

PLANNING BOARD  
FEBRUARY 23, 2021 4 PM

The Manasquan Planning Board held a zoom meeting on February 23, 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, and Neil Hamilton

Edward Donovan arrived at 4:11 pm.

Absent: Mark Larkin, John Burke, and Mayor's Alternate 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. Young made a motion to approve the vouchers, seconded by Mr. Apostolou. Motion carried by the following vote:

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

NAYS: None

ABSTAIN: None

**Ordinance 2334-21 – Stormwater Regulations**

**Ordinance 2337-21 – Site Plan Regulations**

Mr. Yodakis went over the 2 ordinances for the board members.

Mr. McGill stated that he finds that both ordinances are consistent with the Master Plan.

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Mr. Thompson made a motion to approve both ordinances, seconded by Mr. Apostolou. Motion carried by the following vote:

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

NAYS: None

ABSTAIN: None

Mr. McGill read resolution 2021-20 into the record for Ordinance 2334-21.

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

Mr. McGill read resolution 2021-21 into the record for Ordinance 2337-21.

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

**RESOLUTIONS**

**Application #26-2020 - Weaver, Cynthia – 131 Third Avenue**

Mr. McGill stated that the resolution number for this application is 15-2021.

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

**Application #29-2020 Snisky, Paul & Kelly – 551 Brielle Road**

Mr. McGill stated that the resolution number for this application is 16-2021.

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

**Application #30-2020 - Pardavila, Auturo & Leslie – 403 First Avenue**

Mr. McGill stated that the resolution number for this application is 17-2021.

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

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**Application #31-2020 - Roth, Darlene & Jarrett – 193 Third Avenue**

Mr. McGill stated that the resolution number for this application is 18-2021.

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

**Application #28-2020 - Paccione, Joseph & Hoffman, Jason – 50-50 ½ South Street**

Mr. McGill stated that the resolution number for this application is 19-2021.

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

**APPLICATIONS**

**#32-2020 Grannick, Benjamin & Jenna -104 Lenape Trail**

Appearing for this application was the applicants.

Mr. McGill swore in Benjamin and Jenna Grannick.

Mr. Grannick stated that they are looking for approval for a front porch which requires a front yard setback. He stated that the porch will not be enclosed.

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

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

Mr. Apostolou made a motion to approve this application as proposed with the stipulation that the porch not be enclosed, 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, and Mr. Hamilton.

NAYS: None

ABSTAIN: None

**#10-2021 Ware, Mary & Charles – 85 McLean Avenue**

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Appearing for this application was the applicants.

Mr. McGill swore in Mary and Charles Ware.

Ms. Ware stated that they are looking for a variance for their generator to be installed in the side yard. She explained why they are requesting this variance.

Mr. Ware stated that the neighbor on the other side of the fence has an air conditioner unit and other mechanicals on the other side in the side yard.

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

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

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

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

NAYS: None

ABSTAIN: None

**#31-2019 Vasilenko, David – 43 Taylor Avenue**

Mr. McGill stated that Mr. Donovan as the Mayor cannot participate in this hearing as it is a use variance.

Appearing for this applicant was attorney Celeste Miller, Engineer William Merunka, Architect Daniel Lynch and applicant David Vasilenko.

Mr. McGill swore in Mr. Lynch, Mr. Merunka and Mr. Vasilenko.

Ms. Miller asked questions of Mr. Vasilenko.

Mr. Vasilenko stated his current address and the reason for leaving the current facility. He went over the operations that will take place and the hours that the office will be open. He stated that a lot of the foot traffic has discontinued since March of last year when COVID started when documents started being signed electronically. He also went over lighting for the property. He went over the reason for the request for a larger garage. He stated that the request for the rear

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apartment would be for family use only and will not be rented out and he stated that if this needs to be stipulated he would agree to that. He went over the state rules and regulations as it relates to cremation facilities. He stated that this property would only be an office. He stated that he is willing to do whatever is required of him from the board to get this application approved.

Ms. Miller asked Mr. Lynch to state his business address and professional qualifications.

Mr. Lynch went over his qualifications and address.

Mr. Lynch went over the existing dwelling and stated that the property is in need of renovations. He went over some of the changes that are being proposed for the apartments. He also went over the proposed garage and the purpose for it. He showed pictures of the existing property as well as showing renderings of the proposed project.

Exhibits: A-1 picture of 31 Taylor, A-2 picture of 37 Taylor, A-3 picture of 39 Taylor, A-4 picture of 43 Taylor, A-5 picture of 47 Taylor, A-6 picture of 77 Taylor, A-7 Rendering View One from Taylor Avenue, A-8 Rendering View Two from Taylor Avenue, A-9 View of Addition from the Proposed Parking Area, A-10 View of Proposed Garage, A-11 View to Proposed Garage from Driveway.

Mr. Hamilton requested that the signage in the front be removed and all signage be reviewed by the zoning officer for any signage to be placed on the property if the application is approved. He inquired about the garage and 3 cars being able to fit with the current garage door.

Mr. Vasilenko stated that on the rendering of the proposed garage it shows the door in the wrong place and it should be where the window is.

Mr. Merunka was dropped from the meeting at this time due to connectivity.

Ms. Miller went over the board engineer's letter and stated that there are 19 issues and many of them have been addressed and she acknowledges that they are seeking a D variance and 3 C variances. She went over the items in the letter and explained each one to the board.

Mr. Yodakis jumped in to help out in the absence of Mr. Merunka. He went over his letter regarding the variances. He stated C3 is a variance for the parking setback to the north where they have the shared sidewalk and they are proposing a recharge trench along that property line and there will be gravel going over top of that for the parking in that area. He stated that he does not see this as a huge concern not really a huge buffer concern there and it is required for the drainage along that area. He stated that number 4 on his report is an existing condition that is a front yard setback and will not be modified. He stated that the storage space has already been discussed under number 5 and number 6 was also discussed which is the shared driveway to the property to the north. He stated that number 7, 8, & 9 are drainage issues and have been discussed with Mr.

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Carpenter going back a number of months ago. He stated that he believes that Mr. Carpenter was willing to say that he would be able to address the drainage issues.

Ms. Miller stated that she discussed the drainage with Mr. Carpenter and that 7, 8 & 9 will be added to the plans. She stated that all of the requirements from the Borough will be satisfied.

Mr. Yodakis stated that number 10 was already discussed regarding garbage, hours of operation, and site lighting. He stated number 11 was trash collection which was discussed as well. He advised that number 12 is just a statement of fact. He asked that number 13 be agreed upon to advise the landscaping plan as there was a discrepancy with the architects plan and the site plan.

Mr. Lynch stated that they will make any revisions that need to be done to comply.

Mr. Yodakis stated he is looking to get some revisions to the garage layout to conform to the site plan on number 14.

Mr. Lynch stated that any revisions like the door modification to make the garage work for the applicant in conformance with engineering will be complied with.

Mr. Yodakis stated that number 15 deals with the driveway to the south which has been discussed already. He asked if all new utilities be placed underground if possible in this location.

Ms. Miller stated that she did discuss this with the engineer and if it is possible the utilities will be placed underground.

Mr. Merunka re-joined the meeting at this time.

Ms. Miller requested that Mr. Merunka continue with the engineer's letter starting with number 17 which required that utilities be placed underground, if possible.

Mr. Merunka stated that the only new utilities expected would be the electric to the garage and that can run underground.

Ms. Miller stated that number 18 is a statement of fact and asked Mr. Merunka to go over number 19.

Mr. Merunka stated that any outside approvals will be submitted and be submitted per resolution compliance.

Mr. Apostolou asked that Mr. Merunka confirm compliance for numbers 12 through 17 of the planning board engineer's letter.

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Ms. Miller asked Mr. Merunka as it relates to number 12 of the letter which addresses the proposed air conditioning units and the setbacks.

Mr. Merunka stated that the air conditioning units are up against the building in conformance as to what is required. He stated that number 13 relates to the landscaping design and it will be revised and that it will comply with the site plans.

Ms. Miller stated that Mr. Lynch has address number 14 and number 15 was discussed already by the applicant. She asked that Mr. Merunka address number 16 of the letter and the lighting issue.

Mr. Merunka stated he can show the locations on the site plan and at this point since all sites around this site are residential and the limited office hours during the day, there weren't any proposed major parking lot lighting. He stated that he will show the locations of the building mounted lights and if the board requires they do have safety bollards in front of all the parking spots and put lights there if the board seeks that requirement.

Ms. Miller qualified Mr. Merunka as an expert.

Mr. Yodakis asked Mr. Merunka to submit details for the lights and demonstrate that they will be shielded.

Mr. Merunka stated that he will.

Mr. McGill stated that for the record Mr. Merunka is being accepted as an expert in professional engineering.

Ms. Miller stated that she would like to address the issues of the special reasons to support the D variance addressing both the negative and positive in her sum up remarks. She stated that Mr. Lynch showed some photos of the east and west side of Taylor Avenue and asked that the board take judicial notice that on both sides of Taylor Avenue is the main drag and there are different zones in the area. She stated that there is a lot of zone changes going on in this area and there are special reasons to support the grant of this D variance as the property is suitable for the proposed use and the general welfare of the public would be service. She stated that there is a small residence above an office and could be lighter use than a 2 family house which currently exists.

Mr. Apostolou asked if this would be stipulated and deed restricted.

Ms. Miller stated yes. She stated as to the negative criteria given the multiple zones on both sides of Taylor Avenue there is no negative impact whatsoever with a structure that would have an office on the first floor and a residence above. She stated as in terms of light, air, open space, and esthetics they all support the grant of the D variance.

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

Mr. McGill swore in Sueann Schaad.

Ms. Schaad inquired about the landscaping details for this property as her backyard abuts up to this property.

Mr. Lynch stated that it is his understanding that the applicant will provide landscaping around the foundation in the front and there is screening proposed in conformation with the ordinance along the rear and sides of the property. He stated that any additional ornamentals would be up to the applicant.

Mr. Hamilton stated that the back of the property was pretty wooded and suggested the applicant put in some substantial trees to put the buffer and shade zone back behind the garage.

Ms. Schaad stated that anything that could be done fairly would be greatly appreciated.

Mr. Thompson stated that he would work with Mr. Yodakis to come up with a plan for the proper variety and size of trees for the area.

Mr. McGill swore in Luann Mopsick.

Ms. Mopsick stated that she lives on Parker Avenue and is in support of this application. She stated that she can see ACME from her backyard and believes the trees will help hide that sight.

Mr. Apostolou asked if she is in favor of the garage as well.

Ms. Mopsick stated as long as the applicant is within the setbacks she is fine with it.

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

Mr. Love voiced his concerns about the mixed use request for this application.

Mr. Hamilton stated that the planning board, the borough and the borough planner are looking to see what can be done with Taylor Avenue to get people to invest and clean up some of the properties in this area. He stated a survey was done and went over the mixed uses in the area and stated what this applicant is doing which could be the start to welcome investors to come into the area. He voiced his opinion on the mixed use in this area and stated that he welcomes this as a start until there is a sit down to figure out a game plan for this area. He asked if this area is re-zoned could the applicant be able to rent the upstairs apartment.

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Mr. McGill stated that he would either do it or not do it and not put a time limit on it. He stated that if the board has a condition of approval it could be put in the resolution with the condition provided that the zone remains the same and the applicant could come back in and get the condition lifted. He stated that if the board is concerned about this then he would suggest not having a deed restriction as they are more difficult to remove.

Mr. Hamilton stated that this would be the better way to do it.

Mr. Yodakis stated that he believes this is a good direction for the board to move in and thinks it is a better use of this area and he opens up some opportunities for people to come in and make a better use of properties in this area. He stated that this area has lacked in redevelopment for the borough.

Mr. Thompson stated that this area has been an issue for a long time and this might be the start of improvements.

Mr. Sullivan stated that you have to start somewhere and he is in favor of this application.

Mr. Apostolou stated that he agrees with Mr. Thompson and Mr. Sullivan and this is what needs to happen in this area.

Mr. Hamilton stated that he is not in favor of the size of the garage and since there is a neighbor that is in favor of the application he is in favor of it.

Mr. McGill stated that this application could be put into two separate votes, one for the use variance with the one foot setback and the driveway variances that are necessary with the use and one for the garage variance as it is not related to the use.

Mr. Sullivan inquired about an oversized 2 car garage instead of the oversized garage submitted and discussed.

Mr. Hamilton stated that this was already discussed and the purpose for the oversized garage was for 3 cars and lawn equipment etc.

Mr. Sullivan asked the applicant if he really needs 3 cars.

Mr. Vasilenko stated that he really needs the space. He has 3 vehicles and needs the extra space as there is not a lot of storage in the building. He stated that his property goes back 225' so it is not really encroaching on the size of the lot and you would not even know that it is there. He stated that the extra 20' would be a big help.

Mr. McGill stated that there will be 2 separate votes, one for the use variances along with the 2 design variances and then the garage.

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Mr. Hamilton stated that he will need a motion to approve the use variance with an office on the first floor and residential on the second floor with a condition by resolution only that it will not be rented it will be used for family only.

Mr. Apostolou made a motion to approve the use variance with the above conditions, seconded by Mr. Thompson. The motion carried by the following vote:

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

NAYS: None

ABSTAIN: None

Mr. McGill stated that the second vote is for the 2 design variances to include the 1' setback and the reduction of the 24' isle.

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

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

NAYS: None

ABSTAIN: None

Mr. McGill stated that the third vote would be on the garage.

Mr. Apostolou made a motion to approve the oversized garage subject to the architect redrafting the garage door and the entrance door, seconded by Mr. Thompson. Motion carried by the following vote:

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

NAYS: None

ABSTAIN: None

Mr. Apostolou stated that there was correspondence from Mr. Liston and he has not been heard as there has been no further contact from him nor was the neighbor.

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**OTHER BUSINESS**

Mr. Hamilton stated that he is hoping that something can be done for the Taylor Avenue area to bring renovation to the area and clean it up. He also stated that the generator's in the side yard ordinance is getting looked at to allow them in the side yard.

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

Date Approved: SEPTEMBER 14, 2021