

PLANNING BOARD
MAY 18, 2021 4 PM

The Manasquan Planning Board held a zoom meeting on May 18, 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: John Muly, Robert Young, Greg Love, Mark Apostolou, Kevin Thompson, Leonard Sullivan, Mark Larkin, Edward Donovan, Neil Hamilton, and John Burke.

Edward Donovan joined the meeting at 4:05 pm.

Absent: 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 –

There was no old/new business to discuss.

RESOLUTIONS

Application #17-2021 – Mullarky, Richard – 327 First Avenue

Mr. McGill stated that the resolution number for this application is 35-2021.

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

Application #23-2021 – Lilinshtein, Edward – 236 Second Avenue

Mr. McGill stated that the resolution number for this application is 36-2021.

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

APPLICATIONS

30 Minute Presentation by Keith Henderson – 176 East Main Street

Mr. Hamilton stated that this presentation has been withdrawn.

Mr. Hamilton requested that the Parziale application #24-2021 be moved up prior to the Young application #22-2021.

#18-2021 – RALCO – 21 N. Main Street – Carried from April 20, 2021 – Plan Change

Appearing for this application was attorney Kevin Starkey, Engineer/Planner Ray Carpenter and Applicant Neil Ducharme.

Mr. Starkey stated that the plans have been revised to include the planning board's suggestions which would include the balconies in the back. He stated that this would eliminate 4 variances that were being sought before and now requesting a new minor rear yard setback variance.

Mr. Carpenter stated that the major changes that are being proposed would be to eliminate the patio to the left rear of the building and provide balconies on the rear of the units. He also stated that by doing this it creates a variance for a rear yard setback where 5 feet is required and 3 feet is proposed which would be strictly for the balconies. He stated that the architectural drawings have been revised to show the designated storage for the tenants in the basement. He stated that the one variance that remains is the parking within 10 feet of adjacent property line which is the bicycle path and it is 7 feet at the nearest point. He also stated that there was a grade discrepancy at the front of the building relative to the finished floor of the building, but revised plans were sent to Mr. Yodakis showing the new elevation so that is no longer an issue.

Mr. Starkey went over with Mr. Carpenter the variances that they are no longer seeking which included a patio in the side yard; exterior living space on each unit of 80 square feet and the enclosed storage unit in the basement of 80 square feet. Minor variance for lot coverage which by eliminating the patio does not exist.

Mr. Carpenter stated that they are still seeking a variance on the parking where 17.17 is required and they are seeking 17.

Mr. Starkey asked Mr. Carpenter to address #18 on the Planning Board Engineer's letter dated May 11, 2021 as it relates to the landscaping.

Mr. Carpenter stated that an alternate shrub was requested and he stated that he would not be in favor of the recommendation of a holly bush because of how big they can get and it would not be good for the balconies in the back.

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Mr. Thompson stated that he does not agree with Mr. Carpenter's opinion on the holly as they can be shaped and trimmed.

Mr. Apostolou stated that the holly bush is resistant to deer also.

Mr. Yodakis stated that he agrees with Mr. Thompson on the use of holly bushes for this application.

Mr. Sullivan inquired about the exiting of the parking lot left or right onto N. Main Street.

Mr. Hamilton stated that the exiting out of the parking lot would be left or right onto N. Main Street.

Mr. Hamilton inquired about the garbage and the pickup schedule for garbage and recycling.

Mr. Apostolou stated that the schedule was not discussed and there was not detailed discussion on the area where the garbage would be kept.

Mr. Carpenter stated that there is a garbage enclosure shown on the plans which would be in the parking lot and the applicant would rather have cans than a dumpster as it would be easier for the garbage hauler to collect.

Mr. Thompson inquired about curbside pickup at the site and the Kelly Law which would require the town to reimburse the owner for garbage pickup.

Mr. Hamilton stated that the board would like to see a hauler come into the parking lot and haul it out.

Mr. Starkey stated that the Kelly Law does not apply to mix use facilities.

Mr. Hamilton requested that the garbage and recycling be picked up twice a week.

Mr. Apostolou requested that the garbage pickup and recycling language be put in the resolution as mandatory.

Mr. Starkey stated that pickup of garbage and recycling twice a week is acceptable to the applicant.

Mr. Burke inquired about the elevator and if it goes all the way to the basement.

Mr. Ducharme was sworn in by Mr. McGill.

Mr. Ducharme stated that both the stairs and the elevator go to the basement.

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

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There being no comment, Mr. Apostolou made a motion to close the public portion, seconded by Mr. Sullivan. Motion carried unanimously.

Mr. Love stated that he believes that the building is too dense for the area.

Mr. Apostolou asked that the resolution be drafted to include that the applicant go before the Borough to seek permission for the water fountain.

Mr. McGill confirmed the variances for this application.

Mr. Apostolou made a motion to approve this application subject to the stipulations discussed and agreed upon, seconded by Mr. Young.

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

NAYS: Mr. Love

ABSTAIN: Mr. Donovan

#24-2021 – Parziale, Carmela – 204, 208 Fourth Avenue – Major Subdivision

Appearing for the application was Attorney John Sarto,

Mr. McGill swore in Mr. Sarto.

Mr. Sarto stated that this application is for conforming preliminary and final major subdivision where the applicant is proposing to consolidate 2 existing lots and then subdivide them into 3 new conforming lots. He stated that there is no site plan portion for this application and there are no proposed improvements. He stated that the applicant will comply with the planning board engineer as it relates to demolition of the current houses.

Mr. Yodakis stated that this is a pretty straight forward application. He stated that the dwellings do need to be removed otherwise they are looking at variances. He did request that the monuments be set before the plot plan is filed. He stated that there were a few other technical items in his letter and requested that they agree to them.

Mr. Sarto stated that they are agreeing to all of the conditions in his review letter. He stated that as it relates to #10 of the conditions, they obtained a letter from the Monmouth County Planning Board of No Interest dated May 12, 2021.

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

Mr. McGill swore in Frank Conca.

Mr. Conca stated that he is a former owner of some property on Fourth Avenue near the applicant's property. He voiced his opinion on this request and is in favor of it.

Mr. McGill swore in Edward Adamcik.

Mr. Adamcik stated that he lives on Third Avenue behind the applicant's property and wanted to know how he gets to see the plans for the construction.

Mr. Hamilton stated that the new lots are conforming so the applicant does not need to come back to the planning board as there will be no variances required. He stated that there is no notice required to the neighbors when building on a conforming lot. He suggested reaching out the zoning officer to see if the plans have been submitted and advised that they can be reviewed by anyone requesting to see them.

Mr. Sarto stated that if Mr. Adamcik sees footings going in then that means that the plans have been submitted and approved and this is the time that he can go look at the submitted plans at Borough Hall.

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

Mr. Apostolou made a motion to approve this application as proposed with the condition that the monuments be set, seconded by Mr. Sullivan.

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

NAYS: None

ABSTAIN: None

#22-2021 – Young, Matthew & Diana – 18 Muriel Place

Appearing for the application was Matthew Young who stated that he believes this to be a simple application as he is looking to put a hot tub behind his house.

Mr. McGill stated that the application calls out for a variance in the side yard and upon review of the application by the planning board engineer found that the lot coverage with a roof at 12' x 24' is

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actually at 31% building coverage where 30% is permitted. He stated that he needs to clear up with applicant if he wishes to seek a variance for the building coverage. He stated that if the patio and roof are reduced to 12' x 22' it will be conforming. He stated the applicant's option would be to adjourn and file a notice and come back to the planning board or stipulate to reduce the size of the patio and roof to 12' x 22'.

Mr. Young stated that he has already received zoning approval as proposed for the covered patio.

Mr. McGill stated that the zoning approval was in error and he sees that Mr. Young is shaking his head. He stated that the applicant is probably asking the board to give a variance for a hot tub in the side yard where it is already overburdened. He stated that the board can rescind the permit for the approved roof, as they have those powers to do so under the Municipal Land Use Law.

Mr. Young stated that the application to the planning board was for a variance for the hot tub. He stated that he does not see how the planning board can rescind a determination by the zoning officer.

McGill stated that the planning board has the power to rescind or modify orders of the zoning officer. He stated that it would be in the applicants best interest to make the building coverage correct.

Mr. Young asked that if he agreed to reduce the building coverage by changing the size of the covered patio that would be ok.

Mr. McGill stated that it would correct the building coverage issue.

Mr. Young stated that he will reduce the size of the covered patio to meet the 30% building coverage.

Mr. McGill swore in Albert Yodakis.

Mr. Yodakis stated that by his calculations with the survey submitted that is the applicant removes a foot on either side of the covered patio to bring it down to 12'x22' the patio would conform.

Mr. Young stipulated that he would make the covered patio 12'x22' to conform.

Mr. Hamilton asked Mr. Young to explain why the hot tub needs to be in the side yard.

Mr. McGill swore in Matthew Young.

Mr. Young stated that he had the patio installed last year and this year he wanted to put in a hot tub behind his house. He stated that he meets the side yard setbacks but a hot tub in the side yard is not permitted. He stated that being on a corner lot there is no back yard.

There was discussion on the hot tub being enclosed or not enclosed.

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Mr. Hamilton stated that he believes that the board cannot request that the patio not be enclosed.

Board Member Robert Young stated that he has no relationship to the applicant.

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

There being no comment, Mr. Apostolou made a motion to close the public portion, seconded by Mr. Thompson. Motion carried unanimously.

Mr. Yodakis went over what is required of the applicant.

Mr. Young stated that there is no rear yard on this property and that is why they are seeking this variance.

Mr. Burke made a motion to approve this application as proposed with the condition that the covered patio be reduced to 12'x22', seconded by Mr. Donovan.

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

NAYS: None

ABSTAIN: None

OTHER BUSINESS

Planning Board Secretary Mary Salerno advised the members of the following upcoming scheduled applications: June 1 – Brielle Road; June 15 – E. Virginia and Allen Avenue.

Mr. McGill stated that the judge has not made a decision on the motion to intervene with the Cemetery issue.

There was discussion on in person meetings and will they continue.

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

Date Approved: SEPTEMBER 14, 2021