BOROUGH HALL, 201 EAST MAIN STREET
Incorporated December 30, 1887
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GEORGE R. DEMPSEY, JR.
Mayor

BARBARA ILARIA
Municipal Clerk

JOSEPH R. DEIORIO
Municipal Administrator/
Chief Financial Officer

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

The Manasquan Planning Board held a Regular meeting on Tuesday, February 1, 2011 in the Manasquan Borough Hall, 201 East Main Street, Manasquan, New Jersey.

Chairman John Burke called the meeting to order at 7:00PM stating that this was an Open Public Meeting published and posted according to law. He then asked everyone present to please stand and salute the Flag.

ROLL CALL:
Board Members Present:

Mayor George Dempsey	**Patrick Callahan**	**Joan Harriman**
Councilman Owen McCarthy	**James Coakley**	**John Burke**
Leonard Sullivan		

Board Members Absent:

John Muly	**Thomas Carroll**	**David Armstrong**
Jay Price	**Michael Sinneck**	

Professionals Present:
Geoffrey S. Cramer – Planning Board Attorney
Albert D. Yodakis – T & M Engineering – Engineer/Planner

John Burke said before he starts the meeting he has an announcement to make. As of last night he has been appointed to the NJPO Board and he will be the Monmouth County representative to the Board. Hopefully, this is going to help this Town, he is very happy to get the job and yes he will still stay here so you will not be getting rid of me.

15-MINUTE PRESENTATION BY C. KEITH HENDERSON - John Burke said you all have a copy of Resolution #47-2004 in your packets, so please follow along with your copy. C. Keith Henderson introduced himself as representing the current owner of the project in question. This was a project which was originally comprised of an entity known as Union Virginia, LLC which made an application for Site Plan approval. The project was called Virginia Crossing in Manasquan. The project was for an age restricted housing project and it was meant to fall within the Conditional Use section of the Ordinance that Manasquan has permitting these projects, essentially it complied with the requirements of the Ordinance, it was approved and ultimately it was sold. In was approved in 2006. Subsequently, the current owners purchased it. They built building #1 which was the one that is parallel to Route 71 and faces on Route 71, then there is a second building which the foundation is in but nothing further has been done. Despite the fact that the project obtained approval in 2006, they have yet to close on a single unit. There is one unit under contract and that is the only unit under contract. Essentially the major problem has been obviously the collapse of the housing market, but within that context there is also another

variable and that is most people I think are aware that the Condominium market has been hit harder than the single-family market has been. The Senior Citizens age restricted housing market has been hit harder than any other component. I tried to think about that in the context of other projects that we are involved with and it seems that historically a good deal of the buying population for those kinds of units have come from North Jersey. I don't know how many of you read the Asbury Park Press but there was an article in there not too long ago indicating that the residential housing market went down more than 20% last year. But, if you read the whole article you would have seen that Monmouth County went up 3%. So, the problem is that in other sections of the State the housing market is really getting pounded and those people are not coming down here. The other observation that we've had on this project is the people that are looking at the units are mainly people in their forties; they don't satisfy that age restricted level of 55. On the other hand they are empty nesters, their children are essentially gone if the Board will recall most of these units are single-bedroom units. They are not units that are going to attract families in any event, but they can't sell. If I can give you some price examples of what happened here. These units started out at $685,000 to $785,000, they are now at $445,000 to $560,000. When these folks bought the project they had land acquisition financing and construction financing. Unfortunately, their bank was Sovereign Bank which subsequently in the middle of all this was purchased by Santander, Santander wasn't particularly interested in a project like this and ultimately sold the loan. In the meantime, the release price per unit of what they had to pay the bank to be able to sell the project, or be able to sell a unit in the project was $635,000. The project was substantially under water. They have made arrangements with the new lender to permit them to reduce those purchase prices, but still because of the age restriction there does not seem to be a market. I would point out just a couple of things: 1) they can't finish the landscaping which is an eyesore to the neighborhood because they have to finish the second building, they are not going to get construction financing to finish that second building until they sell out a good portion of the first building. 2) They paid all their Mount Laurel Fees, so they have fulfilled that obligation, specifically in October of 2006 they paid $9,750. For the first building and subsequently for reasons the Borough established they wanted to pay out unit on the back building which was four units on a per unit basis and they paid $1875 per unit on April 24, 2007 despite the fact that that building hasn't really even been built, it's just the foundation. So, essentially why we are here is to ask the Town whether it would consider or if the Board would consider if the applicant were to make a formal application whether you would consider relieving the applicant from the age restrictions. We would like all the units released, but we would accept something less than that obviously. It would have to be probably 50% of the units to make it worth them even making the application. At this point it's somewhat of an eyesore, it's certainly not what we want and obviously not what the Borough wants or wanted and we would just like to move forward. Unfortunately, when you do projects like this you not only give your personal guarantee on the loan but you also give a personal guarantee of performance. So, our clients have really guaranteed the completion of this project and they can't get out from under without completing it and selling it, so that's our request. I'm not looking for a vote or anything tonight, I'm looking for some feedback from the Board as to whether this is something you would want to entertain. I think the original idea was that age restricted when you did the Ordinance, age restricted, no children no burden on the School District, I would be amazed if you'd get

children in any these units because they are mostly one bedroom, number one and number two there are no amenities there for children at all, the units are extremely small, I'm sure you've read the Resolution on the unit sizes but they are very, very small units.
John Burke asked the Board members if they had any questions or comments. Al Yodakis said he just got a copy of the Resolution this evening, this was a Conditional Use and it met the Conditional Use requirements and that was because it was age restricted. Keith said yes. Al said so if it was not age restricted it would have required a Use Variance. Keith said yes it would require a Use Variance, we understand that. It is what it is. John Burke said so if you get the feeling from this Board that we might be receptive to a change when you come back before the Board it's going to be a Use Variance. Keith said we would not meet the restrictive conditions of the Conditional Use. We recognize we would need five out of seven votes. It would not affect the Site Plan, the building is built. Al Yodakis said in essence there were proofs provided at the time when they came in originally because there is lower traffic associated with a senior development and other items like that which I'm sure the professional provided at the time, so you would have to provide new proofs. Keith said he did not handle this application when it came before the Board originally. But if you look at the Resolution there were certain proofs provided on those sorts of things. John Burke said not too long ago there was a problem there with that foundation and the owners were asked to put up a fence or something around there to keep kids off of that, that has not been done, can you give us any indicator as to why that was not done? Keith said there is a fence there John, I don't know. Pat Callahan said it's like a chain link with plastic, we actually met there September/October with the Management Company
And we were talking about remediating the site, putting board on board fence 6-feet high to hide the unfinished foundations and some of the plantings, trying to spruce it up a little bit. It was just sitting and we were getting a lot of complaints from the neighbors about the condition of the site. Also about the safety issue with the anchor bolts coming up in the foundations, kids out there playing and that kind of thing. So, September/October we had a site meeting with the Management Company and our Administrator we all met out there and came up with a plan with those things I mentioned and nothing has happened since then, it was all to be paid for through the Bond. Keith said he didn't know he could look into it. Pat said that was the latest development there, obviously with the weather that was probably part of it. Owen asked Pat when was that meeting and he responded September/October. Lenny asked who the Lender is. Keith said the loan was sold by the bank and private investors bought it. Joan Harriman said just to be fair she thought she would mention this, she went over there and drove into it, the area for a car in between the two buildings in her mind is much narrower than it should be and she knows it's already built and that's what it is. If she knew that today she would say the back building would have to be moved back, because if you have two cars and one person would be very thin leaning against a wall. I don't know what you can do about it but she is just saying as a Senior Development you are going to have fewer people coming in and out, you make it non-senior then you are going to have more people zipping in and out and you don't have the space to turn around. Keith said there is professional testimony that it complied with all the RISA Standards. Joan said it may comply but if you were living there you would not personally be happy about it. She is so much aware of that because her friend lived there for a while and she said it was practically intolerable, it was very difficult getting a car in and out and turning around. Keith said that's a site plan issue and I don't think we

want to re-visit the Site Plan because the foundation is in. Joan said I don't know if you can but it would be exacerbated by changing to a non-senior. Keith said as it currently sits we don't have that problem, and he doesn't think that's a situation the Town wants either. George Dempsey said the front units are six, one bedroom, the back proposed units are four, two bedrooms. Well, if we could make some kind of arrangement to take either a third or half off the age restriction on the one bedroom, what are we going to do with the two bedrooms? Keith said that's really up to you I guess, he doesn't know, tell me what your concern is. George said well with the two bedrooms you could end up with kids, they are 1800-square feet. Keith said if you felt that it was appropriate, we would just like to pick the units as people came in to buy them, but if you felt that it was appropriate to take the restrictions off the front units because those are the ones that are more likely to sell. George said then again the senior's probably only want a one bedroom. Keith said he doesn't know about that, in his mind when they have family they want two. John said how receptive would the owners be to lifting the age restriction on the six in the front and keeping it on the four to be built in the future in the back. Joan didn't agree, she thought seniors would want more than one bedroom. John asked how receptive would the owners be lifting the age restriction on the six in the front and keeping it on the four to be built in the future in the back. Keith said the owners are here. The owners said they would have to talk about it. John said there are other age restricted projects in Town that aren't selling either and there is a good possibility that it's because they are age restricted that they aren't selling either. Keith said what are you talking about there's just one right. John said yeah Osborne. George said he's in good shape right now. Keith said yeah well he bought some of them himself and he's renting them. That's also been years, the absorption rate has been a long time. People are afraid to be the first buyer too that's the other problem. John Burke said personally himself he would see no problem with lifting the age restriction on the six, but keeping it on the four to be built in the future. Why don't we cut this short because we are over time and we'll go down the line?

Lenny Sullivan said he wasn't involved in this application, he would be open to hearing it, he doesn't have an opinion yet on whether he would agree to it, is that fair?

Jim Coakley said something has to be done there so he would be willing to come to a resolution on this one way or the other for the sake of the Town, so he would be willing to hear an alternate proposal. He thinks the fact that those six units in the front are one bedroom kind of suggests in his mind what kind of a buyer is going to be interested there. If you have a family and we have kids to send to school and all of that stuff, you are not going to do that with one bedroom. He would be willing to listen to what may be proposed.

Patrick Callahan said he agrees with Jim, he thinks that definitely we should give some concession for this project because it's sat for so long, we should try to give them some relief.

Owen McCarthy said he agrees, he would be receptive given the application, as to certain units need to stay age restricted I am open to discussion as to whether it's all six and one or how we come up to that, but I think probably at least some of them should be market units, he would be open to hearing different proposals as to which ones remain age restricted and would ones would be market units.

George Dempsey said he believes they need relief, he doesn't know if he would go for the six, that's better than 50% of lifting the age restriction when it was given to them as an age restricted project, but definitely they need some relief whether it be four in the front

without restriction and two with and one in the rear without restriction and three with, that would give you five and five. But he thinks they have to keep some age restricted, but they definitely need relief.
<u>Joan Harriman</u> said she would listen to it, she hasn't absolutely decided yet but she is not convinced that the age restriction will really even do anything, because of the market, because of the one bedroom, because of a lot of other factors involved, so she doesn't want to casually give up the age restriction for the Town which helps the area and helps the neighborhood but she doesn't really think it's going to help the situation. So, she has to listen and see.
John Burke said that gives you an idea. Has there been any discussion about changing the units at all. Keith said no, part of the reason is if you look at the old Resolution the units are small and they believed there wouldn't be any children.
Keith Henderson said thank you for hearing us and we will be back.

<u>APPLICATION #01-2011</u> – Ronzetti, Tucker and Nancy – 4 Watson Place – Block: 147 – Lot: 12 – Zone: R-2 – Chris Rice introduced himself saying he is going to assist Tucker Ronzetti who is the homeowner representing himself. Chris is assisting as the Architect. Geoff Cramer swore both of them in. The Board accepted Chris Rice's credentials. Geoff confirmed jurisdiction and found the file to be in good order. Chris started telling the Board members about the project. He said it's a small project, the Ronzetti's have a small bungalow, and they have no interest in going up. The rear of the home doesn't work well, it's very, very small an outdated kitchen. There is a small addition presently on the back of the house; we want to tear it off. It was poorly built and serves really no great function. We want to replace it with a similar but slightly larger one-story addition only, with a covered porch on the rear. The only Variance we are asking for if you look at the chart, we have the right size lot, we have the right size width, and the house meets all the setbacks except in the front, that's lined up with the other homes. The side setbacks conform, the rear setback conforms. What we want to do is if you look at the building coverage where 30% is allowed; presently they are at 31.43% they are asking for 35.75% that is an increase of a little more than 4%. Of that 4% half of it is the rear porch, we are not looking for coverage that is all closed. You can see there is a large front porch and now again we are asking for a smaller 128.5-square foot rear porch. If you take a minute to look at the floor plans you will see we really haven't gained anything, we just enlarged and improved what they already have, so we lengthened the kitchen and added a mud room off the porch. The Ronzetti's live in Florida, his wife is from this area and is here for the summer with the kids, it's a summer bungalow, and it's a beach house. We simply added a washer and dryer off of the mud room, a kitchen that will hopefully work better than the small one that they have now. If this is approved today they are going to live in it this way probably for a very long time, they are the next owners will probably tear it down down the road. This is not the type of house that warrants a second-story addition. Joan Harriman said you are losing the outside shower. Chris said yeah, but we will get one back somewhere. Joan said you've got to have an outside shower. Mr. Ronzetti said they would just keep it open he likes it that way anyway, this one's enclosed. For some reason the prior owners had it enclosed. Mayor Dempsey asked if the AC units would stay the same and Chris said yes. If you look at the elevation we did our best to keep it simple and straight forward in terms of being a bungalow, they would basically have a roof that covers the addition and a

secondary little roof that will stick out and cover the porch a little bit on one side and then do a little pergola on the left side there that will provide cover. So, this way when you are on the back porch you have an area that's fully covered and another area that's fully covered and another area that is partially covered. You can see from the floor plan that the intent is whether they follow through with it or not do a sort of little breakfast bar back there, it could be fun. We are looking for that classic kind of Manasquan Beach bungalow. That's the extent of it; he wants Tucker to just briefly explain his situation. Tucker Ronzetti said thank you for hearing us this evening, he is married to a Jersey Girl, he is from Virginia himself, they spend their summers and Holidays here and hope to retire here one day. They love the character of the home as a bungalow. You've seen it so you've seen around it there are very nice homes where folks have torn down their homes and built big houses and then there are some older homes. We took the route of rehabilitating this home, we've already put a lot of time and money into it, we totally re-did the front porch, put in all new studs, and it's amazing these houses didn't have studs. We put an air conditioning system into it, we did the roof and the front, the sidewalk, the home does have all the limitations of a bungalow, I have three kids my son in room has a dryer for instance. We would like to re-build it a little bit to make it comfortable so we can live in it and yet keep the character of being a bungalow and we were fortunate enough to meet Chris who is a wonderful Architect and has some great ideas, he thinks he's going to do a wonderful job if you all give your approval. As an example about how we feel about the home, his daughter who is eleven wrote this project for her school he read to the Board entitled "Bungalow Sweet Bungalow" he then proceeded to read it to the Board and then passed it around for them to see. He said he thinks it's a relatively modest Variance, he thinks the payoff in terms of improving a home that's in the Community and having it keep its character is worthwhile. John Burke asked Al although he knows he didn't do a review on this but he asked him if he had any comments after looking at this. Al said he really doesn't he thinks it's a pretty straight forward application. Geoff Cramer asked if Mr. Ronzetti had a change to read Valerie Bills report with respect to water meters, etc. Mr. Ronzetti did have a copy of that and he didn't have any questions. George told Mr. Ronzetti that if the water meter freezes and breaks he would have to buy a new one. Mr. Ronzetti said what they do is they blow out every time they come and go, frankly if turning the heat on would keep it, he would keep it heated all the time because his wife like to come back and forth from time to time. But apparently that's not good enough you've got to have hot water running, so what they do is every time they leave the plumber comes out and blows it out and every time they come back he does whatever he has to do to get it ready for them. Patrick said he visited the site today and it's a nice little home, he thinks this would really make it nice and it's not overwhelming its straight forward like Al said, so it looks good to him. John Burke said he can't see any impact with this on anything at all. Owen said it keeps the quaint nature of that neighborhood, we are seeing a lot of larger homes built and it's nice to keep a little bit of the old school charm of having bungalows up there of days past. Joan Harriman said she thinks a good application as well, the property is taking care of, it's an asset to the neighborhood, so she would say it's helping Manasquan. Lenny Sullivan said he agrees with everything.

George Dempsey said he would like an explanation of the Deed Restriction that was attached to the application. Patrick said Valerie Bills spotted that, but the Deed Restriction is in the front. Geoff Cramer said this goes back to 1922, it says the front building line

shall be twenty feet from the plot line or twenty-eight feet from the curb line. But then all the other houses there have the same setbacks and are pretty similar. Geoff said basically, it is a Deed Restriction and of course the Board only oversights and grants relief from provisions of the Zoning Ordinance as authorized by the Municipal Land Use Law. So, the Board really has no jurisdiction over Deed Restrictions. That's not to say that if a neighbor had some type of concern here they would be able to perhaps start an action that might comply you to take off the porch. It's extremely unlikely in the fact that there is no right of reverting in the Deed Restriction that he saw, so he doesn't see that there is any reason for the Board not to consider the application that it has before it this evening. Mr. Ronzetti said he thinks it's an original porch from when the house was built. Leonard Sullivan moved to approve the application, seconded by Joan Harriman.

<u>Board Members Voting Yes</u>:

Mayor George Dempsey	**Patrick Callahan**	**Joan Harriman**
Councilman Owen McCarthy	**James Coakley**	**John Burke**
Leonard Sullivan		

No negative votes.
APPLICATION APPROVED

John Burke said we have a couple of things to do, there were no minutes in the packets so they will be approved at the next meeting.

Jim Coakley said the Vouchers are in order, motion to pay the bills made by George Dempsey, seconded by James Coakley, all in favor none opposed.
PAYMENT OF VOUCHERS APPROVED

Motion to cancel the second meeting of February made by James Coakley, seconded by Patrick Callahan, all in favor none opposed.
SECOND MEETING OF FEBRUARY CANCELLED

George Dempsey asked if possibly the Board wanted to use the second meeting of February to hold the Sub-Committee Meeting that night. John said looking at our case load we really don't have to use the second meeting, we can use a regular meeting either March or April, we have until June to get this right. George said you have to get it done, it has to go to Council in April for approval, it has to come back to the Board at the end of April or first of May for approval and we have to get two readings in May so really you have to get it done in March, get to us in April.
John Burke said so we will put this on for March.

John asked George to explain and he said Owen McCarthy would explain. Owen said Geoff may chime in as needed. Owen said one of the items the Governor has changes is to streamline the application process, a little bit of a more pro-business and eliminating some of the red tape of government is one of the backgrounds behind this is the elimination of what's been called the Time of a Decision Rule. In layman's terms that basically means that a review in Court if an application is challenged they'll apply the law in effect at the time of its decision rather than the law that was in effect when the issue was presented. So that means that if an application came through to the Planning Board that was permitted

and if the Planning Board had to approve that as a right, the Mayor and Council would be allowed to change the permitted uses in that area affecting that property. The law that would be applied would be the changed Ordinance at a later date. The Governor has disagreed with that, the Governor's approach is that if someone makes an application today, the law and the Ordinances that should be applied are the Ordinances that affect and govern the property as of the date the application is made. This is a substantial change that is occurring in the Law, a lot of Municipalities use the Time of Decision Rule as always an arrow that remained in the quill up until even beyond the eleventh hour, it could be the twelfth hour as long as that was change the reviewing Courts would give deference to the actions of the Municipality and accept the changed Ordinance. That's no longer in effect. Several Municipalities, Manasquan's not alone in this are looking at all of the Ordinances, all of the Uses governing property throughout Municipalities to ensure that egg does not fall on anyone's face that an application that we may not think is appropriate gets forced down the throat of the Planning Board because a Use may be permitted that is perhaps somewhat outdated, something that has changed as neighborhoods are changed and is not in line with the Community. So that is a broad brush stroke of what the Time of Decision Rule is and what that change means. Most Municipalities are trying to look at all their Zoning Ordinances to ensure that there are no permitted uses that are inconsistent with what the Municipality seeks that are permitted in various areas of the Borough.
John Burke said he can't remember, he might be wrong but he can't remember this Town taking that Law and using it to extend somebody's decision and then in that time frame make a change, but he knows other Towns around here that have absolutely done that and with them it's standard operating procedure. Owen said it happens quite a bit in Commercial areas, with Residential it is not as prevalent and really deals more with Commercial or Industrial Use. He doesn't think just because of the makeup, and the makeup of Manasquan is as large of a task as it may be perhaps in Wall or Jackson or different Municipalities surrounding us, but it is something that he thinks should be looked at before something does, that none of us would like to see approved but unfortunately gets approved as a matter of right. Joan said you have businesses that exist now that aren't mentioned in our Ordinances that we would not want. John Burke said that's what we have to look at. Owen said where he thinks the Board is silent, it's not specifically prohibited that's where he thinks there could be a problem. Geoff Cramer said it could be something as simple as we see in Wall Township now where some homeowners are coming in for 135-foot wind turbine towers in their backyards. Some of those applications have been heard by the Board of Adjustment in Wall Township, but the Board of Adjustment continually asks the Governing Body to say ok they can have wind turbine towers they've got to have larger properties. So if falls it doesn't fall onto somebody's house or across the Highway or something. So things like that should be looked at also. John Burke said what we want to do is form a Sub-Committee, actually giving that Sub-Committee twenty six (26) days to look at our existing Laws and see if there are any holes that we have to patch. If there is something that we are not thinking of, like wind turbines we should also probably include cell towers in that even though we haven't or wouldn't have any because there is a big cell tower right on the Army Camp which really covers our Town and everything around here. But, just in case we should probably put that in there too. In conjunction with this what he also wanted to ask the Board is we have a new type of signage in the area and that is lighted signs. I know we have lighted signs for years, there

used to be one on this building before this building was re-built, but now they are getting very sophisticated and so on and they are popping up all over the place and our Sign Ordinance doesn't have any restrictions or anything in there on lighted signs, except for the normal size that we're allowed. There are a lot of questions about lighted signs on Highways like intersections like the sign that was on this building was turned off by the Bank because a woman hit the telephone pole out on #71 and Main Street and blamed the sign. She sued the bank and that is something that we should also look at, now whether we do that in the same Sub-Committee or we do a separate group, if we reform Carmen's old Sign Committee that he used to Chair all the time, or we do it within this Sub-Committee that's up to you guys. George Dempsey said he would do it in the same Sub-Committee because the same thing, time is of the essence here. Joan Harriman said another thing you may want to consider is generators, they are popping up all over. John said he thinks the Law states mechanical equipment, he doesn't think it states just air conditioning or heating. We might want to look at that too. On the Sub-Committee obviously we have to have Geoff Cramer, Al Yodakis, he would like to have Owen on it and Tom Carroll will be on it and Patrick Callahan. Pat said John Muly wants to be on it but George said he is coming home too late. George said why do you need one more?

<u>The Sub-Committee Members consist of</u>:

Geoff Cramer, Al Yodakis, Owen McCarthy who will Chair the Committee, Tom Carroll and Patrick Callahan.

Joan Harriman said she likes the sign in Brielle and she wishes we had one like that. John Burke said the problem seems to be with these signs is the time it takes to read it, if you can look at it for a couple of seconds and get the information, especially driving by, that's fine. But, if you're driving by and you are trying to read the sign as your heads turning and so on there's where the problem exists. George said Brielle has a lot of information on their sign. Joan said she doesn't think they have any accidents.

John Burke said we need a report back from the Committee on March 1, 2011. George Dempsey said and then they can come up with the decision, give it to Council then have the Ordinance written for the first week in May and passed in the second meeting in May.

John Burke said he has also been instructed to remind the Board that we are on microphones and listening to the tapes and trying to decipher what's on the tapes is being hampered by members of the Board constantly talking during the meetings, so we are asking gentlemen and lady to refrain a little bit from the constant talking in front of the microphones during the meetings.

Jim Coakley asked about the Mandatory Class and do they have advanced classes for Board members to take. John Burke said he will be involved in this and he will let Jim know. Patrick asked Mary to remind the three Board members, Owen, Jay and himself of the class date.

Motion to adjourn the meeting made by Mayor Dempsey, seconded by Owen McCarthy, all in favor none opposed.

Respectfully Submitted,

Mary C. Salerno

Mary C. Salerno
Planning Board Secretary