

PLANNING BOARD  
DECEMBER 14, 2021 4 PM

The Manasquan Planning Board held a zoom meeting on December 14, 2021 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: Edward Donovan, Kevin Thompson, Robert Young, Greg Love, John Muly, Mark Apostolou, Leonard Sullivan, Neil Hamilton, and John Burke

Absent: 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 zoom meeting.

### **Approval of Minutes**

Regular Meeting Minutes - July 20, 2021

Mr. Apostolou made a motion to approve the minutes, seconded by Mr. Sullivan. Motion carried unanimously.

### **Applications**

**#35-2021 Cinfo, Janet & Scott – 337 Beachfront/336 First Avenue – Block 185 Lot 14**

Appearing for the applicant was Michael Henderson, Esq.

Mr. McGill put the following exhibits into the record: B-4 Letter of Al Yodakis dated 12/9/2021; A-16 Engineering plans of Charles Lindstrom dated 11/30/2021; and A-17 Architectural Plans of Art Schneider dated 12/2/2021.

Mr. Henderson went over the changes that they have made including building overage which was reduced to 36%. He stated that there are revised plans that have been submitted. He stated that the main issue was the building coverage which has been addressed.

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Mr. McGill swore in Charles Lindstrom-Engineer, Art Schneider, Architect, and Board Engineer -Al Yodakis.

Mr. Lindstrom stated that the building area has been reduced and moved the First Avenue building back to provide the proper setback and parking for that building. The variances that they are seeking now are moving the building back towards the rear which would reduce the building separation by 30.8 where 35 is required. This would allow for 2 parking spaces in the driveway and 2 in the garage. He went over the moving of the First Avenue house back and the parking spaces. He stated that the building coverage is at 35% which is allowed so there is no variance, and the impervious coverage has been reduced from 42.7% to 38%. He stated that the front yard setback variance has been eliminated on First Avenue. He stated that there is still the ocean front building variance which is 10.7' proposed where 15' is required, building separation variance of 30.8' where 35' is required, dormer length of 18'10" where 10' is required and parking of 18' where 19' is required. He went over the generator placement which will be a variance with the new plans.

There was discussion on the separation of the buildings and parking variances.

Mr. McGill added into evidence the following: A-18 Rendering of street front residence from the southwest; A-19 Beachfront residence from the west showing stair access to the beach; A-20 Beachfront residence from the southeast ocean side; A-21 Rendering of beachfront residence from the ocean.

Mr. Schneider went over where the generators would be located on the First Avenue residence, the stair access to the beach and the rendering of the oceanfront view of the beachfront residence. He went over the reduction in building coverage and the mechanicals as well as the dormer variance requested.

There was discussion on the dormer and the closet space above it.

There was a brief recess to allow Mr. Schneider and Mr. Henderson to speak to their clients about the size of the dormer and the staircase.

Mr. Schneider stated that they can reduce the dormer by 2'6" to achieve 16'2" dormer and he believes it would be problematic to make it any smaller.

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

There being no comment Mr. Apostolou made a motion to close the hearing, seconded by Mr. Love. Motion carried unanimously.

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

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

NAYS: Mr. Love

ABSTAIN: None

**#43-2021 VFW Lodge 1838 – 30 Ridge Avenue – Block 43 Lot 4.01**

Mr. Donovan was excused from participating as this is a use variance. Mr. Burke was excused as he is member of the VFW.

Appearing for the applicant was Keith Henderson, Esq.

Mr. McGill put the following exhibits into the record: B-1 Board Engineer Report Dated 9/9/2021; A-1 Amended Site Plan from Ray Carpenter dated 10/25/2021; A-2 Architectural Plan from Brian Collins dated 3/24/2021; A-3 Survey Dated 3/4/2021; A-4 Application; A-5 Denial of Permit Dated 10/14/2020.

Mr. McGill swore in Ray Carpenter-Engineer and Joseph Murphy representing the VFW.

Mr. Murphy stated that he is currently the Commander of the VFW Post. He stated that the VFW has been there since 1930 and he is looking to get a covered area by awning by the garage that was already approved. He stated that it would only be seasonal, and he is looking for approval for an outside bar and they have constructed a handicap ramp and bar. He stated that the outside bar area will be used for special events and daily events as well as charitable events. He went over the 8 community events that were previously approved by the board and hours of operation of the Post and hours of operation. He stated that the area where the outside bar and handicap bar area was used for the same purpose prior to it being built. He stated that the area is being used for the same purpose as it was before the bars were built. He stated that the new bar area would hold approximately 100 to 120 people and that is less than what the area could hold originally. He stated that currently there is only one shed on the property which holds all the tables and chairs which are used for the 8 community events. He stated that they are looking to have the area covered with an awning which would include the bar and the handicap area that has been built.

There was discussion on the number of community events that were approved and who approved them and the end time for the events.

Mr. McGill explained the zoning part of the events and the Borough part of the events.

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There was discussion on the 2013 planning board resolution and if the number of events was a stipulation or testimony. There was also discussion on the use of the garage by the planning board for serving food.

Mr. McGill stated that the VFW application can move forward even with the issues that have been brought up with the number of events taken place.

There was discussion on the size of the garage and how it got to be bigger and when the outside concrete bars were installed.

Mr. Murphy stated that the outside concrete bar was installed about 18 months ago pre-Covid.

The board accepted Ray Carpenter's credentials as a licensed engineer/planner.

Mr. Carpenter stated that the applicant is seeking the legalization of the canopy and bar area behind the garage and the extended handicap canopy and bar area. He stated that the applicant is also requesting a variance for the shed, but it can be moved to comply with the setbacks. He stated that the existing nonconformities of the property are the front yard setback and the lot coverage. He stated that the permitted lot coverage is 45% and in 2013 64.4% was approved. He stated that now they are requesting 59.56% which is less lot coverage then what was approved in 2013. He stated that they are seeking a variance for the garage building.

He went over Al Yodakis' report including parking spaces, outside lighting, signage, drainage system that exists, grading on the site, handicap elevator, trees and the reason for leaving in the 2013 approved items that might not have been done due to funding.

Mr. McGill stated that the use falls under D2 which is the expansion of a nonconforming use.

Mr. Carpenter stated that the area where the bar is will have less occupants than it did prior to the bar being built and would not be intensifying the use.

Mr. McGill stated that it could be seen as an intensification because a bar is a fixed structure and is permanent.

Mr. Apostolou inquired about the drainage system.

Mr. Carpenter stated that he will provide the drainage system plans. He stated that he will revise the plans to include the lights.

There was discussion on the number of events that are held at the VFW and where the canopies will be located.

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

Shaun Brown, 14 Ridge Avenue was sworn in by Mr. McGill and stated that he is represented by Mr. Middleton.

Mr. Middleton voiced the objections to the application regarding the outdoor bars, parking, and noise coming from the property. He stated that they would not object to the expansion if they closed in the area. He voiced his understanding of a D2 variance and agreed with Mr. McGill.

Mr. Brown went over the impact on him and his family with the issues he sees with the VFW and events being held there outside as well as street parking issues. He stated that the VFW doesn't fit in an R2 zone and the right thing to do is move them to a proper zone. He stated that he would be open to the actual building itself being expanded not the storage shed.

Mr. Henderson questioned Mr. Brown on how he came up with the expansion of 2600 square feet.

Mr. Brown stated that he got the number of 2615 square feet from the zoning officer's letter.

Mr. Middleton questioned Mr. Carpenter on parking requirements and the square footage on the property as well as the number of seats at the bars.

Stephanie Brown, 14 Ridge Avenue was sworn in by Mr. McGill. She voiced her concerns about the requested expansion and stated that she is not in favor of any expansion inside or out.

Mr. Apostolou (Judge) swore in Pamela Martin, 10 Ridge Avenue. She voiced her concerns on the noise from the VFW and is not in favor of the expansion of the outside bars. She stated that if the VFW wants to expand, they should find a different location.

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

Mr. Henderson requested that this application be carried so he has a chance to talk to his client and try and work out some of the issues with the neighbors.

Mr. Sullivan made a motion to approve to carry this application to February 1 with no re-notice required, seconded by Mr. Apostolou. Motion carried by the following vote:

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

NAYS: None

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ABSTAIN: None

There was a 5-minute break.

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

Absent: Kevin Thompson and Mark Larkin

**#46-2021 Ricci, Robert – 451 Long Avenue – Block 175 Lot 45.01**

Mr. McGill put the following exhibits into the record: B-1 Board Engineer Dated 9/14/2021; A-1 Plans dated 7/10/2019; A-2 Final As Built Survey; A-3 Letter from Mr. Furey dated 5/17/2021 stating violation of height; A-4 Application.

Mr. McGill swore in Applicant Robert Ricci and Brian Keller the builder.

Mr. Ricci went over his request for a height variance and how he believes the house was built over the required height.

Mr. Hamilton inquired about a height certification at framing.

Mr. Keller stated that the certification was required after the first floor was framed. He went over where the .6' additional height was created.

There was discussion on the height of the building and what the planning board has been approving.

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

Dana Miller and Robert Miller was sworn in by Mr. McGill.

Ms. Miller stated that she is speaking for her parents and that she is in favor of allowing Mr. Ricci to keep the height of the structure.

Mr. Miller stated that he agrees with Ms. Miller and in favor of allowing Mr. Ricci to keep the height of the structure.

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

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

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

NAYS: None

ABSTAIN: None

**OTHER BUSINESS**

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

Date Approved: September 13, 2022