

PLANNING BOARD
JUNE 20, 2023 4 PM

The Manasquan Planning Board held a special meeting in person and remotely on June 20, 2023 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: Mayor Edward Donovan, Lori Triggiano, Frank DiRoma, Robert Young, John Muly, Mark Apostolou, Leonard Sullivan, Neil Hamilton, and John Burke

Absent: Greg Love and 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 courtesy zoom meeting.

APPLICATIONS

#10-2023 Henry, James & Sarah and 83 Morris Ave., LLC – 85 Morris Avenue – Block 71 Lot 108, 3.02 & 110.01

Attorney John Brennan was present representing the applicants. He went over the property, retaining wall and stated that the applicant is seeking permission to install a 6' fence on top of the wall.

Attorney Timothy Middleton was present representing the Reillys who are neighbors just west of the subject property. He stated that his clients have no objection to the fence being requested.

Mr. McGill swore in project manager, John McDonough; applicant James Henry; engineer, Kevin Shelly and borough engineer/planner Al Yodakis.

The board accepted Mr. Shelly's credentials.

Mr. McGill marked the following exhibits: A-1 Application, A-2 Plot Plan; A-3 Photos; A-4 Aerial Map; and A-5 Fence Exhibit.

Mr. Shelly went over the property and what currently exists on the property as well as the grade changes. He stated that they are seeking approval to replace a 3' chain link fence on top of the 3'

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wall with a 6' solid vinyl fence which requires a variance. He went over the reasons for the request which included safety. He went over Exhibit A-2 Plot Plan and explained where the requested 6' fence will be located. He also went over A-3 photos of the property and explained each one and what direction they were taken.

Mr. Burke inquired about the gate and if it is on raised ground or is it on the natural contour of the property.

Mr. Shelly stated that it is on raised ground.

Mr. Burke stated that there is already a 6' fence on top of raised ground.

Mr. Shelly stated that he does not recall a permit for the gate and fence, but it could have been done before the ordinance was amended in October. He continued with his presentation. He went over Exhibit A-4 Aerial Map which shows the brook in the back of the property as well as the pool on the property.

Mr. McGill stated that the members on zoom do not have access to new documents submitted tonight. He stated that they would be allowed to participate but shouldn't vote.

There was discussion on the document and if it is that important to the application.

Mr. McGill stated that Mr. Young is taking a photograph of the exhibit and sending it via text to Mr. Apostolou and Mr. Muly.

Mr. Apostolou and Mr. Young stated that they received the exhibit and it is clear.

Mr. Shelly stated that he is familiar with the properties in town that abut water and advised that this is a unique property with the grade change. He went over the property line and where the fencing will actually go on the west side of the property.

There was discussion on a 4' fence around the pool and the code regarding height of fence around a pool.

Mr. Brennan went over the reasons for the request and the uniqueness of the property which is near the wetlands.

There was discussion on the request for a 6' fence on the east side of the property and if it will be a detriment to the neighbors looking at the fence.

Mr. DiRoma made a motion to open the hearing to the public for questions of Mr. Shelly's testimony, seconded by Ms. Triggiano. Motion carried unanimously.

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Leigh Comerford, 89 Morris Avenue stated that the air flow through the window will be impacted if there is a fence right on the property line.

Kevin Comerford, 89 Morris Avenue voice his concern of a 6' fence on top of a 3' wall would be 9' feet.

Mr. Shelly stated that his opinion is that he does not believe that a small section of a 6' fence would create a negative airflow situation or any of the windows on 89 Morris Avenue.

Ms. Comerford voiced her concerns about the fence and the airflow through their window if a 6' fence is erected. She inquired about moving the fence in 5 feet so there would be no variance.

Mr. Shelly stated that the ordinance is based off the existing grade and the existing grade has been raised by the retaining wall. He stated that installing the fence 5' from the property line would still be the same condition where a variance is required.

Ms. Comerford inquired about the fence that is currently installed at the front of the Henry property.

Mr. Brennan stated that the Henry's followed all the rules regarding the installation of the fence.

Mr. Hamilton stated that there are no more questions of Mr. Shelly.

Project Planner John McDonough's credentials were accepted by the board as a planner.

Mr. McDonough stated that he agrees with Mr. Shelly's testimony and analysis. He went over the benefits and the detriments of this variance request with the C1 and C2 standards. He went over the unique situation of this property and the drainage. He stated that the fence would have no impact to the neighbor's magnolias and cypresses.

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

Leigh Comerford inquired above the flood plain in Henry's back yard.

Mr. Brennan went over the elevation of the Henry's back yard and the house elevation.

Mr. McGill swore in Leigh and Kevin Comerford.

Ms. Comerford voiced her concerns about the request for a 6' fence on top of a 3' wall and how it will affect the airflow to their property.

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Mr. Comerford voiced his concerns about the requested variance.

Mr. McGill asked if the Comerford's have a problem with a 4' fence.

Mr. Comerford stated that is what is on the plans and approved.

Ms. Comerford stated that the 3' fence is what they should stay with and is not in favor a 9' solid structure which would include the 3' fence and a 6' fence on top of it.

Mr. Brennan asked questions of Ms. Comerford about the holly that was recently planted and the fence that is currently there and the requested fence height.

Mr. McGill marked a picture from Ms. Comerford as O-1 of the magnolia trees from their property.

Mr. Brennan continued his questions of Ms. Comerford regarding the variance and the property line and the plantings and if the fence would be seen through the plantings.

There was discussion on the planting of Comerford's holly and magnolias.

Mr. Brennan asked that Mr. Henry be able to testify at this time.

Mr. McGill advised that Mr. Henry has already been sworn in.

Mr. Henry went over the property and voiced his opinion and support of the 6' solid fence request.

There was clarification on a 4' fence around a pool.

Mr. Hamilton asked Mr. Henry if a 4' solid fence on his side would be sufficient.

Mr. Henry stated that he personally does not think that a 4' fence would keep his dog and kids on their property and that is why they are asking for a 6' fence.

There was discussion on when the flood hazard was adopted.

Ms. Comerford voiced her concern about the fact that Mr. Henry stated that she constantly called DEP and questioning this. She stated that she believes the pool without a fence around it is a greater risk than climbing over a 3' fence to land 6' on the ground.

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

Mr. Brennan made his closing statement.

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Mayor Donovan asked why it needs to be a solid fence.

Mr. Henry stated that primarily they have issues with the Comerford's.

Mayor Donovan stated that a different type of fence could be put up which would not impact the air, wind and sunlight.

Mr. Henry advised that he is looking for a solid fence.

Mr. Young inquired about a split fence.

Mr. Henry stated that he would not consider a split fence.

Mr. Hamilton stated that he doesn't think 6' is going to be approved and the applicant does not want to compromise to a 4' or 5' fence.

Mr. Brennan stated that the applicant would be amenable to modifying the plans to a 5' fence on the easterly side.

Mr. McGill went over the process that he would like to see regarding the height of the fence.

Mr. Brennan stated that they are proposing a 5' solid fence from the front of the shed to the post of the gate.

Mr. McGill stated that the applicant has amended, and the board has excepted the amendment to the application to construct a 5' solid fence on the easterly side from the neighbor's shed to the gate and 6' for the rest of the easterly side.

Ms. Comerford voiced her concerns and opinion on the 5' section of fence as well as the 6' fence still being requested for the other portion of the easterly side.

Mr. Hamilton made a motion to approve the 6' solid fence on the westerly side and 5' in max on the easterly in its entirety. This motion was not seconded.

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

AYES: Mayor Donovan, Ms. Triggiano, Mr. DiRoma, Mr. Young, Mr. Muly, Mr. Apostolou, Mr. Sullivan, and Mr. Hamilton.

NAYS: None

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ABSTAIN: None

There was discussion on how to get information that is provided at the meeting to the board members that are on zoom.

Mr. McGill read the closed session resolution.

ADJOURNMENT

Mr. Young made a motion to close the meeting at 6:57 p.m., seconded by Ms. Triggiano. Motion carried unanimously.

Date Approved: September 12, 2023