

JUNE 4, 2014

The Manasquan Planning Board held a Regular meeting at 7PM on Wednesday, June 4, 2014 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey.

Salute to the Flag.

Domenic Manco: Open Public Meetings Act of 1975 and that notice was given to the Coast Star and forwarded to the Website on December 12, 2013.

Roll Call:

Present: Chairman Hamilton, Board members: Muly, Rabenda, Sullivan, Ragan, Thompson

Absent: Mayor Dempsey, Councilman McCarthy, Board Members: Harriman, Burke, Love, Apostolou, and Young

**Professionals Present: Domenic Manco (Attorney stepping in for Geoff Cramer)
Al Yodakis, T & M, Engineer/Planner**

APPLICATION #08-2014 – Windas, Rita – 59 Marcellus Avenue – Block: 70 – Lot: 26 – Zone: R-2 – This application is a Use Variance carried from May 6, 2014. Mr. Windas, Rita Windas' son asked the Chairman that because there are only six (6) board members present could he defer to be heard at the next meeting. The Chairman said the next meeting is full. Kevin Thompson was not present for the first meeting of the Windas application and did not listen to the tape. The Board Secretary said they would have to come to the July 1st meeting. The application is carried to July 1, 2014 with no further noticing or re-publication.

APPLICATION#16-2014 – Atlantic Resource Group, LLC – Edgars Pub – 153 Sea Girt Avenue – Block: 52 – Lot: 6.01 – Zone: B-1 – James J. Kinneally is the attorney representing the applicants. Ben Montenegro, Attorney representing the Borough of Sea Girt came to the microphone stating he submitted a written request today that this matter be carried to the next available meeting so they would have an opportunity as a governing body to review the application and the documents being submitted and make a determination as to whether the Borough if favorable or wishes to participate as an objector in the case. James Kinneally said they sent notice to the Borough of Sea Girt by letter dated May 16, nineteen (19) days ago, the first time he heard from Sea Girt was when his telephone rang this morning. They requested the matter be adjourned for a month, we

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have financing time constraints, we can't agree to a month. He called the Board Secretary this morning and asked if the meeting of July 1st was available and found out it was full, so because we couldn't go out a month. He spoke to Mr. Montenegro several times today, he forwarded him e-mail copies with attachments of the architectural of the renderings, we offered to meet with Sea Girt this afternoon, unfortunately they were not available. We have done everything we could to move this thing along. Ten (10) days notice is required, we gave 19. Mr. Montenegro asked that the written request which set forth the reasoning for the request for the adjournment be made part of the record, whether as a marked exhibit or as a Planning Board file exhibit, specifically it lays out not only our request for additional time being a governing body to review and have an opportunity to go through those things, it also lays out the specific deficiencies of the filing, that the architectural plans and renderings were not submitted as part of the application as is required by your Ordinance and other deficiencies with the Site Plan that was filed. He understands the Board has considered that and rendered a decision to proceed but he would like that to be reflected to be part of the request that was made for the adjournment and declined. Mr. Kinneally had his witnesses sworn in: Robert Fahey – 1700 Web Street, Asbury Park, NJ., Christopher Fahey – 534 Washington Boulevard, Sea Girt, NJ., Dustin Brown – 37 S McClellan Avenue, Manasquan, NJ., Ray Carpenter – 2517 Route 35, Manasquan, NJ. Mr. Kineally entered Exhibit A-1 rendering of the proposed building. First to testify was Bob Fahey who is the owner of Edgars as well as his brother and they are the operating managers, they have owned the business for five years. It's a local Tavern/Restaurant. When they inherited the building they didn't realize how many issues they had inside the building and is in need of an upgrade. He said they have 42 existing parking spaces; parking has never really been an issue. On busy nights people tend to be on foot, bikes or taxi's, when there is some overflow in their parking people tend to park in their neighboring businesses. Their dining time is 6 to 10PM, when the diners leave the bar crowd comes at night from 10 to 2PM, so the parking lot is never at full capacity. The building is run down, there are a lot of leaks in the glass dining room and they propose to re-build and add outdoor dining on the roof of the new room. The roof top will not have entertainment, there won't be speakers up there it will just be for seasonal dining and will close by 10PM. The doors that lead to the roof top will be closed by 10 o'clock as well. The current glass room seats 66 people, the proposed seating in the new room will be 56 people, they will make it more comfortable with a different layout. The bar as it sits now is very bulky, they want to cut it back and turn it into a more multi-use bar, it would be a raw bar in season, and transform it into a wine bar for certain events. The other dining room where the main bar is will be renovated as well; they are decreasing the seating in that room. The whole project will go from 148 to 166, 40 seats will be on the roof top that will only be used part of the year. They are also doing some roof renovations by adding a metal roof that would block the mechanicals and give the building more character. Photo A-2 shows the mechanicals as they are today. They will be re-paving the entire parking lot and they will be adding three (3) spots. There is currently a deficiency in parking but they will be making it better. Board members asked him to go over the seating numbers again. The only new signage proposed will be the small sign that faces the tracks, same spot same size.

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Any new signage will comply with Manasquan Code. Next, Ray Carpenter was called to testify. His credentials were accepted by the Board. He had Exhibit A-4 marked which shows the additional two parking spaces. The majority of the Bulk Variances are pre-existing. Al Yodakis in referring to his report asked if the applicant would put bumper blocks in the two parking spaces that were existing for safety purposes. It was agreed to. Next, he doesn't believe the handicapped sign meets current standards so that needs to be addressed as well. It was so stipulated. Board member Ragan made a motion to open the meeting to the public, motion seconded by Rabenda, all in favor none opposed.

Audience Members:

Mark Zentek – 623 Beacon Boulevard, Sea Girt, NJ. – He stated he and his wife own all the adjacent properties surrounding Edgar's Pub. He believes his tenants will be greatly affected by the roof top dining that is proposed. Also, with regard to the parking issue, he has had people using his lots and parking there overnight which affects his tenants. He put up a sign that said "no parking for Edgar's". He has 24 parking spots on the gravel parking lot and he has Edgar's patrons using his parking. He installed Highway grade guardrails which have been damaged by and then stolen by patrons of the Pub. He believes the impact to the quality of life of his tenants will be greatly impacted by the roof top dining. He stands opposed to it.

Mr. Kinneally answered the objector. Chairman Hamilton told Mr. Zentek that he needs to bring his issues up with the Code Office.

Virginia Zentek – 623 Beacon Boulevard, Sea Girt, NJ. She also owns Sense and Sensibilities with her husband as well as the adjacent properties. She said they have three (3) rental units which are residential; besides the single father with the baby they have gentlemen who are shift workers. They have had many instances of people using their parking lots. They try to be good neighbors, they appreciate the fact that the Fahey brothers have tried to improve the property. The proximity of the buildings is something that was grandfathered in and would not be allowed today, but because of the proximity no matter what kind of metal barrier you put up, metal does vibrate and reverberate and sometimes increases sound. She does not see that it is a hardship to the applicants that they do not have outdoor dining.

Attorney Montenegro – he had a few additional questions, he asked based on the Code what is the occupancy rates of what's existing and what is proposed. Mr. Carpenter said that is based on the fixtures. Mr. Montenegro asked if the applicant is volunteering as a condition to this Board that the seating arrangement and layout is as submitted on that architectural and will not change in the future. Mr. Kinneally said we will agree that it will not increase but they can certainly move the tables around to different spots than where they are now. Mr. Montenegro referenced the bandstand area on the architectural plan and what is the intent of that use.

Paul Rabenda stated the Fire Official limits the occupant load, he has posted 255 and the footprint is not changing so that number will stay as it is.

Mr. Montenegro said the upstairs area on one architectural shows a free standing bar. It was stated that is a service bar. Mr. Montenegro said the architectural that were submitted here tonight were not at any time filed with the Board or on file with the Board Secretary for the public to view up to and including tonight. Mr. Kinneally said he did

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send a copy to Mr. Montenegro today by e-mail. Mr. Kinneally said that is right those were not part of the application or part of the Board's file and in fact Manasquan does not require that the architectural be submitted as part of the Site Plan. And, even if they did you allow all of your Site Plan submissions to be waived if you so choose. We brought them here tonight; Mr. Montenegro can take them as could any member of the public. Mr.

Montenegro wants the record to be clear, perhaps the Board Secretary could confirm that, Mr. Kinneally did too. He is not sure how the Board had copies of the architectural in advance of the meeting, however he wants the record to be clear that the Board Secretary's file, which is what's available to the public for anybody that would be interested leading up to this hearing did not have any of those architectural plans. Obviously, the revised plan with the parking layout that was changed here tonight couldn't have been there. But, those architecturals were not on file or available, he just wants that to be clear. He also submits that while the Board has discretion to waive certain requirements, the Ordinance does require in 35-20.1 for the Site Plan submission requirements designed views of the proposed structures front, side and rear elevations to be shown where proposed additions or alterations affecting elevations. So, it is a requirement. He thinks in this case it's really the core of the application as to what's being proposed. He would again renew his request that the Board not take action on this one way or the other, and he wants to be clear on behalf of the Borough of Sea Girt because of the timing of things and the ability to get the plans, review, you understand as an acting body. Board member asked what Mr. Montenegro did over the last nineteen (19) days. Mr. Montenegro said himself he only became involved within the last 48 hours. He believes somebody came to look what was in the file and what was in the file because it was only the Site Plan not even this revised Site Plan, it was a little difficult to comprehend what was being proposed. He wants to be clear that he is not submitting an objection on behalf of the Borough of Sea Girt at this time, because as a body that haven't seen it or discussed it as a body. They simply want the opportunity to do that. It was Mr. Carpenter's testimony that the architectural are consistent with the Site Plan that he filed, and the original Site Plan was consistent with the architectural prepared by Mr. Rice's office and the amended Site Plan that he offered tonight as an exhibit doesn't have any changes to the interior of the building. The only changes are the extra two parking spaces. Mr. Montenegro said anyone from the public going into the office of the Board Secretary would not have seen any architectural, whether it was the original or the amended, nobody other than you and the applicant's professionals had seen that architectural. The architectural was not provided until today. Mr. Kinneally said the Board set it down for a hearing this evening, you wouldn't have done that if you thought the application was incomplete in some way. Chairman Hamilton said he sees where this is going, he doesn't see where there is a difference between the two and he doesn't see where Mr. Montenegro is going with this. Mr. Montenegro stated there was no lighting plan submitted, no landscaping and he asks again for a continuance until the Borough of Sea Girt can review the plans. The Chairman asked the Board Engineer if he had any issues with drainage, lighting, or any issues prior to the Resolution adoption. Al Yodakis said there is going to be no increase in impervious coverage, the parking lot lighting is not changing, they are going to re-pave the parking lot with a couple of minor

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additions, the landscaping he assumes will improve and any additional lighting or anything else will have to meet the Borough standards. There was no other audience participation. Peter Ragan moved to close the public portion, the vote was seconded by Paul Rabenda, all in favor none opposed. Mr. Kinneally gave his closing statement. Board member Sullivan made a motion to approve the application; the motion was seconded by Board member Muly. It was noted should the Board vote in favor of the application the applicants will have to go to the Mayor and Council for an expansion of the liquor license.

Board Members Voting Yes:

Chairman Hamilton, Board member Muly, Sullivan, Ragan, and Thompson.

Board Members Voting No:

Rabenda

APPLICATION APPROVED

APPLICATION #17-2014 – Gallagher, Robert – 468 Euclid Avenue – Block: 146 – Lot: 2 – Zone: R-2 – Keith Henderson is the attorney representing the applicant. He represents the owner/applicant Robert Gallagher who is trustee of a Qualified Personal Residence Trust. Attorney Manco found the file to be in good order and accepted jurisdiction. Mr. Henderson had one witness. Mr. Manco swore in Robert Gallagher – owner/applicant. He explained that his house was substantially damaged during Super Storm Sandy. He had pictures to be entered as evidence. Exhibit A-1, A-2 and A-3 which were pictures of the water level in and outside his home. He and his late wife appeared before this Board in 2004. At that time they were approved to construct a new single-family residence with Variances. The present height of the building is 33-feet and he is asking to raise it to a height of 36-feet. They had 21-inches of water in the house following the Storm. The present height of the building is 33-feet and he is asking to raise it to a height of 36-feet. The 21-inches of water inside the house was above the first floor elevation. Underneath that he had duct work and insulation and all the usual things and the height of that was at least a foot, so he is asking the Board to essentially lift him out of where he would have been flooded in Sandy. He obtained a copy of the Survey prepared by the Cannon Group which shows a first floor elevation of 7.8-feet. He also obtained an elevation certificate from Paul Lynch which shows a base first floor elevation of 8-feet. He believes Paul Lynch has a good reputation so he is going with that. If his base flood elevation is 8 now and he is seeking a little bit over 3-feet that's what he is asking the Board to approve tonight. Keith said he has reviewed the Engineer's report and completely agrees with it. This house has a BFE of 10-feet, we are asking for 1-foot over that which is what's required, that's automatic and we are asking about 3-inches above the free board. Councilman McCarthy made a motion to open the meeting to the public; the motion was seconded by Leonard Sullivan, all in favor none opposed. There was no public participation, Councilman McCarthy made a motion to close the public portion of the meeting, and the motion was seconded by Board member Thompson, all in favor none opposed. Board member Thompson made a motion to approve the application as presented; the motion was seconded by member Ragan.

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Board Members Voting Yes:

Mayor Dempsey, Chairman Hamilton, Councilman McCarthy, Board members: Muly, Rabenda, Sullivan, Ragan and Thompson.

APPLICATION APPROVED

RESOLUTION #15-2014 – Verizon Wireless – 233 E Main Street – Block: 88 – Lot: 39.01 – Zone: B-1 – Paul Rabenda made a motion to memorialize the Resolution, the motion was seconded by member Thompson.

Board Members Voting Yes:

Chairman Hamilton, Board members: Muly, Rabenda and Thompson

RESOLUTION MEMORIALIZED

Minutes of May 20, 2014 – Paul Rabenda made a motion to approve, seconded by Thompson, all in favor none opposed.

MINUTES APPROVED

Vouchers – Board member Sullivan made a motion to approve the vouchers, motion seconded by Rabenda, all in favor none opposed.

VOUCHERS APPROVED

There was no public participation.

Board member Thompson made a motion to adjourn the meeting, the motion was seconded by Councilman McCarthy, all in favor none opposed.

MEETING ADJOURNED AT 8:32PM

Respectfully Submitted,

Mary C. Salerno
Planning Board Secretary