

PLANNING BOARD
JANUARY 5, 2021 7 PM

The Manasquan Planning Board held their Reorganization and regular meeting via Zoom on January 5, 2021 at 7:00 pm with Chairman Neil Hamilton presiding.

Mr. Hamilton stated that this meeting will be in 2 parts with the first one being the reorganization meeting and the second portion will be a regular meeting.

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: Edward Donovan, John Muly, Robert Young, Greg Love, Mark Apostolou, Kevin Thompson, Leonard Sullivan, Mark Larkin, and Neil Hamilton

Absent: Alternate Member John Burke and Mayor's Designee Barbara Ilaria

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 zoom meeting.

OLD/NEW BUSINESS

Oaths of Office

Mr. McGill swore in the following members: Mr. Apostolou, Mr. Young, Mr. Donovan and Mr. Larkin.

RESOLUTIONS

Resolution Appointing Chairman Neil B. Hamilton

Mr. Apostolou made a motion to appoint Neil Hamilton as the Chairman, seconded by Mr. Love. Motion carried unanimously.

Resolution - Appointment Vice-Chairman – Robert Young

Mr. Apostolou made a motion to appoint Robert Young as the Vice Chairman, seconded by Mr. Love. Motion carried unanimously.

Resolution – Appointment of Acting Chairman – Honorable Mark Apostolou

PLANNING BOARD
JANUARY 5, 2021 7 PM

Mr. Young made a motion to appoint Mark Apostolou as the Acting Chairman, seconded by Mr. Hamilton. Motion carried unanimously.

Resolution – Appointment of Recording and Corresponding Secretary – Mary C. Salerno

Mr. Apostolou made a motion to appoint Mary Salerno as recording and corresponding secretary, seconded by Mr. Donovan. Motion carried unanimously.

Resolution – Award of Contract for Board Engineer – Albert D. Yodakis, PE, PP, CME – Boro Engineering

Mr. Apostolou made a motion to appoint Albert Yodakis as the Board Engineer, seconded by Mr. Sullivan. Motion carried unanimously.

Resolution – Award of Contract for Planning Professional – Albert D. Yodakis, PE, PP, CME – Boro Engineering

Mr. Apostolou made a motion to appoint Albert Yodakis as the Board Planner, seconded by Mr. Sullivan. Motion carried unanimously.

Resolution – Award of Contract for Legal Services –George D. McGill, Esquire of McGill & Hall, LLC

Mr. Apostolou made a motion to approve George McGill as the Board Attorney, seconded by Mr. Hamilton. Motion carried unanimously.

Resolution – Adopting Rules and Regulations for the Year 2021

Mr. Apostolou made a motion to approve this resolution, seconded by Mr. Love. Motion carried unanimously.

Resolution Designation of Official Newspapers – Coast Star and Asbury Park Press

Mr. Apostolou made a motion to approve this resolution, seconded by Mr. Sullivan. Motion carried unanimously.

Resolution Meeting Dates 2021

Mr. Apostolou made a motion to approve this resolution, seconded by Mr. Young. Motion carried unanimously.

Mr. Apostolou made a motion to close the reorganization meeting, seconded by Mr. Young. Motion carried unanimously.

PLANNING BOARD
JANUARY 5, 2021 7 PM

REGULAR MEETING

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.

ROLL CALL: Present: Edward Donovan, John Muly, Robert Young, Greg Love, Mark Apostolou, Kevin Thompson, Leonard Sullivan, Mark Larkin, Neil Hamilton, and John Burke.

Absent: Alternate Member John Burke and Mayor's Designee Barbara Ilaria

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 zoom meeting.

OLD/NEW BUSINESS

Vouchers

Mr. Apostolou made a motion to approve the vouchers, seconded by Mr. Young. Motion carried by the following vote:

AYES: Mr. Donovan, Mr. Muly, Mr. Young, Mr. Love, Mr. Apostolou, Mr. Thompson, Mr. Sullivan, Mr. Larkin, and Mr. Hamilton.

NAYS: None

ABSTAIN: None

RESOLUTIONS

#12-2021– Stoma, Meredith & Peter – 26 Pearce Court - Application #24-2020 (carried from last meeting)

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

AYES: Mr. Donovan, Mr. Muly, Mr. Young, Mr. Love, Mr. Apostolou, Mr. Thompson, Mr. Sullivan, Mr. Larkin, and Mr. Hamilton.

PLANNING BOARD
JANUARY 5, 2021 7 PM

NAYS: None

ABSTAIN: None

APPLICATIONS

Union Avenue – Sepe – Affordable Housing Application

Mr. McGill stated that the applicant has submitted plans and elevations that are different than that contained in the ordinance. He stated that this application is part of the Affordable Housing requirements and the Borough's attempt to meet those requirements and that this property is part of the negotiations for Affordable Housing. He stated that this was worked out in the courts and approved by the courts and subject to a memorialization through an ordinance the Borough has adopted. He also stated that part of that ordinance required the applicant to provide plans that were consistent with those plans that were before the Borough during court proceedings and the elevation was attached and made part of the ordinance. He advised that the applicant has provided elevations that are different than that of the ordinance. He stated that this issue was known and that it was discussed between the applicant and Borough Planner Jennifer Beahm. He stated that there was discussion with the applicant and the applicant was advised that likely new plans would need to be submitted to be more consistent with what was before the court and subject to the negotiations. He stated that the new plans have materialized which is different from what was and is required by the ordinance. He advised that if the board finds that the plans are inconsistent the applicant would need a variance for the plans that they are presenting. He stated that there has not been a request for a variance or notice of a variance for the change in design. He stated that it his opinion a variance is necessary with the change in elevation.

Mr. McGill sworn in Borough Planner Jennifer Beahm.

Ms. Beahm stated that she is the Borough's Affordable Housing Planner. She stated that there were plans that were included in the Settlement Agreement along with a list of materials to be used. She also stated that in the Settlement Agreement and the Zoning Ordinance it states that the architecture for the proposed project shall be substantially consistent with the concept plan included with the settlement. She stated that she found that the plans submitted were inconsistent with the concept plan attached to the agreement. She went over the inconsistencies with the plans and stated that she had meetings with the professionals for the applicant and was under the impression that revisions were going to be made to the plans. She went over the timeline of meetings and conversation that took place. She stated again that the plans submitted are not substantially consistent with the Settlement Agreement and it is her opinion a variance would be required or the applicant should either notice for the variance and come back and try and justify the modified plan or revise the architectural plans to be substantially consistent with the rendering attached to the concept plan. She stated that she has spoken with Erik Nolan the Borough Fair Share Housing Attorney about the deviation from the concept planned submitted and agreed to with the court and the borough and he was not happy to hear the status. She stated that if there is justification and the board feels that the applicant has

PLANNING BOARD
JANUARY 5, 2021 7 PM

substantiated the burden for the relief then Mr. Nolan would review the documentation with Fair Share Housing Center and the Court to insure that the board is not jeopardizing the town's overall settlement on the Borough's affordable housing matters.

Mr. Hamilton stated that he would need to rely on Ms. Beahm's support for whatever application is submitted since she has been involved in the entire process.

Ms. Beahm stated that in her opinion, the plans as proposed, represent a building that appears to be significantly larger than what was approved with the settlement agreement because you are taking out the open air which makes it all building. She stated that the open air area was a big factor in the approval of the concept at the time of settlement.

Mr. Hamilton stated that they are going to need to see the original and the revised plans to see how much the square footage has increased. He stated that Mr. Yodakis will also need to be very involved and see what is being changed and provide a revised report to the members.

John Sarto, Esq., attorney for the applicant stated that he received Ms. Beahm's letter earlier today. He stated that their position is that there was a very detailed notice and it complies with the requirements of the statute. He stated what is being proposed is a 23 unit multifamily building pursuant to the settlement agreement and is consistent with the settlement agreement and the prior notices. He stated that there is a variance that they observed was the size of the parking spaces which is listed in the notice as well as a catch all phrase stating that they would be seeking any further variances, waivers or exceptions that were required at the time of the hearing as identified by the planning board or their professionals without further notice. He stated that the applicant is aware of situation and is comfortable proceeding with this application. He stated that he disagrees with the inconsistencies that Ms. Beahm discussed earlier and does agree that the plans submitted are not identical. He read the ordinance for the AR-2 Zone section 35-5.22g and stated that they are meeting all the standards in the materials list and that these plans are consistent with rendering, all be it not identical. He read a section of the Settlement Agreement which states the obligations of the borough and he believes that these plans are reasonably consistent.

Mr. McGill stated that he does think that there is a notice issue here and the reliance is essential on the catch all of the notice. He voiced his concerns on moving forward with this application at this meeting.

Mr. Apostolou inquired about the applicant going back to the courts to certify new plans.

Ms. Beahm stated that she will reach out to Mr. Nolan the Borough's Affordable Housing attorney to discuss but she thinks from a timing stand point that going back to the courts would be a longer process to amend a settlement agreement.

PLANNING BOARD
JANUARY 5, 2021 7 PM

Mr. Sarto stated that the settlement clearly provides that the planning board has jurisdiction to grant all variances that are necessary and he believes that this can be dealt with at the planning board and would be quicker than going to the courts.

Mr. Apostolou made a motion to have the applicant re-notice and appear before the planning board at a later date, seconded by Mr. Young.

AYES: Mr. Donovan, Mr. Muly, Mr. Young, Mr. Love, Mr. Apostolou, Mr. Thompson, Mr. Sullivan, Mr. Larkin, and Mr. Hamilton.

NAYS: None

ABSTAIN: None

Mr. Hamilton stated that the next available meeting date would be March 16, 2021 at 4 pm.

Mr. Sarto requested that the applicant be added to the February schedule since it is an affordable housing matter and was filed a year ago.

Mr. Hamilton stated that February is full and March 16 is the best they can do.

Mr. McGill stated that there needs to be new notice for the March 16, 2021 hearing date.

Mr. Sarto asked if there could be a special meeting in February for the applicant to be heard.

There was discussion on days in February where a meeting could possibly be held.

After discussion of different dates it was finalized that March 16 at 4 pm would be the date for the hearing.

OTHER BUSINESS

There was a discussion on outstanding bills and the January 26, 2021 meeting content.

Mr. Apostolou made a motion to close the meeting, seconded by Mr. Thompson. Motion carried unanimously.

Date Approved: September 14, 2021