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, November 1, 2011 at 7PM in the 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:

Patrick Callahan	**Joan Harriman**	**Neil Hamilton**
John Burke	**Michael Sinneck**	**Peter Ragan**
Mark Apostolou		

Professionals Present:
Geoffrey S. Cramer – Planning Board Attorney
Albert Yodakis – T & M Associates – Engineer/Planner
Board Members Absent:

Mayor George Dempsey	**John Muly**	**Councilman McCarthy**
Leonard Sullivan	**Jay Price**	**Bill Buble**

APPLICATION #16-2011 – Panarello, Ralph and Paola – 231 ½ First Avenue – Block: 178 – Lot: 46 – Zone: RPM – Use and Bulk Variances – John Burke said let the record show that the Mayor's Alternate Mark Apostolou has to step down on this case because it's a Use Variance. John Burke explained to Mr. Panarello that a full Board here is seven people, we only have six present. Whereas you have a Use Variance before us tonight, a Use Variance for an approval requires five affirmative votes. Normally if we have less than seven we give the applicant the option of hearing the case tonight or of coming back when next month when we would probably have a full board. Ralph asked if he could wait until after the vote. John Burke said no it has to be done now. If we start the case the case is started, that's it, and so we give you that option before anything starts. But you do need five on a Use Variance. Five yeses and we only have six people sitting up here that can vote on it. Mr. Panarello said can you give me a minute. Mr. Burke said yes we can. Neil Hamilton asked Geoff a question, if he were to get started under the circumstances that the Board is so loaded for next month and he can get a feel that maybe the Board is not going to approve his application throughout their questioning, could he at that point then decide to withdraw until next month or a later date, or is he committed? Geoff said if he provides the testimony that you can expect to receive tonight obviously its tape recorded. So, the Board members that are not present can listen to the testimony as presented to the Board this evening and assuming they are not disqualified because they are a member of the governing body, then you could continue it to those subsequent meeting, finish up the testimony and allow the members who are not here this evening to participate. They have to sign an affidavit a certification that they listened to tonight's proceedings. Now there is also the possibility that the Zoning Officer felt it was a Use Variance situation. You have

two principal structures on the same lot. If he can substantiate that there is not an enlargement or a structural expansion of the dwelling that is going to be renovated, he may be able to impress the Board with the fact that the testimony supports that there is no Use Variance, but we don't know that he has that capability until we hear the case. Neil said I have my own comments but obviously I can't interject them at this point in time, I don't know whether the Board is going to hear the testimony of the applicant. I don't know that it's that difficult of an application. I would think he might want to attempt to proceed on and if he gets any feelings through questioning if he has the opportunity to withdraw and go to another meeting so he has the full seven members voting as long as that option is there for him. Mr. Cramer said he could agree to continue the public hearing to the next meeting. That would give absent members of the Board an opportunity to review the tape and sign the certification that Michelle has to have them sign. Then they could participate, but you may lose people that you have this evening between here and the next meeting. Neil asked at what point do we need to determine up front that it's not a Use Variance, therefore the Judge could come back up here. Geoff said the Judge could come back up here and sit, but if the determination is made that it's a Use Variance that is required if the Board feels it's a Use Variance then he won't be able to vote. Mr. Panarello said he is kind of in a tough situation, my girls have commitments, we are going to be in Cape Cod that weekend, so I don't know. Mr. Cramer said let me ask you this Mr. Panarello, do you want to continue this until January? You have done a notification, correct? Mr. Panarello said he did everything. Mr. Cramer said and you have also given notice to the property owners within 200-feet, correct? Mr. Panarello said yes. Mr. Cramer said alright, you could ask for a continuance to the January meeting, if you do that we would have to ask you to sign a waiver. Because this Board has to act on an application within a certain period of time after it's complete. If we put this off until January and the Board decides to adjourn this to January you will have to sign that certification. John Burke said there is also the option that you could start the case tonight and then if at some point you deem that it's not going well with us you can ask to be put into the January meeting, the problem there is that possibly some Board members who are sitting here won't be there in January, but there will be other members here. If the other members don't take the time to come up and listen to the tape then we could be even in worse trouble. It's up to you, we have six and we can hold a meeting with six members, the only thing is it does hamstring you a little bit because if it stays a Use Variance you need five affirmative votes. Mr. Cramer said you also have another choice, you could also ask for a Special Meeting for a time when you are in New Jersey, later in November sometime in December, but that is going to cost you extra money because there is a Special Meeting fee. Mr. Panarella said ever since the Storm Irene we've gone through a great deal of stress in the last two months to my family. It's just been agonizing if you know what I mean. This whole process, getting to this point, it's not the Board not the application it's just insurance, FEMA, trying to go through every avenue we could. I think if you don't mind we could start and we'll see where this goes like John was mentioning as one of the options. John Burke asked Ralph if in giving his testimony if he could address exactly what he is planning to do to the house because there is a small possibility that this might not be a Use Variance, just a small possibility. If we can determine that in the beginning then Judge Apostolou can come up and then we'll have seven members. Mr. Panarello said absolutely. Mark Apostokou moved up to the dais. Mr. Cramer proceeded to swear in Ralph Panarello, Paola Panarello, and Mr. Donald

Spader, his local Contractor. John Burke asked Mr. Spader to give his professional affiliations. He said he is a local private contractor who has worked in the business for 35 years in this area. Mr. Panarella what they are looking to do is because they had water in the dwelling approximately at points 20-inches of water. He said they looked at the walls and the floors and it seemed what they wanted to just do was a simple repair. Because of the age of the structure and the situation from the interior, the right thing to do was to continue on and rip out anything that's rotted and what was going to be a small tiny repair turned into just a rehabilitation of the interior, bringing the electric up to Code and what have you. So in a nutshell they are just doing the interior work and bringing the structure up to 2011 Code. The entire inside, we are really talking about the floors and what have you. The roof is rotted wood, we would replace anything that is rotted or sister up any structure that needs to be repaired or need to be brought up to Code and that's kind of where we're at with this. Mr. Cramer asked if the foundation is being left in place. Mr. Panarello said yes. Mr. Cramer asked if the roof trusses had to be taken out. Mrs. Panarello said just whatever is rotted. Mr. Panarello said we have 2 X 6's with no ridge in the roof, so we will sister up 2 X 10's we have to get a roof jack in to lift up because right now it's a big bow in the center, so we have to lift it up and put a ridge beam in there to support the load so we don't have any snow issues or what have you in the winter time and then we go from that. It's a repair to bring it to Code. John Burke said you are not altering the footprint of the building at all, you are not raising the roof, the roof is not going to go any higher; all you're going to do is just re-support it. Mr. Panarello said yes. John asked Geoff is this is a Use Variance or not. Geoff Cramer said here is the language of the Ordinance, he read from the Ordinance, "no non-conforming building shall be enlarged or structurally altered except to make it a conforming building or except enlargement or structural alterations in compliance with Ordinance #1685-96." So, obviously what the applicant has testified to is not going to be any enlargement of the existing footprint of the structure, it's a non-conforming structure, so there is no expansion. The question is whether or not this is a structural alteration. I would defer to our Engineer to see what his opinion is on that. Al Yodakis asked what section of the Ordinance are you looking at, Geoff said I'm looking at 35-26, page 3608, sub-paragraph 4. Al asked if there were any interior rooms that are going to shift around, are you keeping the same footprint. Mrs. Panarello said yes, Mr. Panarello said yes the same footprint. Joan asked what is there now. Mrs. Panarello said two bedrooms, it's going to remain the two bedrooms that are in the back, and then basically the one bathroom and the kitchenette that's there that's all. Mr. Panarello said right now the purpose, there is a front large closet that's not going to be there. Mark Apostolou asked if there is not a new slab that is being poured in place, he thought he read that. Al said based on that he would have to say this is a Use Variance. Geoff said he can't differ with your professionals comment. He knows more about construction activities than I do. He thinks the Board has to be guided by his examination and his report to you and obviously we are talking about a structural alteration and therefore it's going to require a Use Variance in his opinion. Al said the pouring of a new slab is considered a structural alteration. Right now there is no slab there. Ralph said there were floor joists sitting on sand and that was the reason we are replacing that with a slab as opposed to keeping the sand. We are in a catch 22 it would never pass Code, Sandy would never approve that, and no Town would approve that. You can't have anything touch ground, pressure treated or not. Patrick Callahan said the only comment he would

like to make is you mentioned bringing it up to current Code, you should be aware of UCC, rehabilitation sub-code, which gives certain allowances for existing structures. You would have to bring it up to current Code, that's something you want to examine with this project. There is a lot of leeway in the rehabilitation sub code, its UCC chapter six. Ralph said therefore if I wanted to leave the floor joists as is then I could. Pat said you would have to have your builder go through that rehab sub code and see what he's allowed to do. Mark Apostolou said the gentleman's testimony at the beginning was that he had 20-inches of water inside the unit. Does that pose an issue to us as the Board and sir I don't mean to be rude to you in any way but I don't know about your insurance proceeds, the way things are going but are there pre-conditions that your insurance company is imposing upon you to elevate the building to do whatever before they give you those funds. Because you may be right back in the same boat, if you had 20-inches of water they may not be willing to give you the funding to re-build without you, and again I just throw this out to you because I've been involved in litigation and defer to our Attorney as well as our Engineer. Mr. Panarello asked Pat if he would need a new elevation certificate. Patrick said they are asking for one now and one after the project is complete to the ridge to make sure that we are at the same elevation before and after. The only reason I bring the rehabilitation sub code is because there is mention bringing it up to current Code, I don't know if he means the current building Code as it stands now, but the rehabilitation sub code offers a lot of leeway for rehabilitation of existing buildings. I just want him to be aware that they need to review Chapter 6 in the UCC to see what they are permitted to do and what leeway they do have as far as rehabbing the structure. They can never raise this high enough above the flood plane; it's not going to happen. John Burke said so what we're looking at here is in that sub code there is a possibility that he might not have to go on a slab that he might be able to leave it on the joists, if that's true he doesn't need a Use Variance, he only needs a majority vote. So, now we're back to the same question again. Do you want to take the time to have your builder go through that code and see what you might benefit from that? Mr. Panarello said sure. Joan Harriman said the walls inside the structure can't be moved is that correct. Geoff Cramer said that's what Al said. Mr. Panarello asked with that being said if the walls are rotted, can I replace wood on those interior walls and the floor joists are rotted I can replace them. John Burke said yes you can. Mr. Panarello said if I understand you correctly John if the footprint of the interior and the exterior and the height of the structure all remain identical then we can fall into. John Burke said no we're not promising that. Patrick said your builder has to review the rehab sub code to see what you can do. John Burke said we can't sit here and tell you what's in that sub code your builder is going to have to look at that and he's going to have to make your determination as to what you can and can't do. Ralph said ok, I guess I'm a little confused. Mark Apostolou said he would think if you can do a layover just to show us that the footprint and the interior walls are remaining the same, kind of like what we did as kids when you lay that lap thing over your builder to present that to the Board would be helpful to us to say we're not shifting the rooms around. John Burke said I think you mentioned a closet you wanted to take out. Mrs. Panarello said we were going to but we'll just leave it. John asked Al if we are talking about all walls or just structural and load bearing walls. Al said he doesn't have an existing and proposed plan to compare. Some of those walls are going to have to be load bearing. Ralph said there is no load bearing because they will be putting a Microlam 14 and a half inch would be the ridge going in which is not existing, so we put

the ridge in and that would easily span and it will sit right on the concrete block wall and that's your hard down to foundation, so there is no load bearing to support anything other than your ceiling joists sitting on those walls. Al said but you are going to be changing the roof structure. Ralph said not changing it, adding a ridge is that changing it? John Burke said there could be something in the sub code that allows you, you might have a waiver to be able to bring it up to safety standards. All we are talking about tonight is to determine whether or not this is a Use Variance. Neil said he thinks before we waste any of our time or the applicants time, has the contractor spoken to Sandy Ratz the Building Inspector? Has Sandy seen your plans and given you the ok to be before this Board and proceed on with what you have presented here? Ralph said he has seen everything that you are looking at, yes. Neil said so in other words if we proceed on tonight and approve this application and it goes back to Sandy Ratz he is going to issue a building permit, is that correct? Ralph said absolutely. Neil said so then talking about structural issues and all is a mute point, it's whether or not it's a Use Variance and then we'll proceed on. Ralph said he understood what we were talking about when I said there was no ridge and I said I was going to put the micro lamb was 14 ½-inch three quarter span across and solid blocking down and he agreed with it. We didn't sit down at the counter I walked him through, so he understood that point of it, yeah and he was also out to the structure as well. Neil said not having Sandy's presence or testimony in writing here tonight I think should your application be approved, I think it should be contingent in the Resolution that our approval is based on the review of the Construction Official and his approval for construction. John Burke said we still come back to the same question, do you want us to go forward tonight or do you want the time for your builder to go through these Codes and see if there is any benefit to you or would you like us to go through tonight? Ralph and his wife decided to proceed on and John Burke said the Board would have to go on treating the application as a Use Variance. Mark Apostolou said then he will not be participating he will state that on record. Mrs. Panarella said it's just a simple rehab so she doesn't think there is anything else to say, it's not very involved. John Burke said there are a few things, he asked Patrick Callahan to explain to the Board what the findings were on the Technical Review Committee's report. Patrick said a current height elevation certificate is needed as well as one after construction takes place. The Board should consider a statement in the resolution that if at some time in the future the front house is to be replaced then both buildings should be demolished to make a conforming lot with a single-family conforming house. So, there would be a Deed Restriction on the property. The Pannarella's said they don't have any problem with that. Al Yodakis then addressed his report, he said all the Variances are existing and they are not changing the footprint of the building, so all of the existing and proposed conditions are all the same, including the issues of the storage inside the building, exterior living, parking spaces. Just to confirm a couple of other items, there are no grading changes proposed. John Burke asked about mechanical equipment and Mr. Pannarello said there isn't any now and none are proposed, they have window units for AC. John Burke asked how many cars can they park. Al Yodakis said there are three spaces there now, they conform he believes lengthwise but they are slightly narrower than what the Borough requires. We require 9 X 19 and he scaled it out at 7.7 plus or minus by 9-feet you can get three. John Burke said and you need four so that's one of the Variances you require. Al said we continue to say structural alterations, we're putting in a micro lamb, sistering up 2 X 10's to the existing 2 X 6's, as much as things are being made better

and more conforming I would still consider those structural alterations. It's unfortunate to have to say that and they are trying to do the right thing in bringing this building up to Code or closer with the rehab Code, but he would still consider that structural alterations. Geoffrey Cramer said the Board should invite some additional testimony with respect to the benefits that this application if approved would have as a consequence. We are upgrading a house to something that's more conforming to the building Code and the Fire Code, would you say that? The Pannarellos said yes. Mr. Cramer said can your building also verify that's the case. Mr. Spader said if you walked in here prior to the hurricane it was in bad shape. The floors were all over the place, if you put a marble on it, it would do rings around the house, so what he is planning on doing is not only structurally but aesthetically the new roof, taking the sag out of the ridge. From Leggett's parking lot you are looking at something that has a three or four inch sag in it. So, aesthetically outside it's going to definitely help the neighborhood, new roof, new fascia, soffits and stuff, it's all kind of pieced together with a zap aluminum, some painted. So aesthetically outside it's just going to add to the whole neighborhood. Mr. Pannarello said also as a safety, because as a rental whether it be part time or whether my kids are in that house the number one fear factor I have is fire. It doesn't meet fire code and that is one of the main things is to bring egress windows into the bedrooms, and the other thing is the electric. That's also part of that fire issue, we need to have that, when I was a builder those were my pet peeves and sticklers that he maintained. Every Town that he ever worked in he worked closely with the Building Inspectors to make sure that everything was built to standard and so when he bought this and when they saw what happened and when they took the first piece of sheetrock off to see what's behind it and we see these wrapped wires that are fraying that's a huge red flag. It might be a blessing in disguise if you will to have that water, because God forbid if someone were to be sleeping in there when something like this happened and those wires decide to catch so it's mainly safety. Mrs. Panarello said their overall plan is to obviously get these up to Code for safety reasons and then eventually probably about six years down the road to actually tear them both down. We bought it as a two-family unit so we can maintain it while we have a house up North still and then sell that one and move down here, ultimately. Michael Sinneck made a motion to open the meeting to the public, the motion was seconded by Patrick Callahan, all in favor none opposed.

<u>Audience Members Coming</u> forward:

Dave Miller – 36 Clark Street – He said he thinks you should grant it to him. That's all he has to say, thanks.

Michael Sinneck made a motion to close the public portion of the meeting, the motion was seconded by Patrick Callahan, all in favor none opposed.

Neil Hamilton made a motion to approve the application stating that under the testimony the applicant is making here and that they are going to provide an elevation certificate and the roofline and the height of the structure would not change from what it currently is today. We are going to Deed Restrict that should the property done at rehab that the rear units would be demolished and it would be a single-family use. Also in the Resolution I think we need to put in there that our approval if we so grant it is contingent on all your plans and approval by the Construction Official that you can proceed on, you meet all the flood and FEMA requirements. I think it's a unique application, the fact that although it's deemed a Use Variance because of some technicalities, the structure itself is not being

changed in any iota on the outside. I'm not aware that this Board has been concerned with interior design of structures that we've granted in the past. We basically were concerned with exterior look, size, property lines, and height of structure, not so much as what's inside. This is a small building, the applicant did testify that it's well within need of repair, it hasn't been repaired probably since the day it was built and God knows when that was. In the 30's or 40's and obviously under Code you come up with fire code issues, and electrical wiring and so on and so forth. I think that although a Use Variance has been mentioned and it needs to be approved once it's all said and done, I don't know that any of us are going to see from the Street that other than cosmetically any change has taken place on that property to that very unit. Therefore I think that we have approved similar applications in a Use Variance where there has been an expansion of some sort and in this case there is no exterior expansion. So, therefore I think it's a needed improvement for the area and they understand that down the road that this improvement will eventually go away, so I would move that the application be approved. Joan Harriman said she has a comment on that motion she wanted to be sure that included in that motion that if they decide to do anything to the front house, John Burke said that's all in there. Al said just to clarify too would that allow for them to move the interior walls. I know we said that things would stay as they were. John Burke said it's staying a Use Variance so yes they can. The motion was seconded by Peter Ragan.

<u>Board Members Voting Yes</u>:
Patrick Callahan, Neil Hamilton, John Burke, Michael Sinneck, and Peter Ragan
<u>Board Members Voting No</u>:
Joan Harriman
APPLICATION APPROVED

Councilman Owen McCarthy arrived at 7:50PM

Geoff said the Prendergast application #14-2011 was continued from the 4th of October to the next meeting, they are not here to move the application or to provide testimony so it's a failure to prosecute the application. The Board can procedurally at this point in time rather than consider an adjournment, you may want to consider dismissing the application without prejudice in other words they can return but they have to start all over again. John Burke asked what that does to the fees and stuff on that. Geoff said the fees are not going to be refundable; we've been through this issue before. What they have paid so far they are not going to get back. John Burke said ok. John Burke asked what kind of feeling does Patrick Callahan have about this application. Patrick said they are going back to the drawing Board and hopefully they will come forward with a plan that's a little more feasible and more professional representation. John Burke asked if they asked to be continued to December or did they just not show up. Patrick said he doesn't know they might have spoken to Mary she is not present tonight. He doesn't know where it stands; he believes they are looking for December. John Burke asked if she has them penciled in for December. Michelle said they aren't in the book. Michelle read four application names from the book and Prendergast was not there. Joan Harriman asked about the Diana's and they are not in the book either. Patrick said they may not have a denial letter. John Burke said let's start with Application #18-2011, Dattilo, she requested to go to December correct? Patrick said yes. John asked for a motion from the Board to extend that

application to our December meeting. Joan Harriman made the motion and it was seconded by Mark Apostolou, all in favor none opposed.
John Burke said now let's get back to Prendergast. Patrick said at this point he doesn't think they decided yet. Mark Apostolou said may I move that we consent with our Board Secretary that no overture has been made by the applicant to her for an extension that we deny without prejudice. Patrick Callahan seconded that motion, all in favor none opposed. Michelle will take care of that.

Neil Hamilton next addressed the nominations for appointment for the year 2012, they seem to have an interest in serving the Board and he thinks they have done well in the past and he suggests that we move forward with these appointments although the opportunity to the Board is if anyone has an interest or would like to nominate an individual to have a position to fill one of these areas, please speak up now. If not he would recommend that these individuals be officially appointed at the December meeting and sworn in accordingly. Mark Apostolou made a motion to accept the presentation of the honorable Neil Hamilton as suggested and move the nominees, the motion was seconded by Peter Ragan. All in favor none opposed.

Councilman McCarthy said he thinks there has been some substantial concern that's been coming to the staff in Borough Hall as well as being relayed indirectly to the Mayor and Council concerning the illuminated signs, there are rumblings throughout the Borough that other businesses, entities are very close in light of the sign with the Orthopedist about coming forward with the illuminated sign coming into Dick and looking to get approval. That being said, Mr. Kitrick received a copy of the Stafford Township Ordinance which was circulated he believes to everyone, he knows he received a copy of that. Patrick said to the Council, John Burke said he received one. Councilman McCarthy said everyone has received comments that no one is really thrilled with sign that is at the dentist about trying to move this in an expedited matter. I did advise both Mark and Joe that the Sign Committee of Pat, Neil, the Judge and John Muly sit in right now where we are dealing with that. That being said it was something that the Mayor and Council would like to receive input from the Sign Committee and if at all possible at least get a draft of an Ordinance to present to the Mayor and Council at our November 21st meeting, have the Council discuss it and then send it back to the Planning Board for our December Planning Board meeting. Pat said we were kind of hands off. Owen said there is some miscommunication; he thought it was still with the planning with the Sign Committee, for that I do apologize. Mayor and Council will deal with at least getting some type of draft before our November 21st meeting and we'll forward a copy of that almost immediately thereafter to the Planning Board so we can discuss it at our December 6th meeting. Joan asked Patrick if what was discussed was forwarded to Council. Patrick said he had a meeting with Joe DeIorio and Mark Kitrick our Borough Attorney and it was decided at that time that they wanted to take the Sign Ordinance and review it with Council and then pass that back down to the Planning Board. John Burke said he thought that what they were going to do is they were going to immediately address the electronic signs. Then after that is taken care of in their eyes then our Sign Committee was going to take the time next year to go over the whole Sign Ordinance and see if there is any other things in there that need to be changed. Patrick said specifically with digital they are looking for a prohibition

of digital signs in the Borough. John Burke said and we have other things too, we do not allow neon signs in Town, but there is an exception, if they are behind plate glass on a storefront they are allowed, liked the bars and so on the open and closed signs. What's to prevent somebody with a big plate glass window putting a giant TV sign in the window, so that's something else that has to be looked at. I understand what the Council is trying to do, but they are going to have to be very careful that this is done. Owen said he doesn't think it's an ideal situation by any means but it seems like in talking to both Joe and Mark the Council was to address it at least preliminarily and then at some point look to revise an Ordinance at a later date with additional input from the Planning Board. That would be a stop gap measure from preventing more illuminated signs to take over the entire area, I think everyone has some concerns about the signs, so at least at this point to have the Council draft a more broad Ordinance and then hopefully at a later date whether it be once that's passed if it's early next year, with its representatives from the Sign Committee and perhaps meeting with the Borough Administrator to relay your concerns so that can be relayed to the Council. I would be concerned about myself or whoever is the liaison to the Planning Board being there if you don't want to have a majority so you would have to notice the meeting. I think a working dialogue between the members of the Sign Committee, giving Pat and Neil's experience as to how we can address this. Neil asked if this will ultimately be in one Ordinance or are they going to do just an Electronic Sign Ordinance now. Owen said they are going to do an Electronic Sign Ordinance now and then at a later date deal with everything in a more encompassing Sign Ordinance. Neil asked isn't that step not cost effective the way I'm looking at it? Pat said there is immediacy to this. Owen said our feet are to the fire, we have to try to get this Ordinance done, we can always revise through an Ordinance as a more expansive Sign Ordinance, but it is something there is a concern about dealing in a rather expedited manner. This will be an amendment to the Sign Ordinance dealing with electronic signs. Once that's approved, ideally the first reading will be at our November 21st meeting, the following meeting will be December 5th. John Burke said there is one thing that they have to do at the same time, they have to put electronic signs in our definitions. That has got to be done at the same time. Owen said there was a rather broad stroke, any sign in the proposed Stafford Ordinance I know there were concerns, we discussed this briefly at our last meeting in technology moving forward that it is a more difficult task than because is it an LED well technology may move forward in two months that people aren't using LED and someone could say you know my sign is not an LED. The initial response is to get something on the books and then at least fine tune it with the input from the Planning Board as well as Code Enforcement and the Sign Committee. This is really just a stop gap until a more comprehensive proposal can be submitted and studied but I think it's just trying to eliminate, preclude the entire whether it be 71 or Main Street or any of the other areas being illuminated signs throughout the Borough. John Burke said and you will mention to them about behind glass too. Patrick had copies that he passed out to the Board members. Owen said when Mark draws something up he will ask him to forward it to members of the Planning Board so they can get it. Mark Apostolou asked if what he sent to Patrick was sent to Mark Kitrick and Patrick said he forwarded that to him. Owen said this is a first draft and we can all work together and there is a lot of wisdom. Mark Apostolou said he had contacted the League of Municipalities and they didn't have anything other than referring him to their Ordinance Library and he enclosed a copy but there was a very

interesting article out of Illinois by concerned entity and it gives some real great definitions where specificity with how to measure lumens and that type of thing. He stopped doing research after he was told we were to have hands off. John Burke said and also he is a member of the NJPO and this whole thing actually started with an article from them about electronic signs and you have copies of that and can you make sure you forward that onto Mark. Patrick said it's in his file and he gave him everything that we have including that. Owen said this will be the first step in the process and then this will come back to the Planning Board most likely early next year. Rome was not built in a day.

John Burke said he has an announcement to make, as he told everybody he is a member of the NJPO and as of last week he is now the Vice Chairman of the NJPO. He just wanted to let everybody know about that.

<u>RESOLUTION #15-2011</u> – Munoz, Roberto – 167 First Avenue – Block: 171 – Lot: 21 – Zone: R-5 – Demo existing buildings and construct new 2 ½ story new single-family dwelling.
Motion to memorialize the Resolution was made by Patrick Callahan, seconded by Peter Ragan
<u>Board Members Voting Yes</u>:
Patrick Callahan, Joan Harriman, Owen McCarthy, Neil Hamilton, John Burke, Peter Ragan and Mark Apostolou
RESOLUTION MEMORIALIZED

John said before we go on I just want to point out that Michele was sort of given this job at the last minute, and she has done a very admirable job tonight. Applause from the Board members.

Approval of the Minutes from the September 6, 2011 Regular meeting, motion to approve made by Joan Harriman, seconded by Patrick Callahan, all in favor none opposed.
MINUTES APPROVED

Motion to approve the vouchers was made by Michael Sinneck, seconded by Neil Hamilton all in favor none opposed.
VOUCHERS APPROVED

Neil Hamilton said in John Muly's absence during their last Technical Meeting it was brought up by one of the members is what to do with all of these second units throughout the Town and we are going to ask Pat and Dick to compile a list and I think when all is said and done we're going be amazed how many are throughout the Community of garage apartments on the West part of Town, they are there. I think what the Zoning Department is looking for is some guidance as to what to tell the applicant as a heads up when you come before this Board of what our plans are for the future. In fairness to the applicant they need to know up front where they are going with this. I think with Prendergast on the last application, certainly with these folks here tonight, they need to know where they are going to go and it's not going to be a simple quick discussion on how to address these because there are so many. I know the Board would like to get the properties into Variance relief

with single properties where there are two that's obviously our direction to go to, but maybe we can't achieve that. But I think Zoning has had so many requests and inquiries as to these different situations that they are looking for some guidance. We thought about putting it in December but that's out of the question because the docket is full, but I think maybe we need to maybe set aside some time in January and be able to focus a good hour or hour and a half or even more on round table discussion about what we want to do with these things. John Burke said I agree with you but I think what we should look at is this is more of a Planning function of the Planning Board and he thinks if we're going to have a round table discussion and go through this he thinks we should do it at one of our designated Special Meetings. Neil said then we should set that meeting aside, you know and I have said it in the past John is what frustrates me with Planning Meetings is we come in and now what are we going to talk about, he thinks what the Board members have to do is submit to the Chairman items that are in their thoughts that they think need to be discussed and addressed and possibly changed. We should look at these at the Planning Meetings and have some merit and certainly investigative research as to why you think they should be changed, not just generally hashing things out for a reason to be at a meeting. I think if we're going to put a Planning Meeting together the Board has some time now to maybe jot down some notes of what you think should be changed, and what direction you want Manasquan to be in as far as Zoning and Planning. John Burke said he agrees and we haven't had a Planning Meeting in a couple of years now and we haven't looked at the Master Plan, Al Yodakis said it was revised in '09. Geoff Cramer said didn't you have the Plaza as a separate Planning discussion more recently than ' 09. John Burke said that was at a Regular meeting we never do a Special meeting that was just a presentation at a Regular meeting that wasn't a separate Planning Meeting. Geoff said if there is going to be a Planning Meeting, obviously you want to have your Engineer here but do you also want to have a Professional Planner here, you did have one in conjunction with the last review and if this is something you want to take a serious look at maybe you want to address it in the context of your Master Plan as well. Because your Master Plan speaks to having a multiplicity of housing opportunities, maybe the two houses on one lot is one of those opportunities. John Burke said let's do this, how about if Michelle or Mary if she is back sends out an e-mail, comprehensive e-mail to everybody sort of explaining what we want to do and asking them to put in writing what their concerns are but not just the concern but possibly some ways of changing it or some ideas of what we should do. Let's see what we get back from the Board and if we get back a substantial amount of stuff then we will decide in our December meeting whether we are going to bring in the Planner or not and we'll set a date. Schedule our Special Meeting in February to sit down and go over all the concerns and hash it out and go over it with Al and with the Planner and then decide whether we want to pass things on to the Council to be changed. Mark Apostolou said he defers to our Attorney if we are responding and issuing the written inquiries does that violate in any way the Sunshine Law if we are all getting involved in that at that point in time. Owen said this question was asked at the Seminar that Jay Price and Rich Read and he went to he would suggest that if a general e-mail came from Mary, when people respond just respond it directly to Mary and don't respond to everyone. Then perhaps if Mary and John want to sit down. Mark said are we then allowed to look at other peoples without violating. Owen said what he would suggest would be then when you get that e-mail if everyone responds directly to Mary with no copies to anyone else to avoid any type of

quorum, that if perhaps in our packets for the December meeting we could see everyone's comments individually, if that's the case we will discuss it at the December meeting and whatever e-mails are just included within our packages for our December meeting and list on the Agenda however it's phrased, review of Master Plan, review of whatever, I don't think there would be any violation. Mark asked if we are able to block out our e-mail address so the public doesn't start to bombard us with items. John Burke said yours has been blocked out Mark. Mark said he wants to make sure that he is in compliance, so maybe he will just drop a letter off here. John Burke said that's fine and hand it to Mary. Mark said he is still required by some judicial ethics about disclosure so he apologized to everybody, he will maybe type something up. Peter Ragan said if maybe we are going to talk about planning issues then maybe we can add on the issue of Flag Lots as well. John Burke said Mary should purposely ask for everyone's comments on Flag Lots. Joan Harriman said and the other thing is driveways on First Avenue, at one point they were trying to move all the houses back that were built to give more space before the road, I know we have let some come forward and maybe not as strict as we were but she believes we were on the right path to begin with, to try to make those houses move back. John Burke said you put your comments in your comments instead of making Mary's letter five pages long. Patrick said for the time being John Michelle and I will handle any of the work loads with this, we will handle the requests or letters. John said and then I'll sit down with you and go over all that. Owen said if we are all going to be putting these comments and there may be a few of them, it sounds like we're going to have a pretty full agenda for December if we could try to get our packages available maybe that Thursday before the Monday meeting, just to make sure we do have time, it sounds like we're going to have four applications. Just to make sure everyone has time, unfortunately as the holidays do approach everyone gets busy with a multitude of other things, so if we could get our packages Thursday so we have time to review.
Mark Apostolou said he would just like to offer his thoughts and prayers for Mary and her mother. John Burke said yes thank you. Joan said and Lenny's sister.

Motion to adjourn was made by was made by Mark Apostolou, the motion was seconded by Joan Harriman, all members were in favor and none opposed.
MEETING ADJOURNED AT 8:01PM

Respectfully Submitted,
Mary C. Salerno
Planning Board Secretary