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, March 1, 2011 in the Manasquan Borough Hall, 201 East Main Street, Manasquan, New Jersey.

Chairman John Burke called the meeting to order stating that this is 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	**John Muly**	**Patrick Callahan**
Councilman Owen McCarthy	**James Coakley**	**John Burke**
Michael Sinneck	**Leonard Sullivan**	**David Armstrong**
Jay Price	**Richard Read**	

Professionals Present:
Geoffrey S. Cramer – Planning Board Attorney
Albert D. Yodakis – T & M Engineering – Engineer/Planner
Board Members Absent:
Joan Harriman **Thomas Carroll**

John Burke said the first item on the agenda is for Mr. Cramer to swear in the two new Board Members. Mr. Cramer gave the Oath of Office to Jay Price and Richard Read.

RESOLUTION #01-2011 – Ronzetti, Tucker and Nancy – 4 Watson Place – Block: 147 – Lot: 12 – Zone: R-2 – Bulk Variances – single-story rear addition to a single-family home and approval of Bulk Variance relief associated with that application. Motion to memorialize made by Mayor Dempsey, seconded by Councilman McCarthy.
Board Members Voting Yes:
Mayor Dempsey, Patrick Callahan, Councilman McCarthy, James Coakley, John Burke and Leonard Sullivan.
No negative votes.
RESOLUTION MEMORIALIZED

Next item on the Agenda is a Sub-Committee Report given by Councilman Owen McCarthy. Owen stated that the Sub-Committee did meet on two occasions he thinks the record should reflect that although he is not here Tom Carroll was a great help. Tom has a lot of knowledge being a long-time member and knowing a lot about the history of Manasquan, what happened with prior Master Plan Reviews and Revisions, he was a great help and he thinks the minutes should reflect just how important Tom was to our process. Everyone else contributed as well and we are all here to get thanked but he knows in Tom's absence he was a great addition. He thanked Geoff for preparing the minutes for us and they have all been distributed to everyone up on the dais. A lot of the issues were already addressed; we addressed issues such as Pods, regulating them within the Borough. It wasn't like there was a whole lot. We had to do more than a meeting of the minds on a few

things, starting with issue #1 working off of the minutes we spoke about stand-by generators, he can read this word by word, either myself, Al or Geoff or Pat can respond if there are any questions. Just let me know John the most expeditious way to move through this. John said he would just summarize. Al said we looked at a lot of these issues as most of the Board is aware of, although we do have some new members. Last year when we did the Master Plan Re-Examination Rich Cramer from T & M went through and looked at all of the Zones that we have, we did make some changes in those areas. This was certainly not as comprehensive as what we did last year, but really in a lot of cases we took care of a lot of issues that were hanging out when we did that last year. To look at this it doesn't look like an awful lot was done here, when you just look at the numbers obviously we had a lot of discussions and put a lot of thought into what you see here. But, that's why you don't have the voluminous pages that you might expect with a normal Master Plan. John Burke said he didn't think there was going to be a lot anyway because we did a fairly decent job he would think when we did the Master Plan. Al said he thinks we were pretty thorough last time. John said we were very thorough so there really shouldn't have been that much there, actually I'm surprised you found some of these things. Owen asked Patrick if he wanted to run us through, we want to talk about the first one we dealt with the issue of stand-by generators and really dealt with screening for the generators so none of the adjoining or abutting property owners would be staring at stand-by generators. Patrick said that's currently addressed in the Ordinances pretty much word by word as we discovered. Item #2 – digital illuminating signs which is a new concern. We need to look at this as far as signs that flash out and could be a distraction to drivers or anyone else who could find it annoying. Owen said the one that we talked about and no one really seemed to have a problem with it was up at the Osprey as you are coming down First Avenue approaching the intersection of Main and First, the Osprey does have a sign. It doesn't change consistently, it's not a distraction to anyone that would be driving along on First Avenue or Main Street, and he thinks its part of our world becoming a lot more advanced in technology it's easier to just change a marquee or have somebody sit behind there with a computer and change the sign as opposed to the physical labor of erecting the sign, and also the cost of building a sign, so provided that there are no bursts it's not constantly changing, there is no real light streams drawing people's attention away from the roadway or the area, we thought it was something that with this proposed language would be acceptable. John Burke gave the example again about the woman who was distracted by the sign on the Borough Hall building that belonged to the bank and was cited as a cause for an accident and also that they are cropping up along Highway 35 and other areas and that was why he mentioned this issue to Patrick Callahan. He thinks something should be put in there that if we are going to allow them they have to be simple, and short. Owen mentioned the one on the Brielle Borough Hall where they post various Community events he thinks as long as we have some regulation over it he thinks we are in a stronger position to move forward. Al Yodakis said there are not a lot of standards out there right now, not many Municipalities have regulated these, if they have it really has been to ban them or say they need to come in front of the Board for us to review them. There are certain things that we can do; limiting the time the messages are up there, not having something flash every five seconds with a new message. John Burke asked if Al recommends that any application for any lighted signs come before this Board. Al said he thinks if we got standards in place he doesn't know that that would be necessary, unless that's something

the Board wants to consider. Of course it would have to be movable LED signs, because we have lighted signage all over Town. Patrick said that could be done by our Zoning Official. Al said if we come up with some reasonable standards for this we could allow it, but if somebody wants to have a scrolling message with things that are going to be filtering in and out, well then maybe we do need to take a look at it in some more detail. Michael Sinneck asked about light pollution is there something perhaps we could do to force lighting to be shielded toward the ground and not blasted off into the atmosphere. Al said that's not something we discussed quite honestly, the only part that we did discuss in lighting was in relation to the LED signs, with LED signs you actually have a lot less light spillage than you would from a regular backlit sign so that was the only way that we really addressed that. Two concerns, yes we could certainly look at shielding all the lights, the problem with sky glow, that's another issue. There is really very little that you can do to address that in any areas, it is much easier to chop lighting at property lines with shields, you can certainly do that, but to prevent any type of spillage up is always difficult. Al said there are lots of opportunities out there even using LED lighting for energy savings in Towns. We are doing something right now in Jackson, converting their Street lighting to LED's. John Burke said the last time we had a sign committee and that group looked at all the signage and so on in Town was really Carmen and his committee. We haven't done that in awhile and we didn't do it for the Master Plan last year either. Al said we did not do any kind of an informal inventory. John said he doesn't know if it's a problem or potential problem and if we should look at it again. Mayor Dempsey said it wouldn't hurt to look at it but time is of the essence for this stuff. You could do a Committee next month, the month after. Al said and those types of issues are really not something we really need to consider before the "Time of Decision Rule" that has to do with as we discussed larger issues of Zoning and lot sizes and those types of things which we really don't have many of those issues. John said he will bring it up at the next meeting and we'll go from there. Owen said that was a good transition to Item #3 – talking about the larger pieces of land which he thinks brings us to the piece that had discussion about was the Sherman Property on Broad Street and how to handle the Zoning of that property. He believes that is the only Industrial Zone that is left in the Borough and one of the issues that we were considering was what happens going forward with that piece of property if and when the day does arise when the Sherman family after three or four generations no longer wishes to keep operating their facility there. What Zoning designation would be most compatible with that neighborhood being in direct contact with the High School and the Elementary School, there is a lot of traffic there. We did have Geoff reach out to the property owner and there has been a lot of discussions, what if some rumor innuendo what they were considering and what their internal state of affairs was. John Burke said he thought that that property was re-zoned that property four or five years ago and he thought there was something in that re-zoning that if it is ever taken out of the context of being a lumber yard that it had to go to a Residential Zone, he thought that was already written down somewhere in a Resolution or something. Al said that is not in the Land Use Ordinance and that would really be the Governing Document. George said I know you talked about it and he was against it and he is still against it, they have had four generations of Mill Work there and if that place burns down I don't want them to be out of business, I want them to be able to re-build and continue the Mill Work business there. John Burke said he thinks everybody's opinion was that they should be able to do that, but if they ever sold the property or if they

ever abandoned the Use, then we were talking about it going to a Residential Zone. George said if you change the Zone now, that's non-conforming in that Zone and he has a fire, how is he going to build? Al said there might be an opportunity for us here, if we tweak that Industrial Zone because I happen to agree with you. If the Industrial Zone is changed, right now the Industrial Zone permits warehouses, lumber yards, wholesale distributors, and terminal facilities. We are not even saying Mill Works, I think we could probably craft this to limit the Industrial Zone to Mill Works, the existing Use that's there to allow them to continue if that happens. But would also permit all the principal uses permitted in the B-1 Zone, we may want to take a look at that because surrounding this are the Office Zone and R-2. Having a Business Zone there I don't know from a purely Planning standpoint that I would agree with that when you have Schools, R-2 and Office Zones directly surrounding it. We may want to consider converting that what is a B-1 Zone to allow the Mill Work to continue where it can re-build, or if it's going to be something else make it an R-2 Zone or an Office or an R-2 and Office, if somebody's going to redevelop the property. Patrick said we're talking about Office which permits single-family detached dwellings. John Burke said so you are talking about taking the Industrial Zone, since that's the only Industrial Zone and basically saying that it can only be a Mill Work. Al said tailoring it to the Use that's there. Which he thinks would give them all the protections that they need which he thinks is reasonable and would really be more sensible planning for that area. John said and if they ever abandoned it would either be Residential or Office that would be fine. Al said we may have to check the Office Zone to make sure that the Office Zone would revert to the requirements of the R-2 District, that's something we can work with. Lenny said can the owners argue that, could they come in and say we don't want that done. Nobody knows what their plans are they have been there for four generations and I'm not saying we should do that, it's just a question. Could they come in and say you are hurting our ability to do something else with that twenty years from now if we wanted to, we have the right as the Town to come in and change it but can they argue. Geoff Cramer said he spoke with Don Sherman and he asked me specifically for copies of those sections of the Ordinance that relate to the Office Zone that we have and also to the B-1 Zone. He wanted to visit those particular Ordinances, because he has in mind that if in the future there is no longer a Mill Works there, he doesn't want to restrict what he can do there, he is going to go back and take a look at those Ordinance sections and see what uses might be compatible with what he foresees as could be a reality for that particular tract. Al said he is not recommending we do this in a vacuum, if we have an open dialogue with him let's see what their plans are, let's see what they're thinking. Al said we are going to have to have a public hearing so they will have their say. Lenny said that answers my question, if we changed something and they didn't want it there, however we ended up doing it, their only recourse would be legal action against us. Al said ultimately yes. Owen said he thinks then perhaps for everybody's best interest it may be worthwhile sitting down and having a little bit of a collaborative process. John Muly said one thing you may want to do if somebody can check back to when we changed this the last time around, both the young Sherman guys came in. They voiced some of these concerns we are talking about, where it is going to go afterwards; you might be able to do a little research there before you even talk to them. John Burke said he believes the Board did it, not the Master Plan last year but the one before, he believes is when it was done. Al said he has a copy of that. Owen said that was point # 3, then moving on to point #4 other miscellaneous Zoning issues, it would be on my

recommendation to consider the elimination of taxi stands and bus passenger stations as permitted principal uses in the B-1 Zone. John Burke said where are the taxi stands right now? The answer was we don't have any. George said a stand is an office of operation. Lenny asked if there was any decision on the parking lot with New Jersey Transit. George Dempsey said we won't hear anything until April or May. Owen said what we did not want was a Bus Terminal, a bus stop is one thing but a terminal is a different animal altogether. Cell Towers will be eliminated. George said going back to your first meeting are you changing pavers? Al recommended not changing. Patrick said it was brought up for discussion and we decided not to discuss it. #5 Al said we are going to have to look into how exactly we would do that because there is not exactly a clear definition anywhere that we permit Breweries, so we are going to have to look at the definition because as we know the issue was manufacturing. In our second meeting we all agreed that they should be prohibited. Al said Breweries and Distilleries both have a heating process that produce odors where wine making does not that is the difference in the two. Geoff asked about the wine making school on Highway #71 but members informed him that was closed. Geoff said so the winemaking is a fermentation process without the heating and he was told that was correct. Owen said our recommendation would be that we would look to preclude breweries as a permitted use in the Borough. Owen said we would say for Commercial or Retail purposes, there are kits for personal use which wouldn't apply. Item #6 – re-examination of the Office Zone on Taylor Avenue was tabled to a future date. Item #7 – plantings in the right of way – Al said he believes they elected to eliminate plantings and just allow grass to prevent any site triangle issues. John Muly asked about decorative grasses that take up most of the sidewalk. Al said we may have to revise the wording of grasses that do not grow above a certain height, he had thrown out if we wanted to allow shrubbery or ground cover. Patrick said or you could go with the 10-inch which is in the Ordinance. John Burke said the only problem is around corners, can that be worded in there. George said if it can't be more than 10-inches then it's not a problem. Al said site triangles are already covered; we're just really talking about between the curb and the sidewalk areas so people aren't planting trees. Owen said the last one was on the minutes from the February 25th meeting was dealing with arcades. It was our proposal that the arcade or video game, amusement games should only be permitted as an accessory to a restaurant type establishment and be limited to the B-3 Zone where tables for onsite consumption are provided and allowed. And, limiting the number of video games to no more than two or three. One of the major concerns that we had with this would be if an area say on Main Street or along Highway #71 trying to put arcades in and we had had problems with the fact that it could be nuisance with children just coming out and leaving bicycles strewn across the sidewalks, walkways and by limiting it to two or three if a place does have an area where parents are bringing their family out to eat and there is some down time between the time people order as well as when the food does come, they can give the kids money to play video games and pass the five, ten minutes or so before the food does arrive. George asked what number we have in there now and Al said we don't have a number but we wanted to put a stipulation on it because it is reasonable to have a couple of video games. Owen said the concern would be if people had fifteen or twenty. Patrick said we have a little restaurant place on Taylor Avenue that wants to put a little arcade in the rear which brought this whole thing up. It might end up being a hang-out and we want to limit that, we don't want a rear entrance on that. Mayor Dempsey said you need to come

up with a number, two or three and you still need Council approval, but give us something to make a judgment call. John Burke asked what Zone is Gee Gee's, they have a few more than two or three. Owen said right, but Board members said that is an actual arcade. Al said they are currently grandfathered. John Burke said we are talking about the Sherman property but what if Gee Gee's had a fire can they re-build the arcade? Al said from my Zoning Map the answer would be no. It looks like on that side where Gee Gee's is its planned Multi-Family. George Dempsey said we just gave them a year or so ago permission for them to tear that down and re-build it. Owen said in the budget there was a request for six hours worth of professional time for our meeting, I think we may have a little of time left if the group maybe wants to get together and tie up a couple of these loose items and then report back, he still thinks we are in decent shape in terms of timing because the "Time of Decision" Rule does not go into effect until June 1st, while there is not a lot of time we still have some time. George asked if they could meet this Friday. Owen said we will try he can't make any promises. George said you should nail this down to do a presentation to Council, clean it up so we can get going on it. Owen said they would get together to try to find a date to work with to get together. John Burke said going forward with this, you'll meet again, you'll straighten out a couple of things here, so on and so forth, now does the Mayor and Council need a recommendation from this Board. George said yes, I want to do it Monday night. Owen said Monday could be tight George. George said we have to get it to Council, Council has to do the Ordinance and get it back to you, you guys have to approve the Ordinance and then we could have the two readings. Al said the biggest issue we have that would be affected by the "Time of Decision Rule" right now would be Sherman. He thinks we are all in agreement that we should really talk to them. Owen said we have about four days to sit down and talk to them, he thinks with that being our biggest concern we should try to get some input from them. The other issues that we've discussed he thinks are smaller, he thinks we should probably get more input from them before we really start making significant changes to their property. George said we would end up doing one Ordinance, otherwise we would have to do two separate Ordinances and the cost would be too much. Owen said in all fairness to them we can't ask for an answer in twenty-four hours. George said if you can get your meeting scheduled he will have him come to the meeting. Owen said he has a pretty full dance card on Friday. George said pick another day next week and let him know. George said the first meeting in April we could have the Ordinance written, then we could go forward at the second meeting in April which is the 18th. John Burke said what do you need from us tonight? George said an OK on everything determined. Geoff will do a recommendation then to the Mayor and Council, with a copy to Jim Kinneally with everything we have talked about so far so that Jim can start giving some consideration to some Ordinance changes. That would be in the form of a letter going to the Mayor and Council. Geoff will do a draft letter to review with the Ordinance Sub-Committee. George asked if he would get it into the Office by Thursday the 17th of March. Motion from the Board approving what Geoff is going to do was made by Leonard Sullivan, seconded by Patrick Callahan, all in favor none opposed. Geoff said in the meantime we are planning to have a session with Mr. Sherman. John Burke said our best dressed member has to leave to do his duty at the Elk's. Let the record show that Michael Sinneck left at 8:06PM. Owen said that's all he had to report. He said the other person he wanted to thank that is not here is Dick Furey, the Zoning

Officer who put a lot of time in, although he wasn't at our first meeting he gave an extensive list to Patrick, who also comprised his own list.
John Burke asked who will talk about Virginia Crossing. Patrick Callahan said there was a mailer from Diane Turton office. It's announcing that the age-restriction is changing based on the last meeting, Mr. Henderson's proposal. George Dempsey said it was a 15-minute presentation and he doesn't know how they can advertise it. John Burke said he came for an informal questioning of the Board just to see how the Board felt about the possibility of them coming back before the Board with an official application to change the age restriction. We gave him; I would say a positive vibe that we would be receptive to hearing an application about the change of age restriction. The day after they were here this came out. James Coakley said that was in the mail the day we had our meeting because I was the one that received this mailer, this was in the mail the day of our meeting. So, this was mailed prior to the meeting. Owen said he thinks reading the Resolution from the last time there was a lot of significant resentment and anger among the residents of Virginia Avenue that he thinks while we are all aware of this perhaps he thinks we should hold back any real comments until the public is aware of this. The last thing that we as members of the Planning Board or George and I as elected officials perhaps want to be accused is discussing an issue that does affect a significant number of residents, some who will argue adversely without having them the opportunity to be heard on this issue. I think we are all aware of it, but in light of the fact I probably anticipate whether it be our April meeting or whenever, there will be a formal application. I think until all the residents that are entitled to the formal legal notice is aware of our Board discussing it I think we should perhaps hold off on this to avoid any potential challenge that may result at a later date. John Burke said so then all discussion on this is tabled until a formal application comes before this Board. Geoff Cramer said the application will take the form of a Use Variance.

John Burke said the next item on the agenda is minutes – minutes from Tuesday, February 1, 2011 regular meeting - a motion to approve made by George Dempsey, seconded by Leonard Sullivan, all in favor none opposed.
MINUTES OF FEBRUARY 1, 2011 APPROVED

Motion to approve the minutes of the regular and re-organization meeting on Tuesday, January 4, 2011 made by Leonard Sullivan, seconded by James Coakley, all in favor none opposed.
MINUTES OF JANUARY 4, 2011 REGULAR AND RE-ORGANIZATION MEETING APPROVED

Motion to approve the vouchers made by Councilman McCarthy, seconded by David Armstrong, all in favor none opposed.
VOUCHERS APPROVED FOR PAYMENT

John Burke said we have a second scheduled meeting in March we have no business for that meeting, Leonard Sullivan made a motion to cancel the Special meeting of March 15, 2011, seconded by Patrick Callahan, all in favor none opposed.
SECOND MEETING OF MARCH CANCELLED

Motion to open the meeting to the public made by George Dempsey, seconded by Owen McCarthy, all in favor none opposed.
There was no public participation.
Motion to close the public portion of the meeting made by George Dempsey, seconded by David Armstrong, all in favor none opposed.

Geoff Cramer said the Zoning Officer brought to my and Patrick's attention an issue on the Reid/Seigel development and in particular the swimming pool. If the Board recalls this was a subdivision of property on the Beachfront that was approved in 2010 and one of the elements of the application was the construction of a swimming pool on proposed new lot 11.02. In the context of that application Mr. Henderson requests that a Variance for the swimming pool side yard setback. In the R-4 Zone that's a 10-foot requirement for a side yard setback and the applicant in the application requested a 7-foot setback. The Resolution that memorializes the approval that was given by the Board talks about the grant of Variance relief which included that type of relief. Apparently when the plans were presented to the Building Office they are showing a 5-foot setback on the northerly side for the in-ground swimming pool. The Zoning Officer went back through the minutes and in the minutes there is a reference to comments made by Mr. Steinman who is the Architect on the project. Mr. Cramer quoted from the minutes "Mr. Steinman said the pool is indicated on the first floor plan as 18-feet wide by 16-feet, the 18-feet runs north to south, and the setbacks for the pool that we are proposing are 10-feet on the south side and 5-feet on the north side:. The Mallen plan shows, Mallen is the Engineer, his plan shows the 16 – 18 inverted which would be 10-feet and 7-feet on the north side. Mr. Henderson said you need a 5-foot side yard setback for the pool." Mr. Cramer said there was an exhibit marked for identification Exhibit A-2 which Mary brought with her, but unfortunately it doesn't have any dimensions on it as to what that setback is. The only plans he thinks that were presented to the Board and which were not amended show a 5-foot setback. So, he thinks the dialogue and the presentation and testimony heard by the Board was supportive of the 5-foot showed on the diagram. He thinks the dialogue and the presentation and the testimony heard by the Board was supportive of the 5-foot showed on the diagram, where the Resolution talks about 7-feet as the setback. He thinks it would be appropriate to consider a re-statement of the re-stated Resolution that would be in conformity with the testimony as well as the plans that were submitted to the Board which is for a 5-foot setback. Owen said he would recuse himself from voting as he wasn't present for the application. Jay Price also recused himself. Motion to approve Geoff's recommendation was made by Patrick Callahan, seconded by John Muly. Board members voting yes were: Mayor George Dempsey, John Muly, Patrick Callahan, James Coakley, John Burke, Leonard Sullivan, and David Armstrong.
APPROVAL FOR GEOFF TO DRAFT A RE-STATED RESOLUTION

Motion adjourn the meeting was made by Councilman McCarthy, seconded by David Armstrong, all in favor none opposed.
MEETING ADJOURNED AT 8:18PM

Respectfully Submitted,

Mary C. Salerno
Planning Board Secretary