

PLANNING BOARD  
MAY 16, 2023 4 PM

The Manasquan Planning Board held a special meeting in person and remotely on May 17, 2023 at 4:00 pm with Chairman Neil Hamilton presiding.

Chairman Neil Hamilton stated that notification of this meeting was given to the Asbury Park Press and the Coast Star and the agenda for this meeting has been posted on the official website of the borough.

Chairman Neil Hamilton welcomed everyone and asked that everyone join him in a Salute to the Flag.

**ROLL CALL:** Present: Lori Triggiano, Frank DiRoma, Greg Love, John Muly, Mark Apostolou, Leonard Sullivan, Neil Hamilton, and John Burke

Absent: Mayor Ed Donovan, Robert Young, and Mark Larkin

Also present was Board Attorney George McGill and Board Engineer/Planner Albert Yodakis.

Mr. McGill read the Sunshine Laws for the meeting and the process to be followed for the courtesy zoom meeting.

**APPLICATIONS**

**#07-2023 Cognetti, Marie – 435 Long Avenue – Block 175 Lot 30.01**

Representing the applicant was attorney Keith Henderson.

Mr. McGill stated that the board has jurisdiction.

Mr. McGill swore in Maria Cognetti, engineer/planner Tim Lurie, and Al Yodakis.

Mr. Henderson advised that the applicant is an attorney but not licensed in New Jersey.

Mr. Henderson asked questions of the applicant.

Ms. Cognetti went over when she acquired the property and advised that it is a vacant lot. She went over the history of the property and advised that her application is seeking a variance for the swimming pool.

The Board accepted Mr. Lurie credentials as a professional engineer/planner.

Mr. McGill marked the plot plan dated March 16, 2023 as Exhibit A-1.

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Mr. Lurie went over the property, the application and the variances being requested. He stated that there are no variances for the house as it is conforming. He went over water areas and the land areas for the board members. He went over the pool and where it will be located. He stated that the pool is in conformance with the borough ordinance and all CAFRA regulations except where it is located. He stated that the pool is set back 19' from the bulkhead. He went over the requirements of the C2 variance and the C1 variance requirements.

Mr. McGill stated that this is not necessarily a C1 hardship, but it fits in well with the C2 rationale as a better zoning alternative.

Mr. McGill marked the rendering of the house as A-2 which has already been approved by the zoning/construction.

Mr. Apostolou made a motion to open the hearing to the public, seconded by Mr. Burke. Motion carried unanimously.

Mr. McGill swore in Donna Ruggiero, 439 Long Avenue.

Ms. Ruggiero stated that she is in favor of this plan and has no objections.

Mr. Love made a motion to close the public portion, seconded by Mr. Burke. Motion carried unanimously.

Mr. Sullivan made a motion to approve this application, seconded by Mr. Apostolou. Motion carried by the following vote:

AYES: Ms. Triggiano, Mr. DiRoma, Mr. Love, Mr. Muly, Mr. Apostolou, Mr. Sullivan, Mr. Hamilton, and Mr. Burke.

NAYS: None

ABSTAIN: None

Mr. McGill stepped down from application #01-2023 and Kevin Kennedy stepped in.

**ROLL CALL:** Present: Frank DiRoma, Greg Love, John Muly, Mark Apostolou, Leonard Sullivan, Neil Hamilton, and John Burke

Absent: Mayor Ed Donovan, Robert Young, and Mark Larkin

Also present was Board Attorney Kevin Kennedy and Board Engineer/Planner Albert Yodakis.

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**#01-2023 North Potter Partners, LLC – 66 North Potter Avenue – Block 162 Lot 1 & 2  
(carried from 3/7/2023)**

Mr. Hamilton stated that this is the continuation of the carryover of North Potter Partners LLC application which is continued from the April 18, 2023. He stated that they will be continuing with the audience participation.

Mr. Kennedy advised that Mr. Love listened to the tape from the previous meeting and the planning board secretary has the signed document to that affect.

Note: Mr. Sullivan did not listen to the tape from the previous meeting and therefore cannot vote on this application.

Mr. Kennedy stated that the exhibits will be starting with A-23 which is a survey prepared by Paul Lynch, dated April 3, 2023 which has some of the tree details; A-24 amended site plans showing the location of trees located dated May 2, 2023 (3 sheets); and O2 from Mr. Liston Jr. to Jeff Beekman, the applicants attorney, dated April 20, 2023 and it was regarding the status of a NJDEP permit. He marked B-3 as the certification of Board Member Love that he reviewed the tape of the prior meeting.

Mr. Liston, attorney for objector Stiles went over the email inquiring about the CAFRA permit. He voiced his concern about the permit not being on file in the clerk's office.

Mr. Beekman stated that he has an email from the Deputy Municipal Clerk stating that the CAFRA permit was filed with the Clerk's office and in addition the public comment period has not started. He advised that the public comment for the CAFRA permit will start on June 1 with a 30 day period and that anyone within 200' will get noticed now that a date has been identified by CAFRA. He stated that the procedures for CAFRA are being followed and this board does not have jurisdiction related to CAFRA and any condition of any approval typically is going to require approvals from other governing authorities and jurisdictions over the property and the application.

Mr. Liston wanted to know when the CAFRA permit was filed with the Municipal Clerk.

There was discussion between Mr. Beekman and Mr. Liston regarding the CARFA application and noticing.

Mr. Liston suggested that this application be adjourned until after the 30 day period for comments regarding the CAFRA permit in order to give everyone an opportunity to address the CAFRA issues as well as these issues.

Mr. Beekman stated that they are ready to proceed and jurisdictionally it is a separate issue.

Mr. Hamilton stated that they will proceed with the application.

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The Planning Board Secretary, who is also the Municipal Clerk, provided an email to Mr. Kennedy showing that the CAFRA permit was filed with the Clerk's office. He marked this email from the NJDEP to the Municipal Clerk dated March 23, 2023 at 3:41 pm as Exhibit A-25.

Ms. Waterbury, engineer/planner for the applicant who was sworn in at the last meeting and is still under oath, presented the new plans with the location and size of the trees. She stated that the plans with the tree locations is dated May 2, 2023.

Mr. Hamilton opened the meeting to the public.

Mr. Kennedy swore in the following people and then they made their comments.

Veronica Marone voiced her concerns about this application and is not in favor of the trees being removed. She stated that she believes 3 homes is better than 4 homes but would really like to see 2 homes.

Pat Pelligrini voiced her concerns about this application and is not in favor of this application nor is she in favor of the trees being removed.

Charna Gerstenhanber voiced her concerns about this application and is not in favor of it and is concerned about the traffic.

Donna Gabelmann presented a document to the board members which was marked as Exhibit O1. She stated that the document has photos, and the last page is a written document. She went over the photos and voiced her concerns about this application and is not in favor of it.

Timothy McMahon voiced his concerns with this application and is not in favor of it.

Betsy Orner voiced her concerns about the trees and read a portion of the tree ordinance for the borough. She voiced her concerns about the application and is in favor of 2 lots and no trees being cut down.

Nancy Riddell voiced her concerns about the application and is not in favor of it. She read a statement regarding the wetlands.

Sandra Stiles voiced her concerns about the application, trees, traffic, and flooding and is not in favor of this application.

Roc Haussamen voiced his concerns about the trees and the possibility of preserving the copper beach tree.

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Alfred Sauer voiced his concerns about the application and is in favor of a 2-lot development. He voiced his opinion on how the board approves applications.

Mr. Apostolou made a motion to close the public portion, seconded by Mr. Burke. Motion carried unanimously.

Mr. Beekman stated that he has no further witnesses just rebuttal witness.

Mr. Liston stated that he has one witness which is his planner.

Mr. Kennedy swore in Andrew Thomas, planner.

Mr. Thomas went over his credentials and Mr. Beekman had no objections.

Mr. Liston asked questions of Mr. Thomas.

Mr. Thomas went over what he reviewed and how he came up with his plan for a 3-lot subdivision.

Mr. Kennedy marked the following exhibits: O-Liston3 tax map from 1934; O-Liston4 tax map from November 2013; and O-Liston5 photos (4) dated April 14, 2023

Mr. Thomas continued with his testimony and went over the trees on the property and criteria for a C2 variance. He went over his plan for a 3-lot subdivision. He explained where the driveways would be placed with his plan, and he went over the square footage of each lot.

There was discussion on the placement of the houses.

Mr. Beekman asked questions of Mr. Thomas regarding Mr. Thomas's plan and the Master Plan re-examination wording as well as the tax map. He also inquired about the guard rail and the driveway on Potter Avenue and stop signs on Ocean Avenue.

Mr. Liston asked Mr. Thomas if a 2-lot subdivision would be better.

Mr. Thomas said yes.

Mr. Burke made a motion to open the hearing again to public comment on what has just been presented, seconded by Mr. Apostolou. Motion carried unanimously.

Mary Forshay suggested having a traffic study done.

Mr. Love made a motion to close the public portion, seconded by Mr. Apostolou. Motion carried unanimously.

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There were comments and questions from the board members regarding this application.

Mr. Kennedy explained that the board will be voting on the application that has been submitted for a 3-lot subdivision not a 4-lot subdivision or Mr. Thomas's conceptual plan.

Mr. Liston made his closing statement.

Mr. Beekman made his closing statement.

Mr. Kennedy stated that the application before the board is requesting a subdivision and the 2 variance approvals. He went over the C1 and C2 criteria.

Mr. DiRoma made a motion to approve the application for the 3-lot subdivision with 2 variances as well as all conditions agreed to during the hearing, seconded by Mr. Burke.

AYES: Mr. DiRoma, Mr. Muly, Mr. Hamilton, and Mr. Burke

NAYS: Mr. Love and Mr. Apostolou

ABSTAIN: None

**OTHER BUSINESS**

Mr. Burke made a motion to close the meeting at 6:57 p.m., seconded by Mr. Love. Motion carried unanimously.

Date Approved: August 1, 2023