr., Robert Brittle, Margaret Kazenmayer, Edward Lyons, Christopher Trafford, James VanSchoick, John Burke, Jack Langella and Claudia Pincus.

Absent: None.

A motion was made, seconded and carried to approve the minutes of the December 16, 1992 meeting as submitted by the Board Secretary.

REORGANIZATION SESSION - The Board entered into its reorganization session for 1993.

Board Attorney William Byrnes administered the oath of office to James VanSchoick and John Burke.

Resolution A, designating a Board Chairman, was read. The nomination of Mr. Burke was made, seconded and unanimously carried. Resolution B, designating a Board Vice-Chairman, was read. The nomination of Robert Brittle was made, seconded and unanimously carried.

Resolution C, designating the meeting date as the third Wednesday of the month, was read. Motion made, seconded and unanimously carried to approve the resolution.

Resolution D, naming The Coast Star and The Asbury Park Press as official newspapers, was read. Motion made, seconded and unanimously carried to approve the resolution.

Resolution E, reappointment of William Byrnes as Board Attorney, was read. Motion made, seconded and unanimously carried to approve the resolution.

Resolution F, reappointment of Sharon Bogie as Board Secretary, was read. Motion made, seconded and unanimously carried to approve the resolution.

The year-end report and budget were discussed. Mr Burke mentioned the Board had already gotten one and were expecting other applications related to storm damage from the December nor'easter. After discussion, the Board agreed to hold a special meeting just for emergency storm damage related cases on March 3, 1993 (date later changed to March 4, 1993 because of scheduling conflicts). Those wishing to have an application heard at that meeting would need to file it by February 11, 1993. Mr. Burke said he and Albert P. Ratz Jr. Construction Official, would then make agenda determinations.

RESOLUTION 6-92 - (extension of time) - George Lund - 271 First Avenue - The Board recognized Mr. Lund and it was noted Mr. Lund had forwarded a letter to the Board requesting a nine month extension on his variance. The letter was addressed and Mr. Lund explained to the Board the reasons for the extension. After discussion, Mr. Trafford moved to close the public hearing; motion seconded and carried by unanimous vote. He then moved to grant the extension; motion seconded and carried unanimously.

APPLICATION 18-92 (cont.) - William Malcolm - 133 First Avenue - The Board Attorney recognized Barbara Birdsall, attorney for the applicant. Mr. Byrnes gave a review of the case to date, including Mr. Malcolm's previous appearances before the Board, damage done to the beachfront area during the nor'easter. He marked the five pages of revised plans as A-12.

Mr. Malcolm gave additional testimony regarding the revisions, which featured changes to the stairway (it would come down one side rather than two). The stairway would not extend to the front property line.

After further discussion, and there being no comments from the public, a motion was made, seconded and unanimously carried to close the public hearing. A motion was made by Mr. Trafford for a favorable resolution; motion seconded and carried by the following vote: "Yes" Board Members Bogan, Brittle, Kazenmayer, Trafford, Burke and Langella. "No" Board Member VanSchoick. (Board Members Lyons and Pincus not eligible to vote)

APPLICATION 21-92 (cont.) - Thomas J. O'Leary - 101½ First Avenue - Attorney Richard Maguire placed himself on the record for the applicant. Also recognized were Mr. O'Leary and Robert Houseal, architect. Mr. Byrnes noted the case had been opened