

PLANNING BOARD  
JULY 13, 2021 7 PM

The Manasquan Planning Board held a zoom meeting on July 13, 2021 at 7:00 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, John Muly, Robert Young, Greg Love, Mark Apostolou, Kevin Thompson, Leonard Sullivan, Neil Hamilton, Mark Larkin, and John Burke

Absent: None

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. Sullivan.

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

NAYS: None

ABSTAIN: None

**RESOLUTIONS**

**#42- 2021- Grapel, Carolyn – 19 Allen Avenue – Application #28-2021**

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

**Amending Planning Board Rules and Regulations – Incorporate Remote Meetings**

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

**APPLICATIONS**

**15 Minute Presentation – BDL, LLC – 86 Main Street (Sullivan’s)**

Appearing for BDL, LLC was Michael Aromando and Brian Hatfield and Shawn Thompson landscape designer.

Mr. Harfield stated that this would be a design center with approximately 5 employees on the first floor. He stated they would be looking to take the existing structure and adding 16 feet to the east and roughly 10 feet to the frontage and still staying within the building envelope that is allowed. He stated that they are proposing two 2 bedroom 900 square foot apartments on the second floor and this is Option 1. Option 2 proposes one 2 bedroom apartment at approximately 1350 square foot. Option 3 proposes one 2 bedroom apartment at approximately 1150 square feet. He stated that the first option would have 10 spots and Options 2 and 3 would have 8 parking spots.

Mr. Apostolou voiced his concern on the traffic pattern and stated that it would make more sense to come in off Broad Street and exit west only on Main Street.

Mr. Hatfield stated that the height of the building would be in compliance with height requirements. He stated that this property has a clean bill of health with the NJ DEP as the tanks have been removed and they will be doing a phase one and, if needed, a phase two on the purchase of the property. He stated that currently they have in hand a clean bill of health from the DEP.

There was discussion on the different options and the required outside space for the apartment as well as the number of parking spots for the area.

Mr. Hamilton stated that a use variance would be required.

**#26-2021 – Yorey, Rosemary – 373 E. Virginia Avenue**

Appearing for this application was the applicant and Mr. Berzinskis.

Mr. McGill swore in architect Brian Berzinskis, Rosemary Yorey, and Al Yodakis.

Exhibits B-1 – Mr. Yodakis letter dated April 23, 2021; A-1 plans presented by Grasso Design Group, Mr. Berzinskis; A-2 plot plan prepared by Mr. O’Malley dated September 10, 2020; A-3 survey prepared by Mr. O’Malley dated June 4, 2019; A-4 Application; and A-5 letter of denial from Richard Furey.

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Ms. Yorey stated that she is requesting a variance for an addition on her home. She stated that her son is handicapped and she needs help with her son. She stated that her daughter and grandson will be moving in with her to help her out.

Mr. Hamilton accepted Mr. Berzinskis' as an expert in architecture.

Mr. Berzinskis stated that this is a single family home that is a split level. The addition would be on the first floor with an office and bathroom in the back right side and the second would include two bedrooms that share a full bathroom between the rooms. He stated that this plan requires two variances one of which is a side yard setback and the other is building coverage. He stated that the only impervious area would be the driveway and a walkway in the front of the property. He stated that the garage will be made smaller and used for storage.

Mr. Yodakis stated that he believes there is only room for one off street parking space with the other spot into the Borough right of way.

Mr. McGill stated that if the spot is going to be in the Borough right of way then it cannot be counted as an off street parking space. He stated that the application would need to be amended for the one off street parking spot.

There was discussion on the driveway.

Mr. McGill stated that a condition would be that they are going to re-design the driveway to provide for 2 parking spaces side by side.

Mr. Berzinskis stated that if there mechanicals need to be moved they would go in the backyard as there is room without getting into any rear yard setback issues. He also stated that there is no grading changes have been proposed.

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

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

Mr. Berzinskis confirmed that there would be no negative impact to the town, there would be no negative impact to light, air, open space, the master plan of the town and that the safety benefit would be to be neighborhood including aesthetic and safety benefits would outweigh any negatives.

Ms. Yorey stated that she would be willing to change the driveway to accommodate two cars.

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Mr. Apostolou made a motion to approve this application with the stipulations discussed, 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. Hamilton, Mr. Larkin and John Burke

NAYS: None

ABSTAIN: None

**#29-2021 – Laura Ferchak – 7 Meadow Lane – Bulk Variance**

Appearing for this application was the applicants, architect Brian Berzinskis and engineer Joseph Kociuba.

Mr. McGill swore in Brian Berzinskis, Joseph Kociuba, Laura Ferchak, and Bill Ferchak.

Ms. Ferchak stated that they own the property at 7 Meadow and have owned it since January of 2006. She stated that they would like to rebuild their home from its current two bedroom one bathroom to a larger home to accommodate their family.

Mr. Hamilton accepted Mr. Kociuba's credentials as an expert.

Mr. Kociuba went over the application and the variances being requested to remove the existing single family dwelling and construct a new two story single family dwelling. The variances that are being requested are as follows: lot area- 3400 sf required, 2767 existing; front setback – 25 ft. required, 9.3 proposed; rear setback – 20 ft. required, 17.34 ft. proposed; building coverage – 35% permitted, 37.8 proposed; accessory building side setback – 3 ft. required, 1.5 ft. existing; Onsite parking – 2 spaces required, 0 spaces proposed; and curb cut – 12 ft. permitted, 16 ft. proposed. He stated that the parking spots are non-compliant by a foot and advised that there is room for off street parking.

Mr. McGill stated that the plot plan will be marked as Exhibit A-1; B-1 Boro Engineers letter dated June 9, 2021; A-2 plans from architect; A-3 survey from Clearpoint Services; A-4 application; and A-5 Denial letter from Mr. Furey dated May 17, 2021.

Mr. Kociuba went over the building height and the various setbacks for the property. He stated that the building coverage being requested is 37.62% where 35% is required. He went over the C-1 and C-2 Criteria and stated this application can be granted under these Criteria. He stated that the setbacks to the shed exist and ask to maintain those and that they will be eliminating a substantial amount of impervious coverage as a balance where the current impervious coverage is 69.2% which is being reduced to 47.3% which is compliant.

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Mr. McGill inquired about the parking.

Mr. Kociuba stated that they require relief for the width at 16' and they could reduce it to a 12' curb width at the street.

Mr. Yodakis inquired about the storm water system and he assumes that Mr. Kociuba is not proposing one due to the high ground water.

Mr. Kociuba is requesting relief from the storm water system because of the seasonal high making it difficult to propose a proper system.

Mr. Yodakis requested test data from Mr. Kociuba to demonstrate that.

Mr. McGill wanted to know if there was any benefit to the curb cut going to 12'.

Mr. Kociuba stated that, although non-compliant, the benefit is that at 16' you could fit two cars side by side and would provide a little bit of extra parking for a smaller vehicle.

Mr. Hamilton stated that there is going to be a one car variance for parking.

Mr. Kociuba stated technically it is zero as there is no conforming parking stalls here. He stated that his testimony is that you can park two vehicles here.

Mr. Yodakis stated that there will be two conforming spaces outside the edge of pavement but not actually on their property but on the borough right of way. He stated that it would be a benefit to get them to have two parking spaces off of the road.

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. Young. Motion carried unanimously.

Mr. Muly inquired about the dormers and if there is living space up there.

Ms. Ferchak stated that it is just stylistic and there is no living space on that level. She doesn't know the size of the dormers and would just be for storage.

Mr. Berzinskis stated that you could not stand up in the dormers.

Mr. Thompson inquired about the water/sewer laterals remaining and if they know what type of metal the lateral and he highly recommends that a new one inch copper lead into the house from the main and check on the sewer lateral.

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Mr. Apostolou wanted to know if the water/sewer lines can be made part of the resolution.

Mr. McGill stated that this is not a requirement that the board can make.

Mr. Kociuba stated that he will strongly recommend that his client do so.

Mr. Love stated that there is a one car garage underneath for one car and the second spot would go into the right of way but could still be off street.

Mr. Kociuba showed that there is a one car garage which is only about 17 feet deep.

Mr. Donovan stated that he would not approve this application unless there were two conforming parking spaces that do not encroach on the right of way.

There was discussion on moving the house back to accommodate the two parking spaces and there was discussion moving the garage to the right of the dwelling to accommodate the two parking spots that are required.

Mr. Berzinskis stated that moving the dwelling back would only be about 1.7 feet. He suggested having the cars parking side by side in front of the garage.

Mr. Kociuba stated that they would not be compliant side by side because you need 18 feet between the posts. He asked for a moment to speak to his clients. He stated that his clients are willing to push the house back the 1.7 feet to have the compliant parking in the front and keep the garage in the location that it is. He stated that they will need relief for one space.

Mr. Hamilton stated that pushing the house back still doesn't work if the garage is not getting any bigger.

Mr. Kociuba asked for a moment to speak to his clients. He stated that a car can fit under the covered porch and if they flip the garage and driveway to the right side there is no parking in the garage and that will certainly require one of the stalls to be out in the right of way. He stated that the driveway and garage need to stay on the left side in order to have that compliant parking stall in the front and the house will be shifted back to provide a fully compliant stall on the left. In order to provide the second compliant stall is to expand the back of the garage on the ground floor which would kick up the building coverage by about 32 square feet will bring the coverage to 38.8% and they would flip the stairs in the other direction.

Mr. Ferchak stated that they would remove the shed if they needed to.

Mr. McGill requested that revised plans be submitted to Mr. Yodakis for his review.

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Mr. Kociuba stated that they are stipulating and amending the application accordingly.

Mr. Apostolou made a motion to re-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. Young. Motion carried unanimously.

Mr. Apostolou made a motion to approve this application as so stipulated and amended, 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. Hamilton, Mr. Larkin and Mr. Burke.

NAYS: None

ABSTAIN: None

**OTHER BUSINESS**

Mr. Young stated that the Zoning Officer Richard Furey sent a request from the Salty Whale to locate a generator in their side yard. He asked Mr. McGill if the Tech Committee should be approving that.

Mr. McGill stated that it is Mr. Furey's call according to the ordinance and he has written resolutions in the past and Mr. Furey that it is appropriate when they come to the Board.

Mr. Hamilton went over corner properties requesting generator's and advised that generators can be approved at a location by the Tech Committee.

Mr. McGill stated that he will pull that up as he believes the Tech Committee should not be approving this as that is essentially granting a variance without coming to the planning board. He stated that if Mr. Furey sends this to the board then it should be heard by the board. He voiced his legal opinion on this ordinance and stated that this is not a good practice to follow and that the ordinance should be looked at and amended. He stated that all of these should come before the board until the ordinance is changed.

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

Date Approved: DECEMBER 7, 2021