

NOVEMBER 6, 2013

The Manasquan Planning Board held a Regular meeting at 7:02 p.m. on Wednesday, November 6, 2013 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey.

Board Attorney Geoffrey Cramer's statement re: Open Public Meetings Act of 1975 and that notice was given to the Coast Star and the Asbury Park Press and forwarded to the Website on December 13, 2012. He also read the rules and time frame for the meeting.

Salute to the Flag.

**Roll Call:**

Present: Chairman Burke, Members Rabenda, Harriman, Hamilton, Love, Sullivan, and Young.

Absent: Mayor Dempsey, Council Member McCarthy, Members Muly, Apostolou, Price, and Ragan.

Professionals Present: Board Attorney – Geoffrey S. Cramer and Board Engineer Albert D. Yodakis

**OEM PRESENTATION – Chris Tucker and Dave Kircher of the Office of Emergency Management will be giving a short presentation to the Board.**

There was no one in attendance from OEM for the presentation.

**CRESITELLO, DONALD AND IRENE – 361 Beachfront – 15 Minute Presentation to Request Resolution Amendment**

Keith Henderson, attorney for the applicant stated that he is here before the board because Richard Furey, Zoning Officer recommended that this resolution come back before the Board to fully discuss two issues. One issue is the front set back and the other is a revised half story. He stated that the revised half story will be eliminated because it has been worked out with Mr. Furey. He stated that there was a misunderstanding between the old ordinance and the new ordinance which has been cleared up and he stated that Mr. Furey is satisfied with the half story calculation. He stated that the issue is with the front setback. He went over the plans from the architect and stated that he did not understand what the three dimensions represented. He also stated that the architect thought that he measured the front setback from a point, which was the wrong point. He stated that on all plans show the front setback was shown at .38 which matches up with the houses on either side. He stated that the .38 is measurement to the case that holds the storm shutters.

Chairman Burke verified what the storm shutters are and that they are hidden in the soffit.

There was discussion on the front setback and the storm shutters and soffit measurements.

NOVEMBER 6, 2013

Mr. Henderson stated that a plan was submitted, Board approved the plan, but the plan has an ambiguity as to front setback. He stated that the plan shows the setback.

The architect for the applicant explained the plans to the Board and the measurements of the setback. He stated that the plans that the Board reviewed had the .38 on it and that they do not want to change it.

There was discussion on the front setback and the measurement and what was originally approved by the Board.

Board Member Hamilton made a motion to approve the plans as adjusted, seconded by Board Member Sullivan. Motion carried by the following vote: "yes" Chairman Burke, Board Members Hamilton and Sullivan. "No" none

**Mr. Cramer went over the process of Escrow Fees and would like each applicant to sign a sheet and get a copy of the procedure at time of Escrow payment.**

**APPLICATION #S2-2013 – Rice, Chris – 24 Fletcher Avenue – Block: 97 – Lot: 8, 9 – Zone: R-1 – Minor Subdivision**

Keith Henderson, Attorney for Owner/Applicant went over the denial letter from the zoning officer and is requesting that the board accept jurisdiction and that this is a minor sub-division with no variances requested and therefore no notices were required.

Mr. Cramer confirmed Mr. Henderson's comments and the fees have been paid with respect to the application.

Mr. Henderson went over the Minor Subdivision and requested that the board give this application approval as there are no variances being requested. He also went over the T&M Associates, Board Engineer's report and that they have not problems with conforming to that report.

Board Member Sullivan made a motion to open the hearing to the public, seconded by Board Member Hamilton. Motion carried unanimously.

There being none Board Member Hamilton made a motion to close the hearing, seconded by Council Member Sullivan. Motion carried unanimously.

Board Member Sullivan made a motion to approve the application, seconded by Board Member Hamilton. Motion carried by the following vote: "yes" Chairman Burke, Board Members Rabenda, Harriman, Hamilton, Love, Sullivan and Young. "No" none.

**APPLICATION #49-2013 – Tigner, John and Nancy – 105 Beachfront – Block: 167 – Lot: 3 – Zone: R-4 – New Two and One-Half Story House – Bulk Variances**

NOVEMBER 6, 2013

Keith Henderson, attorney for owner/applicant went over the denial letter from the zoning officer and that all requirements have been fulfilled and is requesting that the board accept jurisdiction over the application.

Mr. Cramer stated that all of the items required are in the file and is complete.

Mr. Henderson stated that he has 2 witnesses to call: Paul D'Amiano, Architect and Nancy Tigner, Owner.

Mr. Henderson swore in Mr. D'Amiano and Nancy Tigner.

Mr. Henderson asked questions of Nancy Tigner which related to the ownership of the property and the background of the property.

Mr. Henderson asked questions of Paul D'Amiano as to his professional licenses that he holds, and his history of being questioned by Planning Boards and Boards of Adjustments. He also asked Mr. D'Amiano if he was hired to design a new beach front house and if you looked at the property and the surrounding properties. He asked questions pertaining to the lot size and shape.

Mr. D'Amiano stated that he did look at the property and surrounding properties with the property having an unusual shape. He stated that the property is essentially 30' x 150' but there is a dog leg and it is a little short on the frontage. He stated that the Beachfront property and the First Avenue property are different as the First Avenue is 29.75 and it is 28.91 on Beachfront and flares out in the middle to 30 and then comes back down making this an odd shape. He showed the aerial view of the property to the Board which is the third house from Sea Watch. He stated that he had several meetings with Richard Furey, Zoning Officer to review the lot requirements.

Mr. Henderson asked if Mr. D'Amiano is aware that the town permits 2 houses one lot in that zone but the lot has to be 4200 square feet and have 30 feet of frontage.

Mr. D'Amiano stated that he is aware of this and he has 45.18 square feet of lot area but as mentioned earlier the frontage is 3 inches shy of 30 feet which is the frontage on First Avenue.

Mr. Henderson asked Mr. D'Amiano to advise the Board where the AC condensers will be located.

Mr. D'Amiano stated that the as indicated on the site plan that the AC condensers will be elevated to 15 feet in the recess that is 5 feet off the property line next to the entry door.

Submitted as Exhibit A-1 is a 3 dimensional model which the Architect made.

Board Member Sullivan asked if the house will be going on the same footings as the old house.

Mr. D'Amiano stated that it will not as the old footings have been removed and it is in a V Zone and needs to be on piles.

Mr. Henderson stated that an issue that came up in one of the reports is that the ordinance requires that there be 80 square feet of storage and asked the architect where this storage will go.

Mr. D'Amiano stated that there is more than 80 square feet of storage when it comes to the attic and the first floor plan. He went over the surrounding properties and what is on the properties and stated that there is no surrounding properties to be acquired to make the property conforming.

Mr. Henderson asked the architect if he is seeking relief from the zoning ordinance from any of the specific provisions. He asked questions of the architect regarding relief being requested.

Mr. D'Amiano stated that building coverage permitted is 35% and he is proposing 40.3%, side yard set backs on the North side are requested at 3.3' and on the South side are requesting 3.5', building height is permitted at 33' and he is proposing 36'.

Chairman Burke stated that there is a discrepancy with the building height as some of the paperwork states 34.5' and some states 36'.

Mr. Henderson stated that there was an amended application submitted and that an amended letter of denial was also submitted. The 36' height was confirmed as being the correct height proposed.

Mr. Henderson continued with his questions of the architect.

Mr. D'Amiano stated that he has 3 inches deficient frontage on First Avenue and is he at the 29.75 and he went over where the measurement is taking from. He stated that if there was not the deficiency of the odd shaped lot he would be able to build at 38'. He stated that all other variances have been eliminated. He stated that the property is in the V zone and the BFE is 15' and the finished floor elevation on the first floor is proposed at 17.7 and between the 17.7 and the 15 there is floor joists sitting on a beam and below the floor joists there is a 12" trunk line that is wrapped in a 1" insulated liner and then box that in a 2x4 so insulation can be put in the 2x4. He stated that there is a mechanical space on the first floor where the mechanical system is up at the 17.7 and then it comes down in a trunk line and then feeds off to get into the floor joists below the joist bit so they can be above the ceiling. He stated that there is also a mechanical room in the attic where there is another trunk line that serves the second floor. He stated that the height of the new home will be consisted with the height of other homes in the area.

There was discussion on surrounding homes and the height that was approved by the Board and the proposed height of this home. There was also discussion on the side yard setbacks and the front yard set backs.

There was discussion on the height of the first floor, building height, lot coverage and side yard setbacks.

Mr. Cramer stated that the applicant will be following the Board Engineer's recommendation to have the utilities underground.

NOVEMBER 6, 2013

Mr. Henderson stated that they will comply with everything in Board Engineer, Albert Yodakis' report.

Mr. Henderson stated that it is his position that this application is entitled to relief under N.J.S.A. 40:55d 70c1 and 70c2. He stated that the lot is an odd lot and it is one of the factors that needs to be taken into account when deciding if there is a hardship is the topography of the lot and the shape of the lot. He stated that the lot was designed around the existing buildings as opposed to the buildings being designed for the lot. He went over the odd size and shape of the lot. He reiterated his reasoning why the board should approve the application. He stated that there is an easement with the adjoining property to the south for a concrete walkway which goes to the beach walkway and he will comply with this report.

Board Member Young made a motion to open the hearing to the public, seconded by Board Member Love. Motion carried unanimously.

James Donegan, 101 Beachfront stated that he was before the board about 11 years ago and he received approval to build their house. He stated that he is in favor of the construction of the new home.

Roberta Derdzikowski, 103 Beachfront stated that she is in favor of the construction of the new home.

John Dalton, 563 Pike Avenue stated that he was before the Board 9 years ago and he was approved for the construction of his home and he is in favor of the construction of the new home.

Board Member Hamilton made a motion to close the hearing, seconded by Council Member Young. Motion carried unanimously.

Mr. Henderson gave his closing statement and ask that the Board grant this application.

Board Member Harriman made a motion to approve the application, seconded by Board Member Rabenda. Motion carried by the following vote: "yes" Chairman Burke, Board Members Rabenda, Harriman, Hamilton, Love, and Young. "No" Board Member Sullivan.

**RESOLUTION #46-2013 -- Stroff, Michael and Debra -- 132 Second Avenue -- Block: 168 -- Lot: 19 -- Zone: R-5**

Board Member Hamilton made a motion to approve resolution 46-2013, seconded by Board Member Harriman. Motion carried with the following members voting: "yes" Chairman Burke, Board Members Rabenda, Harriman, and Hamilton. "No" none.

**RESOLUTION #47-2013 -- Carbone, John -- 321 Beachfront -- Block: 185 -- Lot: 7 -- Zone: R-4**

NOVEMBER 6, 2013

Board Member Rabenda made a motion to approve resolution 47-2013, seconded by Board Member Harriman. Motion carried with the following members voting: "yes" Chairman Burke, Board Members Rabenda, Harriman, and Hamilton. "No" none.

#### **OLD/NEW BUSINESS:**

#### **APPROVAL OF VOUCHERS**

There was discussion on the vouchers and the money that is paid out of the General Fund and how the professionals are paid. It was recommended that all bills for the Board of Education from the professionals be submitted to the Borough so that they can be submitted to the Board of Education for payment.

Board Member Sullivan made a motion to approve the vouchers, seconded by Board Member Hamilton. Motion carried unanimously.

#### **APPROVAL OF MINUTES**

Regular Meeting – August 6, 2013

Board Member Hamilton made a motion to approve the minutes, seconded by Board Member Young. Motion carried unanimously.

Second Meeting – August 20, 2013

Board Member Young made a motion to approve the minutes, seconded by Board Member Harriman. Motion carried unanimously.

There was discussion on the next special meeting scheduled for Tuesday, November 19, 2013 at 4:00 p.m. and who will be attending and the possibility of canceling this meeting. There was also discussion on the December 3, 2014 meeting. There was also discussion on the nominee committee.

Board Member Sullivan made a motion to cancel the November 19, 2013 meeting if Keith Henderson is willing to move to December 3, 2013 meeting, seconded by Board Member Hamilton. Motion carried unanimously.

Chairman Burke asked the board about pavers to get an idea if the Board wants to change the ordinance to state that pavers are not pervious or they are not pervious according to a percentage that is received from the manufacturer.

There was discussion on pavers and the Tech Committee to go over this issue and make a recommendation to the Board regarding pavers.

Chairman Burke advised the board that the council will be looking at the V Zone and retention basins but in the R-2 zone which is First, Second, Third and Fourth Avenues retention basin are

NOVEMBER 6, 2013

required and wants to know if the board wants to make a recommendation on this. He stated that Council Member Sinneck is going to bring this up to the Council to amend the ordinance. He wants to know if the Planning Board wants to make a recommendation in favor of this change or not.

It was recommend waiting and seeing what the Council will be coming up with before the Board recommends anything.

Board Member Hamilton made a motion to adjourn the meeting at 8:28 p.m., seconded by Board Member Sullivan. Motion carried unanimously.

Respectfully submitted,



Barbara Ilaria, RMC  
Acting Planning Board Secretary

DATE APPROVED 5-6-14

