

NOVEMBER 5, 2014

The Manasquan Planning Board held a Regular meeting at 7PM on Wednesday, November 5, 2014 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, NJ.

The Vice-Chairman, John Muly greeted everyone and asked everyone present to please stand and salute the Flag.

ROLL CALL:

Board Members Present:

John Muly, Paul Rabenda, Owen McCarthy, John Burke, Greg Love, Mark Apostolou, Kevin Thompson, Robert Young

Board Members Absent:

George Dempsey, Neil Hamilton, Joan Harriman, Leonard Sullivan, Peter Ragan

Professionals Present:

Geoffrey S. Cramer – Planning Board Attorney

Raymond Savacool – Planning Board Engineer/Planner – T & M Associates

There was no correspondence.

Mark Apostolou made a motion to approve the minutes the regular meeting of October 7, 2014; the motion was seconded by Kevin Thompson, all in favor none opposed.

MINUTES OF OCTOBER 7, 2014 APPROVED

Robert Young made a motion to approve the minutes of the second meeting October 21, 2014, the motion was seconded by Mark Apostolou, all in favor none opposed.

MINUTES OF OCTOBER 21, 2014 APPROVED

Greg Love made a motion to approve the Vouchers, the motion was seconded by Robert Young, all in favor none opposed.

VOUCHERS APPROVED

RESOLUTION #14-2014 – Kim/Vowell – 125 E Main Street, LLC – 125 Main Street –

Mark Apostolou made a motion to memorialize the Resolution, the motion was seconded by Kevin Thompson.

Board Members Voting Yes:

Muly, Rabenda, McCarthy, Burke, Love, Apostolou, Thompson, and Young

RESOLUTION MEMORIALIZED

RESOLUTION #35-2014 – Tritsch, Timothy – 58 Stockton Lake Boulevard – Mark Apostolou made a motion to memorialize the Resolution, the motion was seconded by Kevin Thompson.

Board Members Voting Yes:

Muly, Rabenda, Burke, Apostolou, Thompson, and Young.

RESOLUTION MEMORIALIZED

RESOLUTION #34-2014 – Nuzzolo, Anthony & Vanessa – 264 Cedar Avenue – Mark Apostolou made a motion to memorialize the Resolution was made by Mark Apostolou, the motion was seconded by Kevin Thompson.

Board Members Voting Yes:

Muly, Rabenda, Burke, Apostolou, Thompson and Young.

RESOLUTION MEMORIALIZED

RESOLUTION 31-2014 – Monteverdi (Estate) – 10 Riddle Way – Kevin Thompson moved to memorialize the Resolution, motion seconded by Mark Apostolou.

Board Members Voting Yes:

Muly, Rabenda, Apostolou, and Thompson.

RESOLUTION MEMORIALIZED

APPLICATION TO AMEND RESOLUTION #25-2013 – Cresitello, Donald – 361

Beachfront – Garage apartment – Block: 185 – Lot: 25 – Zone: R-4 – Mr. Cresitello came

for a 15-minute presentation to ask the Board to amend his resolution. He said in October 2013 this Board approved a Resolution for two structures on his property at 361

Beachfront the other at 362 First Avenue. The dwelling on the Beachfront is constructed, as

a result of lessons learned and a review of the 362 First Avenue property he and his wife

have decided that they wanted to make some design changes to the structure. He is

presenting plans for the proposed structure and a photograph of a similar house at 12

Pearce Court. He said another similar house was constructed at 265 First Avenue. The

footprint is basically the same, they added 10-square feet to the second floor of the house,

but it's not noticeable. Other than that, all the Variances that were requested remain the

same, side and rear yards and lot coverage. They are only requesting to change the exterior

design. One side of the house is a foot longer than it was and he cantilevered it to the rear

over the porch. Board members asking questions were: McCarthy, Burke, Rabenda,

Apostolou, Geoff Cramer and Engineer Ray Savacool. John Muly went over the TRC

report. Mr. Cresitello said the square footage of the habitable space will be increased by 10

square-feet; the roof line will also be changing. This is a 14-foot flood zone here so it limits

the amount of structure. Owen said that was a prior discussion at length regarding the

height of his structure. Mr. Cresitello said that was on the Beachfront, the rear structure is

in conformance with the Ordinance, we haven't changed any of the Variances that were

requested and approved. They re-designed the structure; this will be a little more

economical to build. Mr. Savacool asked if there was a Variance granted for building

coverage because cantilevering that you take the outline of that building and basically

increasing the building coverage by 10-square feet. Mr. Cresitello said it's still the

footprint that was approved. Mr. Savacool said if you were granted a Variance for

building coverage originally, you are now aggravating that condition. The Board doesn't

have the right to grant your extension of the house because you are aggravating that condition, you would have to re-notice, you would have to come back to the Board. Geoffrey Cramer was looking over his copy of the original Resolution. He said the therefore clause in the Resolution talks about Variance relief for minimum lot frontage, minimum lot area, front and side yard setbacks, maximum height, maximum vertical plane, and dormer requirements. There is a condition in that Resolution that says there shall be no expansion of either principal structure beyond those dimensions noted on the plans herein before referenced. Mr. Cresitello argued that the square footage is the same; they pulled the front of the house back. The footprint hasn't changed; the second floor went out, the front of the house pulled in and the back of the house pulled out. If he has to he will take another 10-feet off. Mr. Cresitello said the whole bump out will be gone if that's what the Board requires. He thinks the way the Resolution is drafted the Board can modify it, but if you think it needs notice then we'll leave it as is. We are just making the design change. We will only change the roof line. Paul Rabenda said the second floor plan is a lot different than the original floor plan. Mr. Cresitello said yes because of the slopes of the roof, the dormers aren't there. Mark Apostolou said he would like the Board Engineer to study this change. Ray Savacool said the only consideration before the Board right now is the roof line because the applicant already indicated he is going to pull the house back in and make it conform to the previous approved plans. Now we are really down to the change in the roof line. Ray Savacool said in his opinion, it probably does conform, his only question to the applicant with regard to the revised floor plan shown in the photograph. The photograph shows some breakup in the western facing mass of the building, they haven't totally tweaked the plan Mr. Cresitello said but it will be very similar to this structure. He was just trying to give the Board an idea of what the top roof line will look like. That's what they changed. Mark Apostolou said don't we have to approve a specific plan, we can't just guess at something. Paul Rabenda said that looks like an expansion of the structure, adding more volume to the building. Mr. Cresitello said he thinks the word structure is the footprint of the building, the bulk of the building. Paul said structure to me means the entire structure, not just the footprint. Paul feels he has to come back. Ray Savacool asked Mr. Cresitello to explain since he wasn't here for the first application what the roof line was and will be. It appears to him that with the former submission, a portion of the second floor had to be under that roof line. Whereas now with the new roof line, it seems the second floor has been expanded. Mr. Cresitello said the second floor has more space on it, but it's still three (3) bedrooms in the house. He didn't say the sizes were the same, he said they were re-configured. John Burke asked him if he has significantly more floor space on this new plan than he had on the old. Mr. Cresitello said in the total volume of the house, no, but on the footprint of the second floor, yes. Paul Rabenda said that's an expansion of the structure. The definition of the structure is the whole entire structure, not just the footprint. The Resolution says there will be no expansion of either principal structure. Geoff Cramer said which means you have to re-notice and re-publish and do a full application. Mr. Cresitello asked for an informal poll of the Board before he pays an Architect to draw up full plans. Mr. Love asked if he has to re-notice would the Board consider the proposal that he brought forward today without that one-foot as long as it doesn't create another hardship? Mr. Cresitello said if he has to re-notice he would like to keep the one-foot, then you would have to decide at that time but he is more interested in the exterior design of the house. John Burke said his only question on

the exterior design is you are doing a 3 on 12 roof and you cannot put shingles on that and it will have to be a solid fiber glass roof. He wants to make sure that Mr. Cresitello is aware of that. Mr. Cresitello said he is aware of that; the Architect seems to think it won't be a problem if we do what we did on the front house. There are all kinds of new materials that you put down first, and then put the shingles on top of that, but that's a Construction Code issue. The real problem is this is a high flood elevation on this side of First Avenue; this is a V Zone and across the Street is not a V Zone. Aesthetically it makes it difficult to do the two stories and maintain the flood elevation. We would like to be at least 2-feet above flood. Mr. Cramer said the applicant has indicated he is going to come back to the Board with an application seeking the relief he needs with respect to the expansion he desires. The Board gave their comments on the proposal.

HE WILL RETURN WITH A FULL APPLICATION TO THE BOARD

15-MINUTE PRESENTATION – Steve Matthews – Lockwood Avenue - Keith Henderson is representing the owner/applicant, Steven and Susan Matthews, Block: 151 – Lot: 8 – located in the R-3 Zone also known as 8 Lockwood Avenue. He has Paul Moore who is the Architect on this job. He asked if most of the Board has driven by the house and realized that it is up and because of a dimensional error and it's hard to explain except to say that there is a porch and then there is a house, when you look at the plans it looks like there is a full legal setback of 14.2-inches to the deck when in reality that distance if you scale it is the distance to the house. It was an inadvertent error, the house got built and by the way the house cleared zoning, not once but twice and then had a foundation survey that was submitted. The Architect brought the error to the attention of the Borough, the Borough then issued a stop work order, and we've had further discussions with the Borough, the stop work order has been lifted, except for the deck, because what's going on in the house, if this Board is willing to give the Variance, it's fine, if it isn't then the house would have to be moved back. Those are the only two options we have. It's not a particularly easy move, if you have seen the property it's a little tight to get to the rear of the property. We are here because a mistake was made; we're here to see if we can get relief from the Board to legalize what's on the ground. This was an average front setback, so the average was 14.2-inches permitted, to the front of the existing porch. Because of this error, the deck or porch is 6-feet wide, and so we have an error of 6-feet. Instead of having a 14.2-foot, we have an 8.2-foot setback. Mr. Cramer said so you are looking for feedback from the Board. Mr. Henderson said there is no happy solution to this for the owners because if they move it, they have to arrange for a house mover, that takes time, if they come back to the Board even if we get back on an early date, maybe we'll get on in January. The whole problem here is they planned to be in here for next summer. The option is moving the house or getting a Variance, so we're just trying to get some feedback from the Board as to whether it would grant some relief based upon what was an absolutely an innocent, honest error and one which was brought to the attention of the Borough, not by anything the Borough found but by the Architect when he realized the problem. John Muly asked about the stairs, Mr. Henderson said they will be completely on the property, we had them up, we checked them, they stopped just less than two feet from the property line. Mr. Henderson said it's just one of those inadvertent unfortunate situations; there is blame to go all around. Right now the subcontractors have walked off the job because they are afraid to work on it if it's going to be moved. If the Board would approve it then we could probably

start re-constructing now at our own risk and if there was a successful appeal, we would be in a position where the worst that would happen is we'd have to move it back. It's not the end of the world, but its more time than anything else. Mr. Henderson said we had the owner call all the neighbors and make sure they are ok with it, he wouldn't have bothered wasting the Board's time. Mr. Cramer said Mr. Henderson is looking for the Board to say do they prefer to have the house be picked up and moved back to accommodate the 14.2-foot front yard setback, or will the Board entertain an application for relief from the front yard setback requirement to be done as soon as possible. Mr. Henderson said that is precisely what he is here for, he doesn't want to waste the Board's time, and he doesn't want to waste his client's time when he should be focusing on getting the house moved. Mr. Muly said we will poll the Board. John and Kevin didn't have a problem with them coming to the Board for relief. Mark Apostolou said there is a lot of construction on Roger's Avenue and the whole area, the problem is now the averaging. Mr. Henderson said he had this problem in Sea Girt recently but he has spoken to the client about this but we had a stipulation in the Resolution that this house could not be used for averaging. Keith said if you didn't do anything about the averaging it would be just over a foot change. Mark would have to defer to any objectors, if objectors come forward with regard to that he would probably vote no. Bob Young said he would agree with Mark. Owen said he agrees with Mark and Bob, he would be open to it and he would say put some language in the Resolution regarding the averaging. Greg said it's totally out of place, if it was a foot, two feet he would probably be inclined to go along with it but he just thinks it looks way out of place for the Street. Paul said he's with Greg on that, he is also concerned about the averaging in the future and how it's fair to other applicant's overall. Keith said he appreciates the input, of course there are some people missing but they will go from here.

APPLICATION #37-2014 – Burroughs, Nancy – 80 Mohegan Road – Block: 12 – Lot: 17 – Zone: R-2 – William Rogan the son in law of the applicant and the daughter Karen Burroughs came forward to testify. Mr. Cramer swore them both in along with the Board Engineer. Mr. Rogan said he has been helping his mother in law get the house this past summer. The previous owner had a generator installed without getting permission. When they were going for their C/O they were told it was not going to comply so it was removed by the previous owners estate, because he had passed and they put it in the garage and that is where it is on blocks now. We are asking to put the generator back where it was which is on the side of the house back to its original place; the concrete slab and the hook-ups are there also. The only other option is to spend an excessive amount of money to tear up decks and concrete in the backyard to put the generator behind the house which is what the Code states. Where it sits on the side is at the northeast corner behind the house, the front of the house is actually staggered out, so the front of the house is 4-feet wider than the back of the house, where the generator is it is obscured from the front Street. There are existing bushes, plants; he doesn't think it will cause any visual issues from the Street. Our neighbor who is immediately next door, they haven't had any problem with it before; they said they would support us if needed. John Muly asked him how far from the neighbors house is the generator pad and he said about 20-feet. Mr. Rogan addressed all items in the TRC report. He said he would be more than happy to put additional shielding around the generator if it meant he didn't have to move it. Paul Rabenda said it would be difficult to move the generator to a different location and doesn't see a problem with keeping it where

it was. Mark Apostolou asked for wording in the Resolution that the shielding be maintained, Owen agreed with that statement. Paul said more favorable to a fence is evergreens. Robert Young made a motion to open the meeting to the public, seconded by Mark Apostolou, all in favor none opposed. There was no audience participation. Mark Apostolou made a motion to close the public portion, motion seconded by Councilman McCarthy, all in favor none opposed. Mark Apostolou made a motion to approve the application containing restriction on the language that they must maintain the shrubs and the like, the motion was seconded by Kevin Thompson. Mr. Rogan asked if instead of tearing up the concrete walkway that is next to the generator if he could put a fence in. Paul Rabenda said he feels a fence about 3-feet high would be sufficient. Kevin Thompson said it only comes on when there is no power and in essence only once a week for 20-minutes. Mr. Rogan said he doesn't even know about the cycle.

Board Members Voting Yes:

John Muly, Paul Rabenda, Councilman McCarthy, John Burke, Greg Love, Mark Apostolou, Kevin Thompson, and Robert Young.

APPLICATION APPROVED

APPLICATION #36-2014 – Pascale, Michael and Kathleen – 74–76 Rogers Avenue – Block: 157 – Lot: 29 – Zone: R-2 – Mr. Cramer swore in Mike Pascale, owner/applicant and Tim Laurie, Engineer/Planner with DW Smith, Robert Giovine of Zarelli Homes and Board Engineer Ray Savacool. Owen said this is a Use Variance so he and Bob Young have to step down. Mr. Pascale gave the background of the property and what his proposal is. His wife's family has a history of vacationing in Manasquan and he considers this his second home, he found this property for sale and fell in love with it. He did not purchase the property for income. He intends to take the front house down and build a house that is fully conforming. He owns no other real estate other than the house he lives in Maryland and his intent of this property is for the use of his family only. He addressed the TRC report. He said the houses are just shells right now since Super Storm Sandy. He is looking to the Board for guidance as to what they would like to see at the property, he would like to keep the shed that is in the backyard. He has someone who comes by to maintain the lawns. He deferred to his Engineer to address questions. Mr. Laurie gave his testimony on the property, he stated this is a lot area of 8750 square-feet, in the R-2 Zone where the minimum lot area is 5000 square-feet. They have two one-story framed buildings on the property. There is also a shed on the property. The main structure closest to Rogers Avenue is approximately 839 square-feet and it currently has a setback Variance of 2.4-feet on the side. We are going to knock down that structure, we are proposing a new two-story, 4-bedroom house which is approximately including the porch and deck 1686 square-feet, which is approximately including the porch and deck 153 square-feet less than the one-story dwelling. In addition, we are going to make this house conforming to the setbacks. It will be 5.5-feet off the side property line, 25-foot front yard setback, and 98.5-foot off the rear of the property. They are proposing to add dry wells; we have some landscaping in the front. The finished floor will be set at 12.5-feet, the house will be on piles and underneath there will be screening. The maximum building coverage of the allowed 30%, we are with all structures at 25.2 %, the maximum impervious coverage that's allowed is 45%, and we are at 43.7%. In addition they are proposing a long gravel driveway in replace of the existing driveway which will remain in the same location. He

gave the positive criteria of the application. Mr. Savacool asked the Engineer with regard to the rear house, you state it is just a shell right now. Mr. Pascale said it was remediated after the Storm, non-bearing walls were taken out and it was stripped of all appliances and the like, it's a standing structure but yes it's a shell. It is not habitable. It is substantially damaged and Ray Savacool said if that is the case and it's below the BFE and therefore cannot be rehabilitated in its current location. Or at least its current elevation, it would have to be elevated. This lends to the TRC question about what's the end game in the back house, is it just to make it habitable or is that going to be elevated at some time. Is that going to be reconstructed at some time, is that going to grow into a two-story dwelling at some time. Mr. Pasquale said he sees, he didn't think about that. It would never occur to him to make it any bigger than it is. Paul said he would have to get a substantial damage letter from the Flood Plane Coordinator, and if it's more than 50% damaged we would have to read the Ordinance of restoring a non-conforming structure, and how much can be removed before you cannot re-build it. Which he was trying to look up right now. Mr. Pascale said it was there and they figured they were supposed to fix it up. His Engineer said it is a shell of a house, the construction cost of bringing it up to into conformance is a lot less than 50% because it doesn't have heat, the only thing it really has is electricity. Mr. Apostolou said this is a single-family Zone, that's why you need a Variance and you know that the Master Plan really frowns upon that type of situation. It's our governance in a sense to get rid of these non-conformities, so his statement is have you considered raising the back and doing a larger structure to conform and that could give you a better house on the land, put your additional rehab cost into the house up front. Mr. Pascale said the reason he came up knowing there were these issues, he really wants to build the house he wants to build on the lot that he has designed right now. He doesn't want a much bigger house to take care of when he is retired. I look to you guys to do the right thing for the Town. Mark Apostolou said he can only speak for himself but he knows the intent of the Master Plan is for Zoning. We have intent to try to get rid of non-conforming uses. If you sold the property the subsequent purchasers are not bound by anything that we put a constriction on, so they can rent those two houses out, they can do whatever they want. Mr. Cramer asked Mr. Pasquale if the properties on both sides of him have two structures on them. Mr. Pasquale said no, with respect for the Board's time and his interest in not having to prolong the process of what he is trying to do, what would you like me to do to make you comfortable with tearing down the front house and putting my structure there? Kevin Thompson said he would like to see one structure on the property instead of two. Mr. Muly said that is the general feeling. Mr. Rabenda said he could renovate the front house and not even have to come before the Board. Mr. Pascale said he talked to the Town about that but feels that house is a mess and not nice for the neighborhood. Mr. Pascale asked the Board members if they are comfortable with the design he has presented for the front house. The response was yes. He said if I knock them both down can I call it a day and get to work. He would really like to leave the shed. Mr. Cramer asked Mr. Pascale if he is proposing to amend his application at this point, to seek Variance relief associated with the intention of the shed in the backyard, remove both existing single family structures on the property and build a single home on that property that conforms to the Zoning Ordinance. Mr. Pascale said yes, if that makes it easier for everybody then yes. Kevin Thompson made a motion to open the meeting to the public, the motion was seconded by Mark Apostolou, all in favor none opposed.

Audience Members Coming Forward:

Francis Kearns – 77 ½ Ocean Avenue – she is the neighbor behind Mr. Pascale, she asked him if he would please tell his landscaper to please take care of the weeds in the rear of his yard, they had a problem with mosquitoes and issues all summer. They didn't know who the owners were or how to reach him that's why they came to this meeting, they love his house and they wish him good luck with his house. We are good neighbors.

Mark Apostolou made a motion to close the public portion of the meeting, seconded by Kevin Thompson, all in favor none opposed.

Kevin Thompson made a motion to approve this application as discussed, shed staying, two houses are coming down, one will be built, the motion was seconded by Mark Apostolou.

Board members voting yes:

**John Muly, Paul Rabenda, John Burke, Greg Love, Mark Apostolou and Kevin Thompson.
*APPLICATION APPROVED***

Greg Love as the President of the Nomination Committee told the Board that they received letter of intent from T & M Engineering and Al Yodakis of Borough Engineering. It is on the record tonight and will still be open for nominations next month and then we vote.

John Burke said if we have two Engineering firms that are going to represent this Board are we going to interview those two firms. He suggested that the Tech Committee interview the two firms and make a recommendation to the Board. Greg has the letters and also the fee schedule. The recommendation will be made at the December 2, 2014 meeting. It was decided that the Board attorney will review the contract as the attorney to the Board. Greg Love said there is also a letter of intent to represent the Board by Geoffrey S. Cramer.

John Burke asked for a recommendation to have the TRC interview, Mark Apostolou moved to have the TRC interview the Engineers, seconded by Kevin Thompson, all in favor none opposed. Kevin asked if Neil was interested in being Chairman again, Paul Rabenda said he recommends Neil Hamilton for the Chairman, and John Muly as the Vice Chairman. Greg will reach out to Neil prior to the December meeting to be sure he will accept the nomination.

John Burke made a motion to close the meeting, seconded by Kevin Thompson, all in favor none opposed.

MEETING ADJOURNED AT 8:50PM

Respectfully Submitted,

**Mary C. Salerno
Planning Board Secretary**