

**PLANNING BOARD SECOND MEETING AUGUST 18 2020 - 4 PM - ZOOM AGENDA
CONDUCTED WITH ZOOM
AUGUST 18, 2020 4:00 PM – TUESDAY**

Join Zoom Meeting

<https://zoom.us>

OR

Tel – 1-646 876 9923 US (New York)

ID # 261 009 5007

Password 281 797

Please take notice that the Manasquan Planning Board will convene a remote meeting on August 18, 2020 4:00 PM. (The Board had previously advertised the said meeting, but the within notice is being re-advertised so as to publicize the remote nature of the same.) Due to the Coronavirus/COVID-19 Borough and State Directives, the said meeting is being held remotely, through a web-meeting conference communication system. The remote meeting format will allow Board Members and the Public to simultaneously hear, listen to, participate in, digest, observe, comment on, and/or otherwise object to any and all Board decisions/actions. The remote meeting format, as aforesaid, will allow the Borough's Planning Board to conduct business, without violating any Executive Orders, without violating any COVID-19 Health and Safety Protocol, and while still complying with the spirit and intent of Prevailing Provisions of New Jersey Law. (Please note that the public access to the Municipal Building is not currently permitted).

Members of the public are welcome to, and encouraged to, participate by observing/participating in the remote meeting. The meeting will be held via Zoom. You can access the meeting through the Zoom App via a smartphone or tablet, via a special link on your computer, or by telephone. Note the information printed above.

PUBLIC MEETING

Salute to the Flag

Roll Call

Sunshine Law Announcement

OLD/NEW BUSINESS

- [1. Professional Vouchers](#)
2. Minutes July 7 2020 Regular Zoom Meeting
- [3. C Keith Henderson letter regarding Suppa re-hearing](#)
- [4. Letter from Evan Shadlun requesting extension](#)

RESOLUTION

- [1. RESOLUTION #19-2020 - SUPPA, MICHAEL - 45 FIRST AVENUE](#)

APPLICATION

- [1. MANASQUAN HIGH SCHOOL FIELD HOUSE](#)
- [2. APPLICATION #17-2020 - BELLERAN, JUDITH - 27 MAIN STREET - MINOR SUBDIVISION](#)
- [3. APPLICATION #21-2020 - SHANNON, DANIEL - 369 BEACHFRONT, 368 FIRST AVENUE](#)

OTHER BUSINESS

Comments from individual board members

PURCHASE ORDER NUMBER This number must appear on Invoices, B/L, Bundles, Cases, Packing List, Delivery Receipts and all Correspondence.

BOROUGH OF MANASQUAN
201 EAST MAIN STREET
MANASQUAN, NJ 08736

PAYMENT RECORD

DATE _____

P.O.#: _____ Vendor #: _____

CHECK NO. _____

SHIP TO: Borough of Manasquan
201 East Main St
Manasquan, NJ 08736

IRS #21-6000820-TAX EXEMPT UNDER
PROVISION OF NJ SALES & USE TAX
ACT (CHAPTER 30, LAW OF 1966).

VENDOR: George D. McGill, Esq.
McGill&Hall, LLC
708 10th Ave
Belmar, NJ, 07719

DATE _____

DATE REQUIRED _____

STATE CONTRACT# _____

IF FURTHER INFORMATION IS REQUIRED
CONTACT PURCHASING OFFICE (732) 223-2292

NOTICE: COMPLETE SHIPMENT OF ALL ITEMS IS DESIRED, PARTIAL DELIVERY PAYMENT WILL BE MADE ONLY WHERE DISCOUNT APPLIES.

QUANTITY/ UNIT	DESCRIPTION	ACCOUNT NO.	UNIT PRICE	AMOUNT
	Prof-Legal Services Borough of Manasquan Planning Board Fees for professional legal fees rendered Suppa 45 First Avenue As described on Invoice No. 10423			<u>\$384.00</u>
	AMY SPERA, CFO			

VENDOR: THIS VOUCHER SHALL BE SIGNED & RETURNED TO THE TOWNSHIP TREASURER WITH YOUR INVOICE.

UNLESS OTHERWISE INDICATED, ALL PRICES ARE F.O.B. DESTINATION, FREIGHT PREPAID & CHARGED BACK.

VENDOR'S CERTIFICATION AND DECLARATION

I do solemnly declare under the penalties of the Law that the within bill is correct in all its particulars: that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

The items specified in the above account were necessary for the purposes of this department and were authorized by the undersigned, in conformity with the ordinances of Borough of Manasquan for the use and benefit of said Borough. Each item has been received and its quality is as ordered. The work specified has been properly done and each price charged is correct. No price is higher than the prevailing market price as far as we can ascertain, or more than the contract price.

SIGNATURE _____

SIGNATURE _____ (FINANCE CHAIRMAN)

POSITION Board Attorney DATE 7-30-20

SIGNATURE _____ (FINANCE COMMITTEE)

SOCIAL SECURITY NO. _____

SIGNATURE _____ (FINANCE COMMITTEE)

EMPLOYER I.D. # _____ CORPORATION: YES NO

McGill and Hall, L.L.C.
 P.O. Box 150
 708 10th Avenue, Second Floor
 Belmar, NJ 07719

INVOICE

Manasquan, Planning Board of the Borough of
 201 East Main Street
 Manasquan, NJ 08736

Invoice 10423

Date	Jul 30, 2020
Terms	
Service Thru	Jul 30, 2020

In Reference To: Suppa, Michael (work)

Date	By	Services	Hours	Rates	Amount
07/07/2020	GDM	Preparation: Review of Application, Report of Al Yodakis, P.E., emails with Mary Salerno regarding Notices, Review of Notice provided to the Neighbors and the Affidavit of Publication in the Coast Star and plans in preparation of the rearing.	0.80	\$ 120.00/hr	\$ 96.00
07/09/2020	GDM	Draft: Review of notes, application, and plans, preparation of resolution.	2.40	\$ 120.00/hr	\$ 288.00

Total Hours	3.20 hrs
Total work	\$ 384.00
Total Invoice Amount	\$ 384.00
Previous Balance	\$ 0.00
Balance (Amount Due)	\$ 384.00

PURCHASE ORDER NUMBER This number must appear on Invoices, B/L, Bundles, Cases, Packing List, Delivery Receipts and all Correspondence.

BOROUGH OF MANASQUAN
201 EAST MAIN STREET
MANASQUAN, NJ 08736

PAYMENT RECORD

DATE _____

CHECK NO. _____

P.O.#: _____ Vendor #: _____

SHIP TO: Borough of Manasquan
201 East Main St
Manasquan, NJ 08736

IRS #21-6000820-TAX EXEMPT UNDER
PROVISION OF NJ SALES & USE TAX
ACT (CHAPTER 30, LAW OF 1966).

DATE _____

DATE REQUIRED _____

STATE CONTRACT# _____

VENDOR: George D. McGill, Esq.
McGill&Hall, LLC
708 10th Ave
Belmar, NJ, 07719

IF FURTHER INFORMATION IS REQUIRED
CONTACT PURCHASING OFFICE (732) 223-2292

NOTICE: COMPLETE SHIPMENT OF ALL ITEMS IS DESIRED. PARTIAL DELIVERY PAYMENT WILL BE MADE ONLY WHERE DISCOUNT APPLIES.

QUANTITY UNIT	DESCRIPTION	ACCOUNT NO.	UNIT PRICE	AMOUNT
	Prof-Legal Services Borough of Manasquan Planning Board General Account Fees for professional legal fees rendered Borough Account - Planning Board of the Borough of Manasquan As described on Invoice No 10422			\$654.00
	_____ AMY SPERA, CFO			

VENDOR: THIS VOUCHER SHALL BE SIGNED & RETURNED TO THE TOWNSHIP TREASURER WITH YOUR INVOICE.

UNLESS OTHERWISE INDICATED, ALL PRICES ARE F.O.B. DESTINATION, FREIGHT PREPAID & CHARGED BACK.

VENDOR'S CERTIFICATION AND DECLARATION

I do solemnly declare under the penalties of the Law that the within bill is correct in all its particulars: that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one

The items specified in the above account were necessary for the purposes of this department and were authorized by the undersigned, in conformity with the ordinances of Borough of Manasquan for the use and benefit of said Borough. Each item has been received and its quality is as ordered. The work specified has been properly done and each price charged is correct. No price is higher than the prevailing market price as far as we can ascertain, or more than the contract price.

SIGNATURE 
POSITION Board Attorney DATE 7-30-20

SIGNATURE _____ (FINANCE CHAIRMAN)

SIGNATURE _____ (FINANCE COMMITTEE)

SOCIAL SECURITY NO. _____

SIGNATURE _____ (FINANCE COMMITTEE)

EMPLOYER I.D. # _____ CORPORATION: YES NO

McGill and Hall, L.L.C.
P.O. Box 150
708 10th Avenue, Second Floor
Belmar, NJ 07719

INVOICE

Manasquan, Planning Board of the Borough of
201 East Main Street
Manasquan, NJ 08736

Invoice 10422

Date	Jul 30, 2020
Terms	
Service Thru	Jul 30, 2020

In Reference To: Borough Account - Planning Board of the Borough of Manasquan (work)

Date	By	Services	Hours	Rates	Amount
06/25/2020	GDM	Review: TCW Mark Kitrick regarding change to affordable housing ordinance to accommodate height issue.	0.20	\$ 120.00/hr	\$ 24.00
06/29/2020	GDM	Correspondence: Review of email correspondence regarding change in platform and new time tables, Voice messages left with Mary Salrno, emails with Barbara Ilaria setting up schedule for delivery of resolutions.	0.30	\$ 120.00/hr	\$ 36.00
06/29/2020	GDM	Correspondence: Receipt of email from Board Engineer alerting to ordinance changes and his discussion with Jen Beahm.	0.20	\$ 120.00/hr	\$ 24.00
06/30/2020	GDM	Review: Review of change to affordable housing ordinance and proposed memo from Jen Beahm email to Mark Kitrick advising that first consistency review was in march of 2019.	0.40	\$ 120.00/hr	\$ 48.00
06/30/2020	GDM	Documentation: Receipt and review of emails from Barabara Ilaria and Mary salerno regarding amending resolutions to include numbers, review of sequential numbering on recent resolutions, Tcw Mary regarding the Board's intention to number the resolutions sequentially.	0.20	\$ 120.00/hr	\$ 24.00
07/01/2020	GDM	Review: Review of email from Barbara Ilaria and finalized resolution for consistency review	0.30	\$ 120.00/hr	\$ 36.00
07/01/2020	GDM	Matter Management: Review of new agenda packet, review of Suppa materials and print out, Printout agenda and minutes, Print Vaselenko materials, email to Barbara Ilaria regarding printing plans.	0.30	\$ 120.00/hr	\$ 36.00

McGill and Hall, L.L.C.
P.O. Box 150
708 10th Avenue, Second Floor
Belmar, NJ 07719

INVOICE

Manasquan, Planning Board of the Borough of
201 East Main Street
Manasquan, NJ 08736

Invoice 10422

Date	Jul 30, 2020
Terms	
Service Thru	Jul 30, 2020

07/06/2020	GDM	Analysis : Review of denial of coverage letter, review of complaint and Answer in the Gabelmann Appeal, prepare and provide opinion to the Board at request of Chair regarding significance of the Denial of Coverage.	1.20	\$ 120.00/hr	\$ 144.00
07/06/2020	GDM	Correspondence: Receipt of Jen Beahms consistency review letter, email with Jen and receipt of amended letter	0.30	\$ 120.00/hr	\$ 36.00
07/07/2020	GDM	Meeting: Attend regular meeting via Zoom platform.	Flat Fee	\$ 150.00	\$ 150.00
07/07/2020	GDM	Draft: Review of emails and ordinance regarding the amendment to the AR-2 Zone, prepare resolution to be read at meeting regarding consistency with the master plan, tcw Jen Beahm, P.P. and email with Board Chairman.	0.80	\$ 120.00/hr	\$ 96.00

Total Hours	4.20 hrs
Total work	\$ 654.00
<i>due this invoice</i> → Total Invoice Amount	\$ 654.00
Previous Balance	\$ 1,344.00
Balance (Amount Due)	\$ 1,650.00

Payment History:

Date	Type	Payment Description	Amount
07/30/2020	Payment - Check	Split Payment	(\$348.00)

Boro Engineering
23 W. Larchmont Drive
Colts Neck, NJ 07722

INVOICE

Manasquan Planning Board
201 East Main Street
Manasquan, NJ 08736

Page : 1
Invoice No: MSPB1260-1
Invoice Date: 7/20/2020

Attention: Mary Salerno

For Professional Services Processed through: 7/17/2020

RE: VAR Maraziti - B62 L54.01

Services rendered are detailed on the attached sheets

LABOR	HOURS	RATE	AMOUNT
Principal	3.25 \$	125.00 \$	<u>406.25</u>
		TOTAL \$	406.25

AMOUNT DUE THIS INVOICE \$ 406.25

Invoice Detail

Invoice Number: MSPB1260-1

Invoice Date: 7/20/2020

VAR Maraziti - B62 L54.01

Staff Charges: Labor

<u>Title</u>	<u>Person</u>	<u>Date of Service</u>	<u>Time Charged</u>	<u>Description</u>
Principal	Yodakis, Albert D.	6/29/2020	1.00	Field/ Completeness rev Zoning review
Principal	Yodakis, Albert D.	6/30/2020	1.75	Technical review Prep report
Principal	Yodakis, Albert D.	7/1/2020	0.50	Finalize report to Board

Total Principal:

 3.25

Boro Engineering
23 W. Larchmont Drive
Colts Neck, NJ 07722

INVOICE

Manasquan Planning Board
201 East Main Street
Manasquan, NJ 08736

Page : 1
Invoice No: MSPBG2007
Invoice Date: 7/20/2020

Attention: Mary Salerno

For Professional Services Processed through: 7/17/2020

RE: 2020 Meeting Attendance

Services rendered are detailed on the attached sheets

LABOR	HOURS	RATE	AMOUNT
Principal	1.20 \$	125.00 \$	<u>150.00</u>
		TOTAL \$	150.00

AMOUNT DUE THIS INVOICE \$ 150.00

Invoice Detail

Invoice Number: MSPBG2007

Invoice Date: 7/20/2020

2020 Meeting Attendance

Staff Charges: Labor

<u>Title</u>	<u>Person</u>	<u>Date of Service</u>	<u>Time Charged</u>	<u>Description</u>
Principal	Yodakis, Albert	7/7/2020	1.20	Prep for & attend 7/7/20 Zoom P.B. Meeting

Total Principal: 1.20

Boro Engineering
23 W. Larchmont Drive
Colts Neck, NJ 07722

INVOICE

Manasquan Planning Board
201 East Main Street
Manasquan, NJ 08736

Page : 1
Invoice No: MSPB1270-1
Invoice Date: 7/20/2020

Attention: Mary Salerno

For Professional Services Processed through: 7/17/2020

RE: MN Bellaran - B27 L19&20

Services rendered are detailed on the attached sheets

LABOR	HOURS	RATE	AMOUNT
Principal	3.25 \$	125.00 \$	<u>406.25</u>
		TOTAL \$	406.25

AMOUNT DUE THIS INVOICE \$ 406.25

Invoice Detail

Invoice Number: MSPB1270-1

Invoice Date: 7/20/2020

MN Bellaran - B27 L19&20

Staff Charges: Labor

<u>Title</u>	<u>Person</u>	<u>Date of Service</u>	<u>Time Charged</u>	<u>Description</u>
Principal	Yodakis, Albert D.	7/2/2020	1.00	Field/ Completeness rev
Principal	Yodakis, Albert D.	7/6/2020	1.50	Technical/Zoning/Subdiv review Prep report
Principal	Yodakis, Albert D.	7/7/2020	0.75	Finalize report to Board

Total Principal: 3.25

Boro Engineering
23 W. Larchmont Drive
Colts Neck, NJ 07722

INVOICE

Manasquan Planning Board
201 East Main Street
Manasquan, NJ 08736

Page : 1
Invoice No: MSPB1280-1
Invoice Date: 7/20/2020

Attention: Mary Salerno

For Professional Services Processed through: 7/17/2020

RE: VAR Brown - B109 L15

Services rendered are detailed on the attached sheets

LABOR	HOURS	RATE	AMOUNT
Principal	3.50 \$	125.00 \$	<u>437.50</u>
		TOTAL \$	437.50

AMOUNT DUE THIS INVOICE \$ 437.50

Invoice Detail

Invoice Number: MSPB1280-1

Invoice Date: 7/20/2020

VAR Brown - B109 L15

Staff Charges: Labor

<u>Title</u>	<u>Person</u>	<u>Date of Service</u>	<u>Time Charged</u>	<u>Description</u>
Principal	Yodakis, Albert D.	7/2/2020	1.50	Field/ Completeness rev
Principal	Yodakis, Albert D.	7/6/2020	1.50	Technical/Zoning review Prep report
Principal	Yodakis, Albert D.	7/9/2020	0.50	Tech rev / Finalize report to Board

Total Principal: 3.50

Boro Engineering
23 W. Larchmont Drive
Colts Neck, NJ 07722

INVOICE

Manasquan Planning Board
201 East Main Street
Manasquan, NJ 08736

Page : 1
Invoice No: MSPB0951-5
Invoice Date: 7/20/2020

Attention: Mary Salerno

For Professional Services Processed through: 7/17/2020

RE: SP Ralco - B71 L102.04 - **Inspection**

Services rendered are detailed on the attached sheets

LABOR	HOURS	RATE	AMOUNT
Principal	3.00 \$	125.00 \$	<u>375.00</u>
		TOTAL \$	375.00

AMOUNT DUE THIS INVOICE \$ 375.00

Invoice Detail

Invoice Number: MSPB0951-5

Invoice Date: 7/20/2020

SP Ralco - B71 L102.04 - Inspection

Staff Charges: Labor

<u>Title</u>	<u>Person</u>	<u>Date of Service</u>	<u>Time Charged</u>	<u>Description</u>
Principal	Yodakis, Albert D.	6/29/2020	1.50	Site Inspection Parking Lot Paving
Principal	Yodakis, Albert D.	7/14/2020	1.50	Site review - CO issues Create punchlist
Total Principal:			<hr/>	3.00

LAW OFFICES
C. KEITH HENDERSON & ASSOCIATES
A PROFESSIONAL CORPORATION

52 ABE VOORHEES DRIVE
P.O. BOX 260
MANASQUAN, N.J. 08736
(732) 223-0800
FAX# (732) 223-3487

C. KEITH HENDERSON
MICHAEL D. HENDERSON, ASSOCIATE

HAYDN PROCTOR
(1903-1996)
SOLOMON LAITMAN
(1901-1994)

July 28, 2020

VIA FIRST CLASS MAIL
VIA EMAIL: msalerno@manasquan-nj.gov

Borough of Manasquan Planning Board
Attn: Mary Salerno, Planning Board Secretary
201 East Main Street
Manasquan, New Jersey 08736

Re: Applicants: Michael and Michelle Suppa
PQ: 45 First Avenue
Block 166, Lot 20

Gentlemen:

As you will recall, we represented Michael and Michelle Suppa in connection with the above captioned land use application, which was heard at the most recent Manasquan Planning Board meeting held on July 7th. The hearing was a virtual zoom meeting, in which the Board voted to deny the Applicants' application.

After the vote was taken, we requested that the matter be carried until the next meeting, to allow the Applicants to consider making changes to the plan. The Board's attorney advised the Board that the Board no longer had jurisdiction on the file because it had voted to deny the application, and it could not carry it until the next meeting.

The purpose of this letter is to request a re-hearing of the application. The reason for the re-hearing relates to the virtual nature of the hearing. Unfortunately, in a virtual hearing, an attorney cannot ask for a recess before a vote to communicate with his client or clients, and get direction as to how the Applicants would like to proceed. In a typical hearing, we ask for a time out to speak with our clients in the hallway, but in a virtual hearing, there is no way to do so, because the clients are in a different location.

Perhaps more importantly, what we did not learn until after the hearing took place, was that our clients were unable to participate in a meaningful way in the hearing, because they experienced multiple internet failures. They started out at their home on a laptop, and lost internet connection. They then switched devices and tried

to log back in on their desktop computer, but lost the internet again. Next, they tried to log in using one of their I-phones, but lost the connection. Finally, they tried another I-phone and lost internet connection again. The tape of the virtual hearing session will show our clients periodically disappearing from the screen, and popping up in different screen locations, on and off, until the hearing ended. The Applicant, Mrs. Suppa, works virtually and has never before experienced such an internet failure of this nature.

In COX, New Jersey Zoning and Land Use Administration, at Section 19-3.3, the Model Rules for a planning board provides for a rehearing of a matter either upon application of an interested person or on its own motion when unusual circumstances so require in the interest of justice. In this case, the Applicants are asking for a rehearing because the Applicants are entitled to be present at the entire hearing, and they were unable to be virtually present, because of circumstances beyond their control. The situation is unusual because normally planning board hearings are not virtual, and had the meeting been a live meeting, we would have asked for a brief recess to recommend to our clients that we request that the application be carried, to give us the opportunity to amend the plan to accommodate the Board's concerns.

If this request for a rehearing is granted, the Applicants intend to resubmit a revised plan to address some of the issues raised by the Board at the virtual hearing. Failure to permit a rehearing will require the Applicants to pay a new application fee and fund a new escrow, which under the facts and circumstances would be punitive and unnecessary.

In the case of Morton v. Clark, 102 N.J. Super. 84, 97-98 (Law Div. 1968), aff'd 108 N.J. Super. 74 (App. Div. 1969), that while generally a board may not rescind an action taken once it has been taken, or reopen a hearing once it has been terminated by the rendering of a decision, mistake or fraud in the proceedings is an exception. In the present case, there certainly was no fraud, but there was a mistake in that the Applicants were missing from most of the virtual hearing, and no one noticed their absence.

In this unprecedented time, we are dealing with a form of planning board hearing with which neither the Board, nor the Applicants, nor the Applicants' attorney, has had much experience. While it should be obvious that an internet failure could interfere with the Applicants' constitutional due process rights, and that an Applicant's failure to appear on the screen, or to disappear from the screen, should have been noticed, it is not something one would expect, or look for, with so little experience in virtual planning board hearings.

We appreciate your giving this request consideration.

Very truly yours,

C. KEITH HENDERSON
For the Firm

CKH/kb

cc: Michael and Michelle Suppa
George McGill, Esq. via email gdm@mcgillhall.com

July 21, 2020

Borough of Manasquan Planning Board
201 East Main Street
Manasquan, NJ 08736

RE: Block: 191 Lot: 12 Zone: R-5
539 Brielle Road

Dear Members of the Board,

My name is Evan Shadlun and I am the property owner at 539 Brielle Road. As advised by Richard Furey, my variance (Planning Board Resolution 11-2019) will require a nine month extension. I kindly ask that you grant this extension so I can move forward with the construction of my home.

All the Best,

A handwritten signature in black ink, appearing to read 'Evan Shadlun', written in a cursive style.

Evan Shadlun
732-674-8116

RECEIVED JUL 21 2020

RESOLUTION NO. 19 - 2020

**RESOLUTION OF THE PLANNING BOARD OF THE
BOROUGH OF MANASQUAN, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY.**

WHEREAS, Michael Suppa (hereinafter referred to as the "applicant") has applied to the Planning Board of the Borough of Manasquan for variance relief pursuant to N.J.S.A. 40:55D-70(c) from the provisions of the Manasquan Zoning Ordinances to construct a rear addition to an existing residential dwelling at property located at 45 First Avenue, Manasquan, New Jersey, and known as Block 166, Lot 20 on the Manasquan Tax Map, and,

WHEREAS, a public hearing was held in virtual electronic format at the regularly scheduled meeting of the Planning Board on July 7, 2020, on the Zoom platform, and testimony having been presented on behalf of the applicant, and objectors to and supporters of the application having been given an opportunity to be heard; and,

WHEREAS, such proof of service as may be required by New Jersey Statutes, Municipal Ordinances, and as directed by the New Jersey Department of Community Affairs for meetings held virtually during a time of a declared state of emergency has been furnished; and,

WHEREAS, the Board, having considered the application, testimony, and exhibits submitted, makes the following findings:

1. The property is located in an R-2 Zone.
2. The property is rectangular in shape and has 50 feet of frontage on First Avenue and 100 feet of frontage along Stockton Avenue. As such the property has 5,000 square feet of total area. The property contains a two-story single-family residential dwelling, a detached garage, a patio area in the front yard and a driveway with access to Stockton Avenue. The applicant is proposing to construct a 1 and 1/2 story addition above the existing garage and attach same to the principal dwelling by a second-floor bridge. The applicant provided a Spot Grade Plan prepared by Charles Surmonte P.E., & P.L.S. dated September 4, 2019, a Survey prepared by Charles Surmonte P.E., & P.L.S. dated September 4, 2019, and architectural plans prepared by Edward W. O'Neill, Jr., R.A., dated March 13, 2020. These plans more fully describe the applicant's proposal and were submitted to and relied upon by the Board in its deliberations regarding this application. The applicant was represented by C. Keith Henderson, Esq., who presented and made comment upon the record. The testimony in this matter was provided primarily by Michael Suppa and Edward W. O'Neill, R.A. A number of neighbors appeared on behalf of the applicant and were heard by the Board.

3. Upon review of the application by the Board Engineer, and upon hearing his comments and receiving his report, the Board determined that the applicant's proposal required the following variance relief:

A. Minimum Rear Yard Setback for the principal structure where 20 feet is required and 5 feet is proposed.

B. Minimum side yard setback where 15 feet is required where there is a corner lot and 14.8 feet is proposed.

C. Maximum building coverage where 30% is permitted, 35.7% exists and 37.1% is proposed.

4. The Board finds that the variance relief must be denied. The Board finds that the applicant has failed to meet the positive criteria under N.J.S.A. 40:55D-70(c). Under this Statute the positive criteria may be met under either of two subsections. The first subsection which is known as the "C.1" or "hardship" section permits variance relief where:

(a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, a grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship"

The second subsection which is known as the "C.2", "flexible" or "better zoning alternative" section permits variance relief to be granted by the Board as follows:

(2) where in an application or appeal relating to a specific piece of property the purposes of this act or the purposes of the "Educational Facilities Construction and Financing Act," would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment".

5. In reference to the applicant's claim of hardship, the Board finds that no hardship exists of sufficient nature to justify the grant of variance relief under N.J.S.A. 40:55D-70c.1. The Board finds that the property presently contains an attractive house of suitable size for the lot and a detached garage that has access to Stockton Avenue. The property has ample outdoor space and includes a large patio in the front yard. The property size is conforming for the area and the building coverage is already 5.7% above what is permitted in the zone. The applicant testified to the Board that he would like more room to accommodate his children and his parents when they visit. The Board can understand this desire but finds that such reasoning does not justify the grant of a "hardship" variance under the Municipal Land Use Law. Such hardships pertain to the conditions of the property and structures thereon and not to the personal circumstances of the residents. In conjunction with this, in probing whether a better design could be proposed that added more space in a more conforming manner, the

Board heard that the proposed design, i.e. the construction over the existing garage and therefore within the rear yard setback, was driven by the need to keep costs below a certain amount. The Board heard that the existing dwelling structure on the lot is 8 inches below the Base Flood Elevation (BFE) and therefore is subject to FEMA regulations which limit the amount of money that can be spent to renovate a structure before the owner, here the applicant, is required to raise the structure above the BFE. The Board heard that doing so would be cost prohibitive. The Board heard that making separate additions would cause the project to exceed the cost limit permissible and therefore cause the applicant to incur the cost of raising the structure. The Board finds therefore that the reasons for not seeking a more conforming means of gaining more space is primarily driven by costs. While the Board can understand the desire to spend less money, the Board notes that it is well settled in the law that economic hardships do not constitute the type of hardship sufficient to support a variance. Because the Board finds that the property and the structure thereon are ample and sufficient in character and design, and finding that no hardship exists otherwise, the Board finds that it cannot grant relief under N.J.S.A. 40:55D-70c.1.

6. In reference to the Applicant's argument that the applicant is presenting a better zoning alternative and therefore should be granted variance relief under N.J.S.A. 40:55D-70 (c.2) the Board finds that the justification provided by the applicant is insufficient to grant the relief requested. The Board finds that the design proposed does not enhance the aesthetics of the house. The design is driven by a desire to place all of the new area over the garage. This results in a rather odd design. While the Board acknowledges that enhanced aesthetics can support relief in certain circumstances however the Board, with respect, does not find that such circumstances exist here. The Board finds that the design proposed simply presents as being too much for the lot. The design proposed calls for construction of 1 and 1/2 floors that appear to rise above the height of the existing dwelling five feet from the property line where 20 feet is required. The Board cannot find that this a better zoning alternative. The Board does not find that such a design presents any benefit to the community or the zone plan and as such must be rejected. Accordingly, the Board finds that the benefits to zoning do not "substantially outweigh the detriments" and therefore cannot find the relief supportable under N.J.S.A. 40:55D-70(c.2)

7. To be granted variance relief the applicants also have to meet what has been described as the "negative criteria". N.J.S.A. 40:55D-70 states, "No variance or other relief may be granted under the terms of this section, ...without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance." The Board finds that the project presented constitutes both a detriment to the public good and an impairment to the zone plan. At the outset, the Board acknowledges that a number of residents local to the subject property came out in favor of the addition. The Board also acknowledges that "detriment to the public good" is largely gauged by the impact that development will have on the people in the

surrounding neighborhood. Notwithstanding the support presented, the Board finds that the design does present a detriment to the adjoining neighbors to the west. The bulk of the development will rise 5 feet from the property line where reasonably the neighbors to the west could expect at least 20 feet. Regardless of the willingness of any party to bear the encroachment, an encroachment it remains. The Board notes that properties change hands regularly. The Board finds that it must consider the impact on the neighboring property regardless of the silence or acquiescence of the present owners because the encroachment once permitted will remain a condition of the property that may and will affect use and enjoyment of neighboring properties beyond the current ownership. The Board finds also that the proposal substantially impairs the zone plan. The Board acknowledges that the properties are tightly fit in the area of the subject property. This is due to the historical layout of the area and the current desire to make the most use of limited property in close proximity to the beach. The Board finds however that the proposal is too extreme in its encroachment. The Board finds that this design is cramped for an already cramped area and represents a design that the Board does not desire to encourage and therefore will decline to do so. Accordingly the Board finds that the proposal will be a substantial detriment to the public good and a substantial impairment of the zone plan. These detriments far outweigh any benefit to be drawn from this plan. The Board finds that the application must be denied in total accordingly.

WHEREAS, The Board has determined that the relief requested by the applicant is not justified under the proofs and circumstances presented, and cannot be granted without substantially impairing the intent and purpose of the zone plan and zoning ordinances of the Borough of Manasquan, and that the benefits of this application do not substantially outweigh the detriments, and that no hardships exist,

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Manasquan on this 4th day of August, 2020, that the application for variance relief shall be and is hereby denied for the reasons stated herein.

BE IT FURTHER RESOLVED that a copy of this resolution be immediately provided by the Planning Board Secretary to the Zoning Officer, to the Construction Official, to the Planning Board's Professional Engineer, to the Tax Office, to the Water and Sewer Departments and to the Department of Public Works, in order that said officials and departments may appropriately note their records with the respect the denial as necessary.

Neil Hamilton
Chairman of the Planning Board
of the Borough of Manasquan

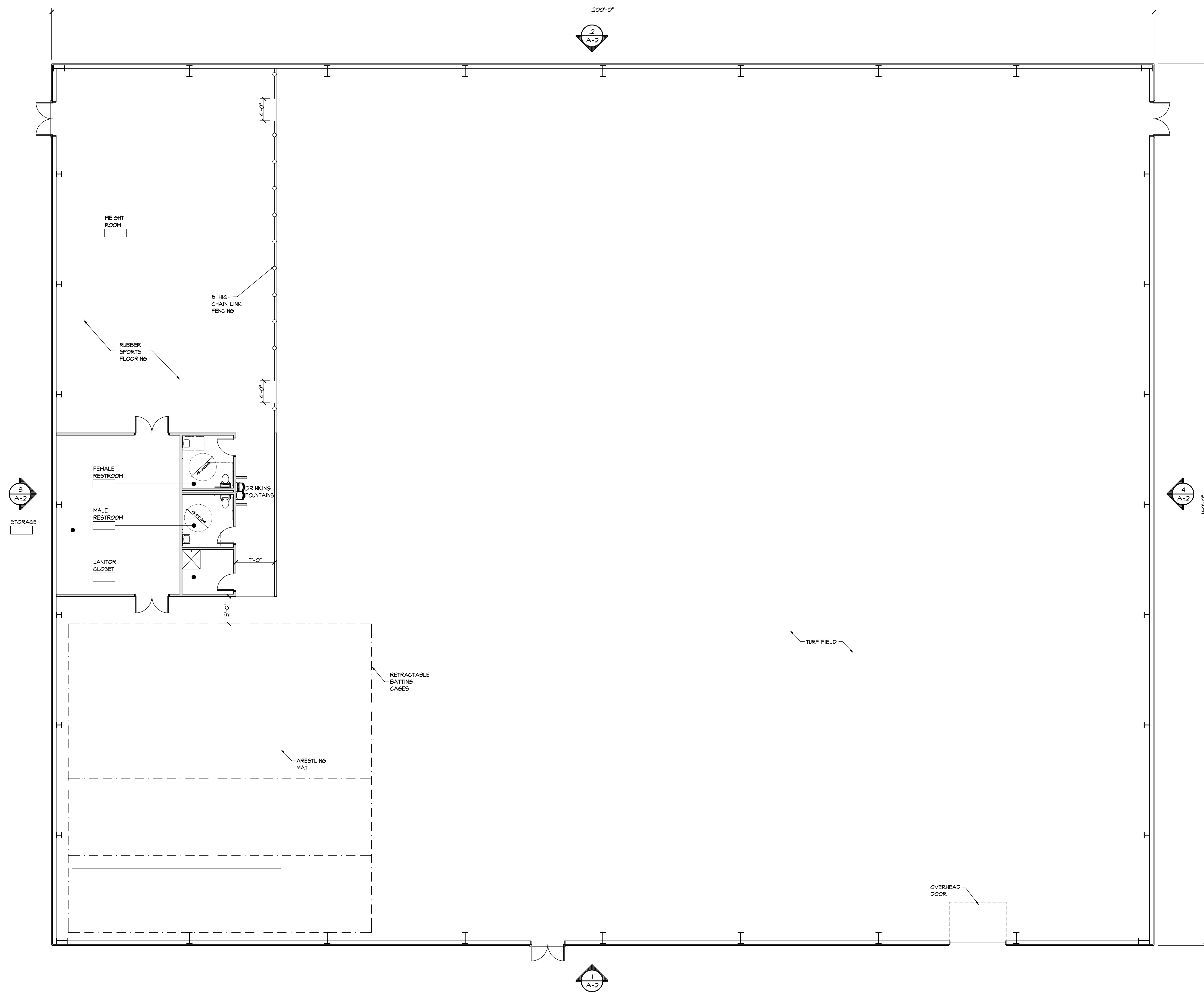
CERTIFICATION

I, Mary Salerno, Secretary of the Planning Board of the Borough of Manasquan, in the County of Monmouth, State of New Jersey, do hereby CERTIFY that the foregoing is a true copy of a resolution adopted by the Planning Board at its regular meeting held on August 4, 2020. _____

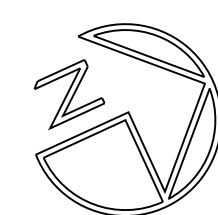
Mary Salerno

Resolution Prepared by:
George D. McGill, Esq.
Attorney to the Planning Board
Of the Borough of Manasquan

New Construction
**Manasquan High School
Multi-Purpose Facility**
167 Broad Street
State Project #2930-050-20-1000



1 Floor Plan
1/8"=1'-0"



REV.	DATE	DESCRIPTION

Floor Plan

PROJECT NO: 2024 DRAWN BY: A6

DATE ISSUED: 3.9.2020

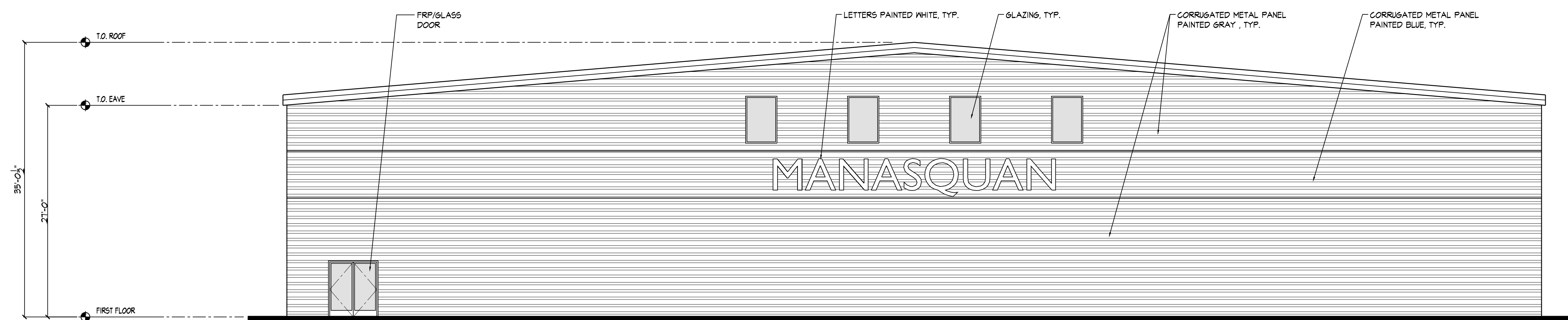
SHEET NO:

A-1

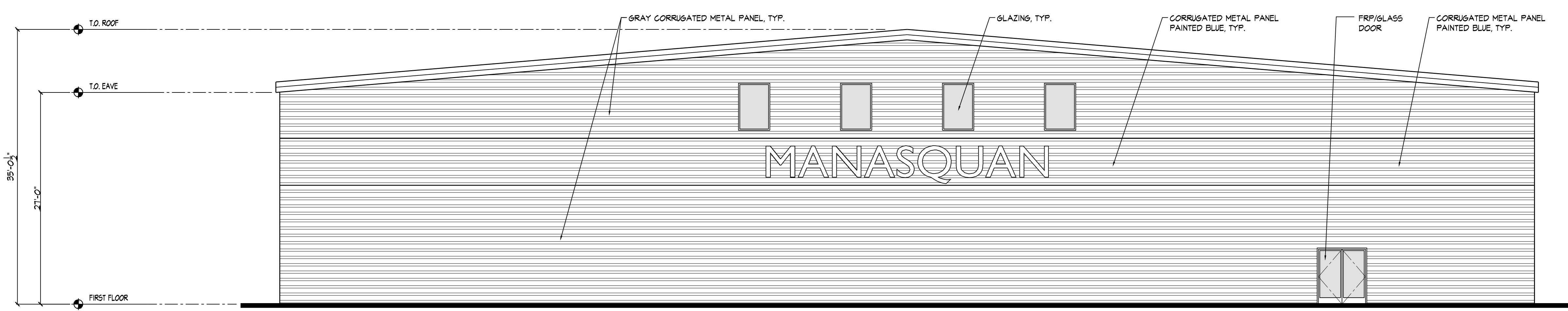
DR. FRANK KASYAN
CHIEF SCHOOL ADMINISTRATOR

EUGENE CATTANI, JR.
BOARD OF EDUCATION PRESIDENT

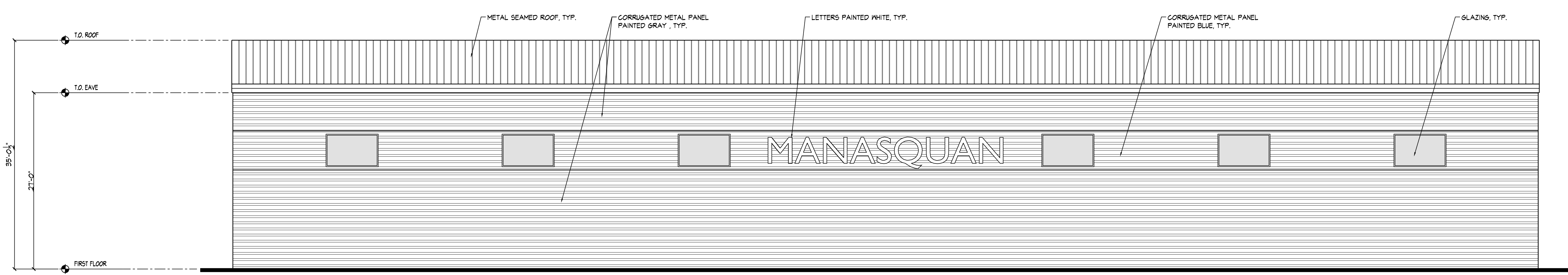
New Construction
**Manasquan High School
Multi-Purpose Facility**
167 Broad Street
State Project #2930-050-20-1000



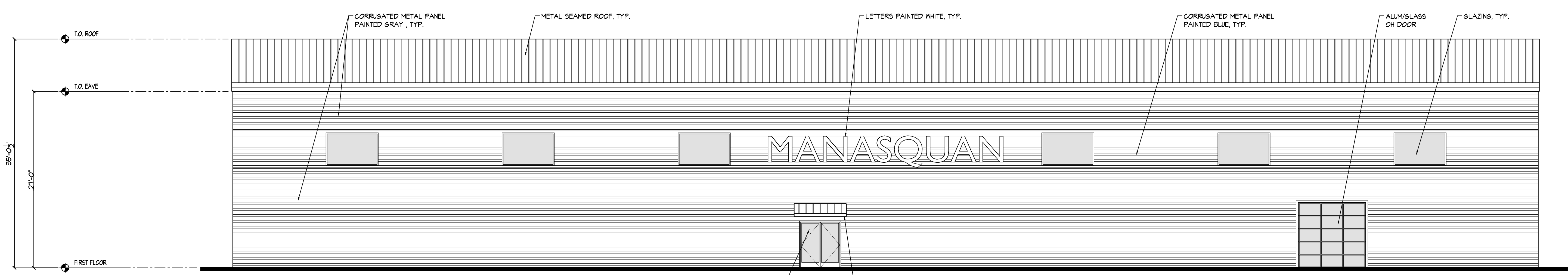
4 Left Side Elevation
1/8"=1'-0"



3 Right Side Elevation
1/8"=1'-0"



2 Rear Elevation
1/8"=1'-0"



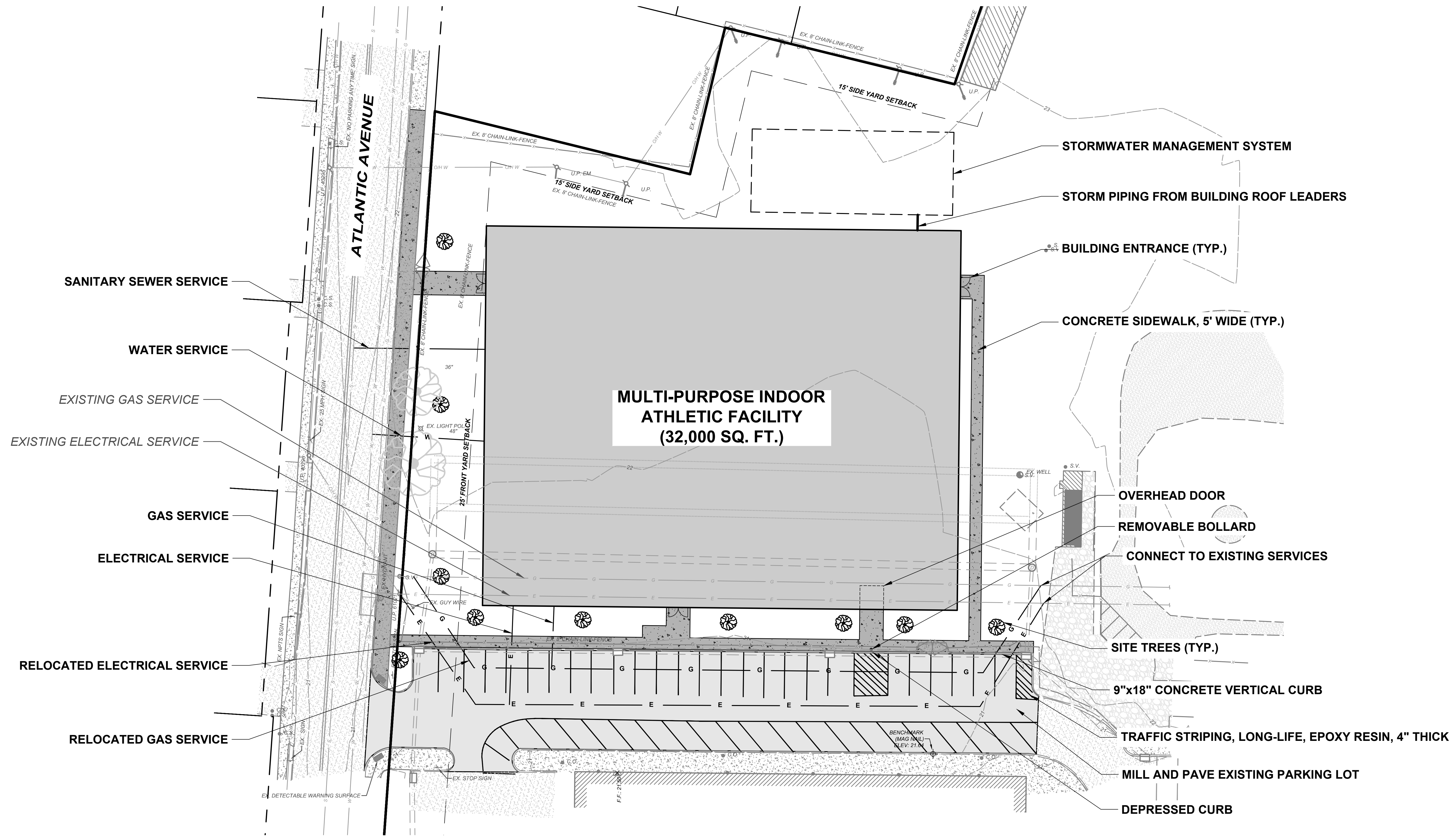
1 Front Elevation
1/8"=1'-0"

REV.	DATE	DESCRIPTION

Elevations

PROJECT NO: 2024 DRAWN BY: A6
DATE ISSUED: 3/1/2020

SHEET NO:
A-2



LAND USE AND ZONING REGULATION	REQUIRED/PERMITTED ONE-FAMILY RES. ZONE REQ. (R-2 ZONE)	EXISTING	PROPOSED	VARIANCE
MINIMUM LOT AREA	5,000 SQ. FT.	693,981 SQ. FT.	693,981 SQ. FT.	-
MINIMUM FRONTAGE	50 FT.	560 FT.	560 FT.	-
MINIMUM FRONT YARD SETBACK	25 FT.	79 FT.	25 FT.	-
MINIMUM SIDE YARD SETBACK	15 FT.	252 FT.	22 FT.	-
MINIMUM REAR YARD SETBACK	20 FT.	> 20 FT.	> 20 FT.	-
MAXIMUM BUILDING HEIGHT	35 FT / 2.5 STORIES	FT.	35 FT / 1 STORY	-
MAXIMUM BUILDING COVERAGE	30%	11.20%	15.70%	-
MAXIMUM LOT COVERAGE	45%	< 45%	< 45%	-

DR. FRANK KASYAN
CHIEF SCHOOL ADMINISTRATOR

EUGENE CATTANI, JR.
BOARD OF EDUCATION PRESIDENT

C:\Users\bspect\Desktop - Coronal\Tms Save Location\9699\041 Concept Plan.dwg Tue, Apr 21, 2020 - 11:18am bspect SUBURBAN CONSULTING ENGINEERS, INC.

<small>THIS DRAWING AND ALL INFORMATION CONTAINED HEREIN IS AUTHORIZED FOR USE ONLY BY THE PARTY FOR WHOM THE WORK WAS CONTRACTED OR TO WHOM IT IS CERTIFIED. THIS DRAWING MAY NOT BE COPIED, REPRODUCED, DISCLOSED, REPRODUCED, OR RE-USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF SUBURBAN CONSULTING ENGINEERS, INC. IF YOU ARE AN ELECTRONIC SUBSCRIBER NOT CONTAINING A VALID DIGITAL SEAL OR PAPER COPIES NOT CONTAINING A RAISED SEAL ARE NOT ORIGINALS AND MAY HAVE BEEN ALTERED. © COPYRIGHT 2020 SUBURBAN CONSULTING ENGINEERS, INC.™ ALL RIGHTS RESERVED.</small>	DRAWN BY: DAREN J. PHIL, PE NJ PROFESSIONAL ENGINEER LICENSE NO. 24GE03619100		MANASQUAN HIGH SCHOOL MULTI-PURPOSE FACILITY BLOCK 38, LOT 1.02 BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY	PROJECT NUMBER: SCE-9699.041
	CHECKED BY: DRAFT			SCALE: 1" = 20'
	DESCRIPTION NO. DATE: BY: CHK:			SHEET 1 OF 1
REVISIONS	DATE:	EXCELLENCE • ECONOMY • ENVIRONMENT	CONCEPTUAL SITE PLAN	REVISION _

FRD Surveying, LLC
136 Golf View Boulevard
Toms River, NJ 08753

June 8, 2020

Job No. INS-283

DESCRIPTION OF PROPERTY
TAX LOT 20.01, BLOCK 27
SITUATED IN BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NJ

Being known as Tax Lot 20.01 as shown on a certain plan entitled "Minor Subdivision, Lots 19 and 20, Block 27, Borough of Manasquan, Monmouth County, New Jersey" dated 01/12/2020, prepared by FRD Surveying, LLC.

BEGINNING at a point in the westerly line of Main Street where same is intersected by the northerly line of Tax Lot 20.01, Block 27 and being located the following course and distance from the southerly line of Central Avenue;

- a. South 24 degrees 34 minutes 45 seconds East, 124.00 feet to the point of and place of beginning; thence running
 1. Along said line of Main Street, South 24 degrees 34 minutes 45 seconds East, a distance of 102.26 feet to a point in the proposed subdivision line; thence
 2. Along the proposed subdivision line, South 63 degrees 25 minutes 00 seconds West, a distance of 287.82 feet to a point; thence
 3. North 28 degrees 36 minutes 58 seconds West, a distance of 91.67 feet to a point; thence
 4. North 61 degrees 21 minutes 34 seconds East, a distance of 294.84 feet to the point and place of **BEGINNING**.

Prepared By:

FRD Surveying, LLC



Frank R. DeSantis
Professional Land Surveyor
New Jersey License No. GS42001

July 7, 2020

Mary Salerno, Secretary
Manasquan Borough Planning Board
201 East Main Street
Manasquan, NJ 08736

Re: Boro File No. MSPB-R1270
Minor Subdivision – Bellaran
Block 27, Lots 19 & 20
19 & 27 Main Street
R-2 Residential Zone
Borough of Manasquan, Monmouth County, NJ

Dear Ms. Salerno:

As per your request, I have reviewed the above-referenced application in accordance with the provisions of the Borough Land Development Ordinance. The documents reviewed in conjunction with this application include:

1. Final Survey prepared by Frank DeSantis, PLS, of FRD Surveying LLC, dated February 24, 2018.
2. Survey Analysis prepared by Frank DeSantis, PLS, of FRD Surveying LLC, dated March 4, 2017.
3. Settlement Agreement between the owners of Lots 19 and 20, dated February 26, 2020.

Existing Lots 19 contains approximately 28,965 square feet and lot 20 contain approximately 28,227 square feet, and both lots front on Main Street. With this application, the applicant intends to relocate the existing lot line two feet to the east at the right-of-way and 8.33 feet to the west at the rear property line to resolve a lot line discrepancy between the two lots. Both lots are conforming in the R-2 Residential Zone. The application is deemed complete as of July 7, 2020.

The following are our comments and recommendations regarding this application:

1. The property is located in the R-2 - Residential Zone, where the existing proposed residential lots are permitted.
2. The following non-conformities exist on Lot 19, however they will be reduced as a result of this application:


Re: Boro File No. MSPB-R1270
Minor Subdivision – Bellaran
Block 27, Lots 19 & 20

July 7, 2020
Sheet 2

- a. A minimum side yard setback of 5 feet is required for detached garages, whereas a setback of approximately 4.4 feet is proposed (approximately 1.3 feet exists).
3. A copy of the current survey for Lot 19 which shows the outbound must be submitted.
4. It appears that the subdivision is to be filed by deed as deed descriptions have been submitted as part of the application. If filed by deed, copies of the deeds must be submitted to our office and the Board Attorney for review. If the subdivision is to be filed by map, a subdivision plat that conforms to the current Map Filing Law requirements must be submitted.
5. New monuments must be set at the new subdivision line locations where they intersect with the existing property outbound. I suggest the monuments be set prior to the subdivision being signed by the Board. The applicant should indicate their intent of when the monument will be set. If they are proposed to be set after the perfection of the subdivision, a bond must be posted with the Borough.
6. It does not appear that any new construction is proposed or that any trees are to be removed as part of this application.
7. The proposed revised lot numbers should be reviewed and approved by the tax office.
8. All necessary outside agency approvals must be obtained for this project. These may include, but not be limited to the following:
 - a. Monmouth County Planning Board

Should you have any questions or desire any additional information, please do not hesitate to contact me.

Very truly yours,


ALBERT D. YODAKIS, P.E., P.P.
PLANNING BOARD ENGINEER
BOROUGH OF MANASQUAN

ADY:jy

cc: George McGill, esq., Planning Board Attorney
John Rentschler, esq.
Sonnenblick, Parker & Selvers, 4400 Route 9 South, Freehold, NJ 07728
Frank DeSantis, PLS
FRD Surveying, LLC, 136 Golf View Drive, Toms River, NJ 08753



Re: Boro File No. MSPB-R1270
Minor Subdivision – Bellaran
Block 27, Lots 19 & 20

July 7, 2020
Sheet 3

Judith Bellaran
27 Main Street, Manasquan, NJ 08736

APPLICATION TO THE PLANNING BOARD

Applicant's Name Judith Bellaran

Applicant's Address 27 Main Street, Manasquan, NJ 08736

Telephone Number 732-804-7575
(Home and Cell)

Property Location 27 and 19 Main Street
Block: 27 **Lot** 19 & 20

Type of Application Minor Subdivision to Adjust Property Line
Bulk Variance, Non-Permitted Use – Conditional Use – Subdivision – Minor Subdivision – Major – Site Plan Approval

Date of Zoning Officer's Denial Letter May 13, 2020
Zoning Permit Application Attached

Plot Plan (Survey) not older than five (5) years, clearly indicating all buildings and setbacks.

Is the Applicant the Landowner? Yes

Does the Applicant own any adjoining land? No

Are the property Taxes paid to date? Yes

Have there been any previous applications to the Planning Board concerning this property? No
(Attach copies)

Have there been any previous applications to the Planning Board. If there were please attach copies.

Are there any Deed Restrictions, easements, or covenants affecting this property and if so please attach Settlement Agreement dated February 26, 2020

The applicant agrees to be responsible for and pay the costs entailed in the review of this application by any experts retained by the Planning Board for advice in this matter.

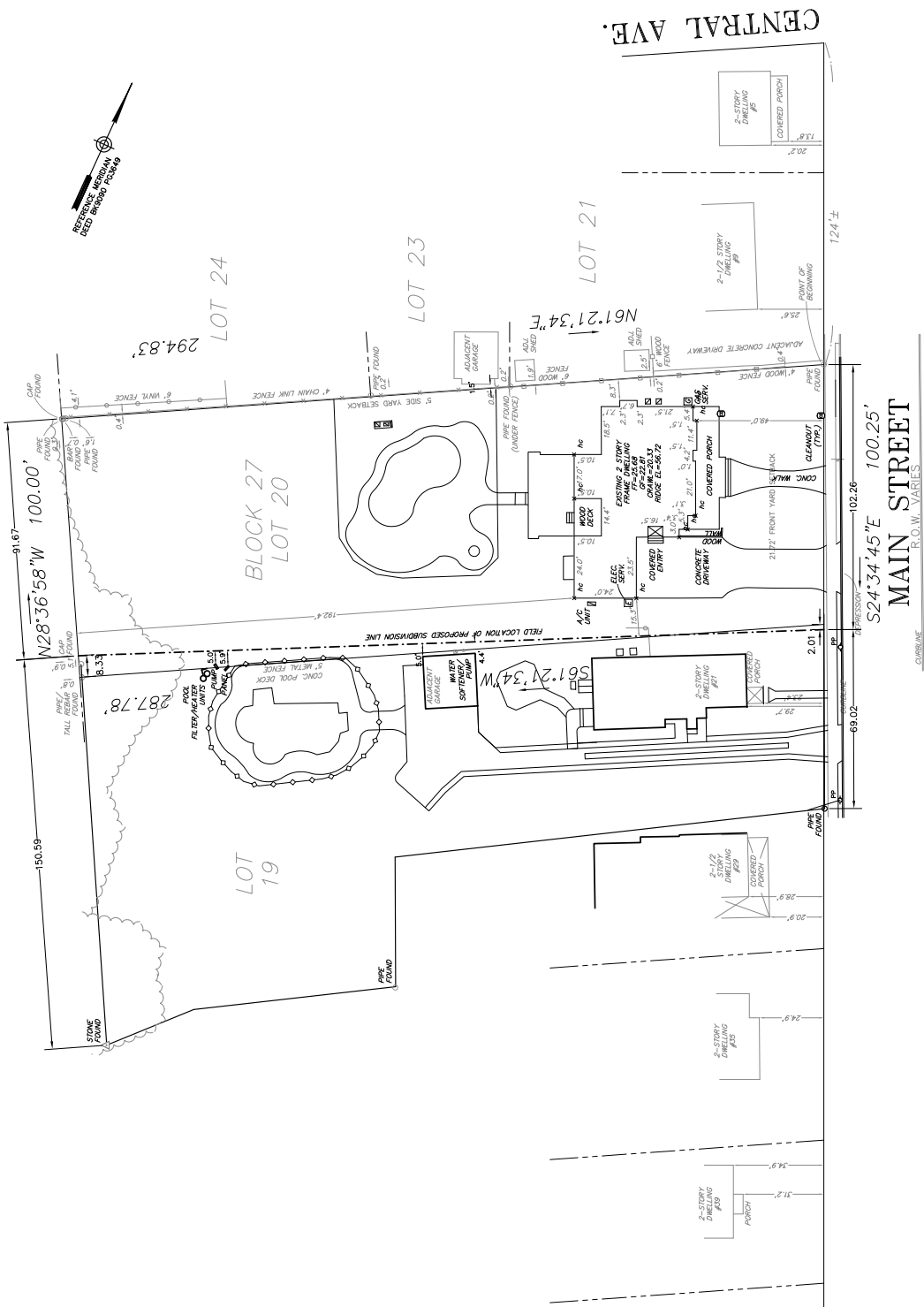
Signature of Applicant or Agent

Date

Joe Attorney for Applicant
6/11/2020

CHECKLIST FOR APPLICATIONS FOR A VARIANCE

1. **Twenty (20) sets of the application must be submitted. Set includes: 2 page application, letter of denial from the Zoning Officer, copy of the survey showing the existing layout of the property and dotted lines indicating the new addition/changes as well as any new setback footages. A floor plan and elevation views (architectural plans) are requested as they help the Board in their determination. Of the 20 sets two (2) must be full-size plans, the other (18) copies should be reduced to approximately 11 X 18", legible but not too large as to create too much noise at the microphones on the dais.**
2. **Two checks made out to the Borough of Manasquan. The application fee and the Escrow fee. If other money is needed either for the Tax Map update fee or the Fire Marshall you will be informed by mail regarding that request.**
3. **Affidavit of Service – a list of property owners within 200-feet of your property which you can receive from the Tax Office with a fee of \$10.00. A copy of the notice that was served must be attached to your application. This notice MUST state the Statutes that need the variance relief as well as an explanation of what is being proposed. If the notice is hand served, the name and address of the receiver must be listed on the Affidavit of Service. If there are two names on the Tax list both parties must sign. If the notice is not hand served they must be sent by Certified Mail and the Tax List along with the certified receipts must be given to the Board Secretary at least ten (10) days before the hearing.**
4. **Affidavit of Publication must be furnished by the newspaper (either the Coast Star or the Asbury Park Press) The Notice MUST be advertised at least ten (10) days before the scheduled hearing.**
5. **Certification of Taxes Paid – something from the Tax Collector that indicates that the taxes and water/sewer charges on the property are paid through the date of the requested hearing.**
6. **Deadline for applications – all applications and plans must be filed at least five (5) weeks before the requested hearing date. The Secretary will give you a hearing date when the complete application is filed and the fees are paid. The application and plans MUST be filed before any notice is given. The Board hears a maximum of three (3) hearings per meeting. If the agenda is filled when you file your application, you will be placed on the agenda of the first free meeting. The Planning Board usually meets on the First and Third Tuesday of the month. The first meeting is at 7PM and the Second meeting is at 4PM. Applications are put on the agenda in the order they come in completed.**
7. **Any plans submitted with the application MUST BE FOLDED, rolled plans will be rejected. If you have any questions you may reach Mary Salerno at 732-223-0544, extension 245.**



ELEVATIONS SHOWN ARE REFERENCED TO NAVD 88 DATUM

DEED DESCRIPTION: THIS PLAN AND RECONSTRUCTION AS SHOWN ON THE CURRENT TAX MAPS OF THE BOROUGH OF MANASSAQUAN, MONMOUTH COUNTY, NEW JERSEY, BEING MORE PARTICULARLY RECORDED IN THE MONMOUTH COUNTY CLERK'S OFFICE, ALSO KNOWN AS 19 MAIN STREET, MANASSAQUAN, N.J.

KELLY DEVELOPMENT, LLC
 I, CERTIFY TO THE ABOVE PARTIES THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS MAP OR PLAN IS A RESULT OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND UNDER MY DIRECT SUPERVISION, IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS OF THE STATE OF NEW JERSEY. THE INFORMATION SHOWN HEREON CORRECTLY REPRESENTS THE SURFACE OF THE GROUND AND NOT BELOW THE SURFACE OF THE GROUND AND NOT VISIBLE.

FINAL SURVEY	
LOT 20 BLOCK 27	
SITUATED IN THE BOROUGH OF MANASSAQUAN, MONMOUTH COUNTY, NEW JERSEY	
FRD SURVEYING LLC 136 GOLFVIEW BOULEVARD TOMS RIVER, NEW JERSEY 08753	
DATE	SCALE
02/24/18	1"=30'
INS-283 FINAL AB-TEMP	

FRANK R. DESANTIS, P.L.S.
 PROFESSIONAL LAND SURVEYOR
 N.J. Lic. No. 42001

FRD Surveying, LLC
136 Golf View Boulevard
Toms River, NJ 08753

June 8, 2020

Job No. INS-283

**DESCRIPTION OF PROPERTY TO BE CONVEYED
FROM TAX LOT 19, BLOCK 27 TO TAX LOT 20, BLOCK 27
SITUATED IN BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NJ**

Being a portion of land as shown on a certain plan entitled "Minor Subdivision, Lots 19 and 20, Block 27, Borough of Manasquan, Monmouth County, New Jersey" dated 01/12/2020, prepared by FRD Surveying, LLC.

BEGINNING at a point in the westerly line of Main Street where same is intersected by the northerly line of Tax Lot 19, Block 27 and being located the following course and distance from the southerly line of Central Avenue;

- a. South 24 degrees 34 minutes 45 seconds East, 219.94 feet to the point of and place of beginning; thence running
 1. Along said line of Main Street, South 24 degrees 34 minutes 45 seconds East, a distance of 6.32 feet to a point in the proposed subdivision line between Lots 19 and 20, Block 27; thence
 2. Along the proposed subdivision line, South 63 degrees 25 minutes 00 seconds West, a distance of 186.66 feet to a point in the northerly line of Tax Lot 19, Block 27; thence
 3. Along said line of Tax Lot 19, Block 27, North 61 degrees 28 minutes 51 seconds East, a distance of 186.98 feet to the point and place of **BEGINNING**.

Prepared By:

FRD Surveying, LLC



Frank R. DeSantis
Professional Land Surveyor
New Jersey License No. GS42001



SONNENBLICK, PARKER & SELVERS
A PROFESSIONAL CORPORATION

Freehold Executive Center
4400 Route 9 South
Freehold, N.J. 07728
(732) 431-1234
www.spspc.com

TELEFAX:
(732) 431-3994

GERALD N. SONNENBLICK
CHARLES R. PARKER
JEROME M. SELVERS*
PETER G. LICATA*
JOHN A. RENTSCHLER

WILLIAM J. MEHR, of Counsel

*N.J. & N.Y. BAR

June 11, 2020

Via Email

Ms. Mary Salerno
Planning Board Secretary
Borough of Manasquan
201 East Main Street
Manasquan, NJ 08736

Re: Application for Minor Subdivision to Adjust Property Line between
Lots 19 & 20 in Block 27

Dear Ms. Salerno:

This firm represents, Judith Bellaran, in the above referenced. Our client is the owner of Lot 19. She has an agreement with the owners of the adjacent Lot 20, Philip and Carolyn Passes, to submit this Minor Subdivision Application to correct the parties' property line.

Enclosed please find the following:

1. Application to Planning Board;
2. Zoning Officer Denial Letter dated May 3, 2020;
3. FRD Surveying LLC Property Line Survey detailing deviation in property line.
4. FRD Surveying, LLC Subdivision Survey;
5. Descriptions of Minor Subdivision portions and subsequent new lots;
6. Parties' Settlement Agreement; and
7. W-9.

By way of background, on October 7, 1994, our client purchased the subject property. A survey of the property was obtained from Charles O'Malley, P.L.S. and the legal description

June 11, 2020

Page 2

contained in the Deed was based on this survey. It was discovered during the recent sale of the adjacent property (Block 27, Lot 20) that the property line established by the O'Malley survey and Deed description for Lot 19 was incorrect. The Deed for Lot 19 lengthened the rear property line by approximately 5.93 feet which altered location of the common property line between Lots 19 and 20. A boundary line dispute ensued between the property owners when the Lot 20 owner sought to erect a new fence based on the correct boundary description for their lot.

The parties have resolved their dispute entering into a Settlement Agreement adjusting their common property. The parties' Settlement Agreement tasked each party with a different part of the process. Ms. Bellaran, as per the Settlement Agreement, is to seek, on behalf of the parties, Minor Subdivision approval from the Borough to establish this adjusted property line in their respective chains of title.

Our client will submit directly to the Borough a \$500.00 Application fee; \$175.00 Escrow Fee; \$100.00 Tax Map Update Fee; and \$10.00 fee for the 200' Property Owner's List.

Please provide us with a 200' list for Lots 19 and 20.

Also, please provide us with the virtual hearing information for the Notice.

Please do not hesitate to contact us if you require any additional information.

Thank you.

Very truly yours,

John A. Rentschler

John A. Rentschler
For the Firm

Encl.

cc: Jennifer Smith, Esq.
Judith Bellaran

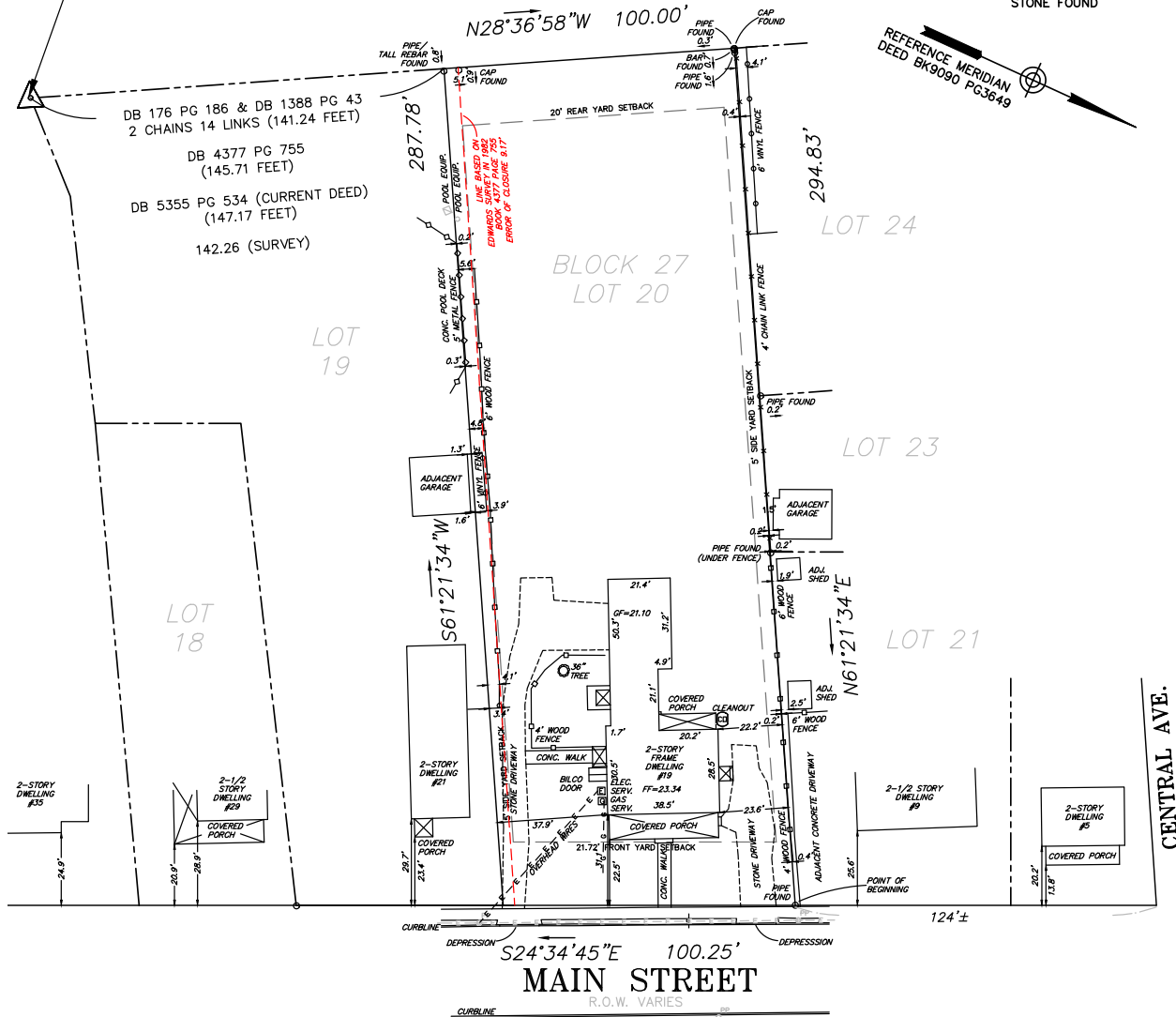
STONE FOUND (MARCH 7, 2017) AND CALLED FOR IN:
 1) DEED BOOK 176 PAGE 186 (1863)
 ABRAHAM OSBORN AND WIFE AND OTHERS TO
 ANDREW LONGSTREET.
 2) DEED BOOK 1388 PAGE 43 (1926)
 WILLIAM C. LONGSTREET TO THEODORE O. LONGSTREET
 FIRST TRACT COURSE 1 "TO A STONE"
 SECOND TRACT COURSE 1 "TO A STONE, THE SAME BEING
 BEING SAID LONGSTREETS SOUTHERLY CORNER"



STONE FOUND



STONE FOUND



FRONTAGE OF LOTS 18 AND 19 (LONGSTREET)
 (1927) DEED BOOK 1388 PAGE 43 (LONGSTREET)
 4TH COURSE IN TRACT 1 (43.56 FEET) + 3RD COURSE IN TRACT 3 (75 FEET) = 118.56 FEET
 (2017 DEEDS) 50 FEET (LOT 18) + 75 FEET (LOT 19) = 125 FEET
 (2017 SURVEY BY FRD) 121.07 FEET (MEASURED)

ELEVATIONS SHOWN ARE REFERENCED TO NAVD 88 DATUM.

DEED DESCRIPTION:
 PROPERTY IS KNOWN AND DESIGNATED AS LOT 20 IN BLOCK 27 AS SHOWN ON THE CURRENT TAX MAPS OF THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY. BEING MORE PARTICULARLY DESCRIBED IN DEED BOOK 9090 PAGE 3649 AND RECORDED IN THE MONMOUTH COUNTY CLERK'S OFFICE.

ALSO KNOWN AS 19 - 19 1/2 MAIN STREET, MANASQUAN, NJ.

KEILY DEVELOPMENT, LLC

I CERTIFY TO THE ABOVE PARTIES THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS MAP OR PLAN IS A RESULT OF A FIELD SURVEY MADE ON THE DATE SHOWN BELOW, BY ME OR UNDER MY DIRECT SUPERVISION, IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

THE INFORMATION SHOWN HEREON CORRECTLY REPRESENTS THE CONDITIONS FOUND AT THE SITE ON THE DATE OF THE FIELD SURVEY, EXCEPT SUCH IMPROVEMENTS OR EASEMENTS, IF ANY, BELOW THE SURFACE OF THE GROUND AND NOT VISIBLE.

SURVEY ANALYSIS

LOT 20 BLOCK 27
 SITUATED IN
 BOROUGH OF MANASQUAN
 MONMOUTH COUNTY, NEW JERSEY

FRD SURVEYING LLC
 136 GOLFVIEW BOULEVARD
 TOMS RIVER, NEW JERSEY 08753

FRANK R DESANTIS, P.L.S.
 PROFESSIONAL LAND SURVEYOR
 N.J. Lic. No. 42001

DATE	SCALE	INS-283 ANALYSIS
03/04/17	1"=40'	

FRD Surveying, LLC
136 Golf View Boulevard
Toms River, NJ 08753

June 8, 2020

Job No. INS-283

DESCRIPTION OF PROPERTY
TAX LOT 19.01, BLOCK 27
SITUATED IN BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NJ

Being known as Tax Lot 19.01 as shown on a certain plan entitled "Minor Subdivision, Lots 19 and 20, Block 27, Borough of Manasquan, Monmouth County, New Jersey" dated 01/12/2020, prepared by FRD Surveying, LLC.

BEGINNING at a point in the westerly line of Main Street where same is intersected by the proposed subdivision line of Tax Lot 19.01, and Tax Lot 20.01, Block 27 and being located the following course and distance from the southerly line of Central Avenue;

- a. South 24 degrees 34 minutes 45 seconds East, 226.26 feet to the point of and place of beginning; thence running
 1. Along said line of Main Street, South 24 degrees 34 minutes 45 seconds East, a distance of 69.04 feet to a point; thence
 2. South 24 degrees 50 minutes 09 seconds East, a distance of 50.00 feet to a point; thence
 3. South 58 degrees 54 minutes 51 seconds West, a distance of 78.37 feet to a point; thence
 4. South 43 degrees 39 minutes 25 seconds West, a distance of 36.32 feet to a point; thence
 5. North 28 degrees 36 minutes 58 seconds West, a distance of 150.59 feet to a point in the proposed subdivision line; thence
 6. Along the proposed subdivision line, North 63 degrees 25 minutes 00 seconds East, a distance of 287.82 feet to the point and place of **BEGINNING**.

Prepared By:

FRD Surveying, LLC



Frank R. DeSantis
Professional Land Surveyor
New Jersey License No. GS42001

BOROUGH HALL
201 EAST MAIN STREET

EDWARD G. DONOVAN
Mayor

THOMAS F. FLARITY
Municipal Administrator

Incorporated December 30, 1887

CONSTRUCTION DEPARTMENT

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

732-223-0544
Fax 732-223-1300

FRANK F. DiROMA
Supervisor of Code Enforcement

STEVEN J. WINTERS
Construction Official

RECEIVED

MAY 18 2020

SONNENBLICK PARKER & SELVERS
PC

May 13, 2020

John Rentschler
Sonnenblick, Parker & Selvers
Freehold Executive Center
4400 Route 9 South
Freehold, NJ 07728

Re: Block: 27 Lots: 19, 20 Zone: R-2
Bellaran – 27 Main Street – Block: 27, Lot: 19
Passes – 19 Main Street – Block: 27, Lot 20

Dear Sir:

On this date we reviewed your application to re-subdivide Block: 27, Lots: 19, 20 into two fully conforming lots in the R-2 Zone.

Survey prepared by Frank DeSantis on March 4, 2017. Minor subdivision survey prepared by Frank DeSantis on February 24, 2018. Settlement agreement between Bellaran and Passes dated February 26, 2020.

Application denied for the following reason(s):

Section 32-8.1 – Requires Planning Board approval for the proposed minor subdivision.

If you have any questions, please call me at 732- 223 – 0544 ext. 256.

Sincerely,



Richard Furey
Zoning Officer

FRD Surveying, LLC
136 Golf View Boulevard
Toms River, NJ 08753

June 8, 2020

Job No. INS-283

**DESCRIPTION OF PROPERTY TO BE CONVEYED
FROM TAX LOT 20, BLOCK 27 TO TAX LOT 19, BLOCK 27
SITUATED IN BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NJ**

Being a portion of land as shown on a certain plan entitled "Minor Subdivision, Lots 19 and 20, Block 27, Borough of Manasquan, Monmouth County, New Jersey" dated 01/12/2020, prepared by FRD Surveying, LLC.

BEGINNING at a point in the easterly line of Lot 12 Block 27 where same is intersected by the southerly line of Tax Lot 20, Block 27 and being located the following courses and distances from the southerly line of Central Avenue;

- a. South 24 degrees 34 minutes 45 seconds East, a distance of 224.25 feet to a point; thence
 - b. South 61 degrees 21 minutes 34 seconds West, a distance of 287.78 feet to the point and place of beginning; thence running
1. Along said line of Tax Lot 12, Block 27, North 28 degrees 36 minutes 58 seconds West, a distance of 8.33 feet to a point in the proposed subdivision line between Lots 19 and 20, Block 27; thence
 2. Along the proposed subdivision line, North 63 degrees 25 minutes 00 seconds East, a distance of 232.11 feet to a point in the southerly line of Tax Lot 20, Block 27; thence
 3. Along said line of Tax Lot 20, Block 27, South 61 degrees 28 minutes 51 seconds West, a distance of 231.96 feet to the point and place of **BEGINNING**.

Prepared By:

FRD Surveying, LLC



Frank R. DeSantis
Professional Land Surveyor
New Jersey License No. GS42001

Prepared By:


John A. Rentschler, Esq.

SETTLEMENT AGREEMENT

THIS AGREEMENT is made this 26th day of February, 2020 ("Effective Date") by and between Judith A. Bellaran ("Bellaran"), residing at 27 Main Street, Manasquan, New Jersey 08736 and Philip and Carolyn Passes ("Passes"), residing at 19 Main Street, Manasquan, New Jersey 08736 (collectively "Parties").

RECITALS

WHEREAS, this Agreement involves the adjacent parcels which are designated as Lots 19 and 20 in Block 27 on the Tax Map of the Borough of Manasquan; and

WHEREAS, Bellaran took title to a certain parcel more particularly described in Deed dated October 7, 1994 from Francis A. Bellaran and Carol A. Bellaran to Francis J. Bellaran and Judith A. Bellaran recorded on October 17, 1994 in the Monmouth County Clerk's Office, which is designated as Lot 19, Block 27 on the Tax Map of the Borough of Manasquan and commonly known as 27 Main Street, Manasquan ("Tract I"); and

WHEREAS, Passes took title to a certain parcel more particularly described in Deed dated November 20, 2014 from Ruth E. Feeley to Philip Passes and Carolyn Passes recorded on November 25, 2014 in the Monmouth County Clerk's Office, which is designated as Lot 20, Block 27 on the Tax Map of the Borough of Manasquan and commonly known as 19- 19 1/2 Main Street, Manasquan ("Tract H"); and

WHEREAS, once the Conditions Precedent as set forth in this Agreement are satisfied, the Parties desire to resolve any and all uncertainty or ambiguity which may, might or could exist regarding the property line between the aforesaid Tracts.

NOW THEREFORE, in consideration of mutual promises and covenants set forth herein, the Parties agree, as follows:

1. The recitals shall be incorporated herein in their entirety.
2. In accordance with the survey attached hereto as Schedule "A" prepared by FRD Surveying LLC dated February 24, 2018 ("**Survey**"), upon the fulfillment of the conditions precedent set forth in paragraph 4 below ("**Conditions Precedent**"), the boundary line between the aforesaid Tracts I and II shall be as labeled on the Survey as the "Field Location of Proposed Subdivision" ("**Boundary Line**").
3. Within thirty (30) days of the fulfillment of the last of the Conditions Precedent, the Parties will each execute, deliver, and record deeds in which (i) Bellaran will convey, grant, release, remise and forever quit claim to Passes all of the claim to, estate, right, title and interest in and to all land on the north westerly side of the Boundary Line (Passes side of the Boundary Line); and (ii) Passes will convey, grant, release, remise and forever quit claims to Bellaran all of the claim to, estate right title and interest in and to all land on the south easterly side of the Boundary Line (Bellaran side of the Boundary Line) (with each deed known as a "**Conforming Deed**"). Each Party shall be responsible for any recording costs associated with the Conforming Deed for that Party's property.
4. The following constitute the Conditions Precedent, which must all be fulfilled before the execution, delivery, and recordation of each Conforming Deed:

- a. **Subdivision Approval:** Using the Survey, for which Passes has borne the cost of preparation, Bellaran shall apply to the Manasquan Planning Board for and obtain subdivision approval and any other required relief to set the Boundary Line in accordance with the Survey and to establish a fence where shown on the Survey ("**Subdivision Approval**"). A copy of this Agreement may be provided with the application. Passes agrees to cooperate with the application process and to attend any public hearings at which the application is considered by the Manasquan Planning Board. Provided no appeal is filed challenging the Subdivision Approval, the Subdivision Approval shall be considered final on the forty-fifth (45th) day following the publication of a notice of decision. Other than the costs of preparing the Survey, Bellaran shall be responsible for all costs associated with securing the Subdivision Approval, including but not limited to, attorney's fees, application fees, escrow fees, and publication fees. The Parties shall not perfect the Subdivision Approval with the recording of a plat or the Conforming Deeds until all Conditions Precedent have been fulfilled.
- b. **Removal of Impediments to the Property Line:** Bellaran shall be responsible for, and bear all costs associated with, (i) grinding of the stump currently located on the proposed Boundary Line; and (ii) removing the portion of the outdoor shower wall that is currently located on the property Boundary Line.
- c. **Lender Approval:** With respect to the tract that each Party owns, the Party shall obtain the written consent for the adjustment of the Boundary Line from

any bank, financial institution, or other entity that currently holds a mortgage in that tract (“**Lender's Consent**”).

5. Within sixty (60) days after the fulfillment of the Conditions Precedent (“**Fence Construction Date**”), Passes shall commence construction of a fence in the location specified in the Survey and approved as part of the Subdivision Approval (“**Fence**”). Passes shall be responsible for all costs associated with the construction and completion of the Fence, including the costs associated with obtaining the construction permit. Passes shall choose the design and materials for the Fence in their sole discretion. The Parties acknowledge that the Fence Construction Date will be tolled during the months of November, December, January, and February, as it is generally impracticable to engage in Fence construction during those months due to weather conditions and contractor availability.
6. The Parties acknowledge that they and their respective surveyors, contractors, and other professionals (“**Contractors**”) may need limited access to both Tract I and Tract II near the proposed Boundary Line to fulfill the Conditions Precedent and during construction of the Fence. The Parties agree to retain Contractors that are licensed and carry commercially reasonable insurance and that will perform their work with reasonable diligence and care. Bellaran hereby agrees to and shall indemnify and hold harmless Passes from any and all claims, losses, costs, expenses and liability, including attorneys fees, incurred in connection work performed by Contractors that are retained by Bellaran to meet any Conditions Precedent. Passes hereby agrees to and shall indemnify and hold harmless Bellaran from any and all claims, losses, costs, expenses and liability, including attorneys fees, incurred in

connection with work performed by Contractors retained by Passes to meet any Conditions Precedent or to construct the Fence.

7. If the Conditions Precedent are not fulfilled within two (2) years of the Effective Date, this Agreement shall automatically terminate unless extended in writing by the Parties.
8. The Parties agree and acknowledge that this Agreement is binding upon their successors-in-interest, heirs and assigns while it remains in effect. The Parties agree to notify each other at least sixty (60) days before the sale of their respective properties if such sale is to occur while this Agreement is in effect.
9. The Parties agree that this Agreement shall not be recorded in the Office of the Clerk in the County of Monmouth.

[Signatures on Next Page]

IN WITNESS WHEREOF, and intending to be legally bound, the Parties hereto have made and executed this Agreement as of the date set forth above.



JUDITH BELLARAN

PHILIP PASSES

CAROLYN PASSES

STATE OF NEW JERSEY

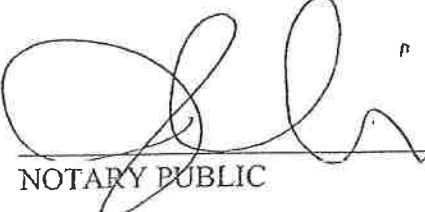
ss.:

COUNTY OF MONMOUTH

I CERTIFY that on Feb 26, 2020, Judy Bellaran, personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document as their act and deed.

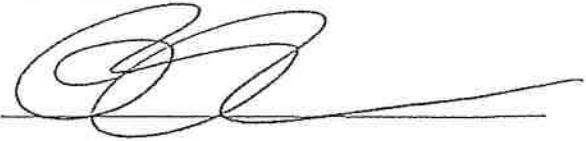
JODI A. QUERCIA
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires April 29, 2021



NOTARY PUBLIC

IN WITNESS WHEREOF, and intending to be legally bound, the Parties hereto have made and executed this Agreement as of the date set forth above.

JUDITH BELLARAN



PHILIP PASSES



CAROLYN PASSES

STATE OF NEW JERSEY

ss.:

COUNTY OF MONMOUTH

I CERTIFY that on _____, 2020, Judy Bellaran, personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document as their act and deed.

NOTARY PUBLIC

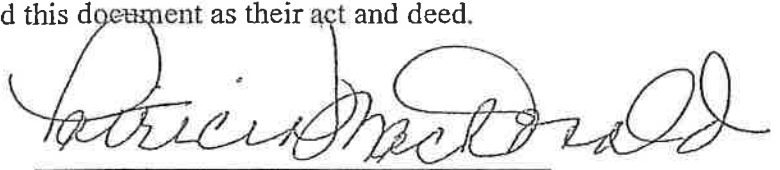
STATE OF NEW JERSEY

ss.:

COUNTY OF

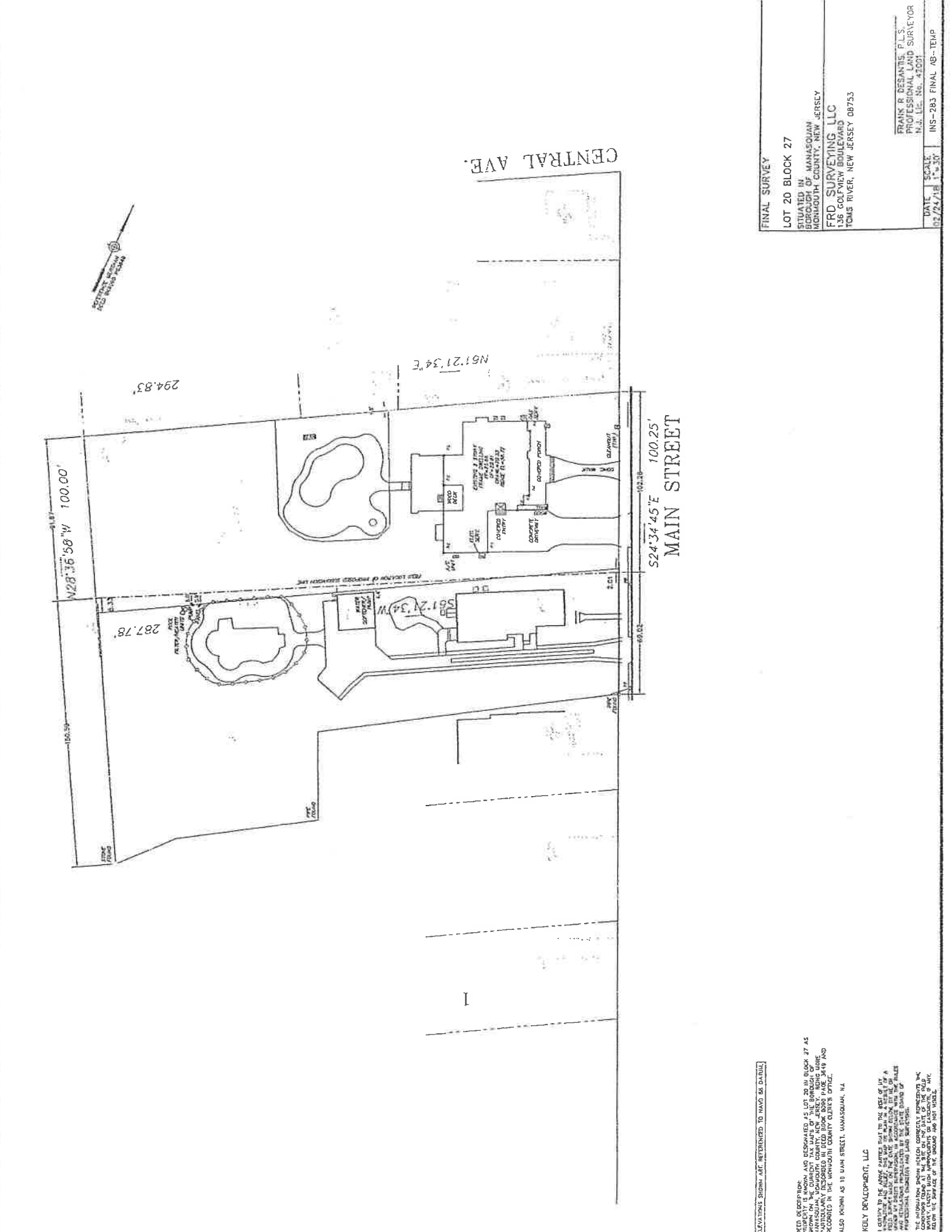
I CERTIFY that on February 15, 2020, Philip Passes and Carolyn Passes, personally came before me and acknowledged under oath, to my satisfaction, that they are the person (or if more than one, each person):

- (c) is named in and personally signed this document; and
- (d) signed, sealed and delivered this document as their act and deed.



NOTARY PUBLIC

PATRICIA ANNE MACDONALD
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 10/15/2023



FINAL SURVEY
LOT 20 BLOCK 27
 SITUATED IN
 BOROUGH OF MANASSAUX
 COUNTY OF MONMOUTH
 COUNTY, NEW JERSEY
FRD SURVEYING LLC
 136 GOLFVIEW BOULEVARD
 TOWNSHIP, NEW JERSEY 08753

DATE: 02/24/18
 SCALE: 1" = 30'
 INS-283 FINAL AS-TEMP

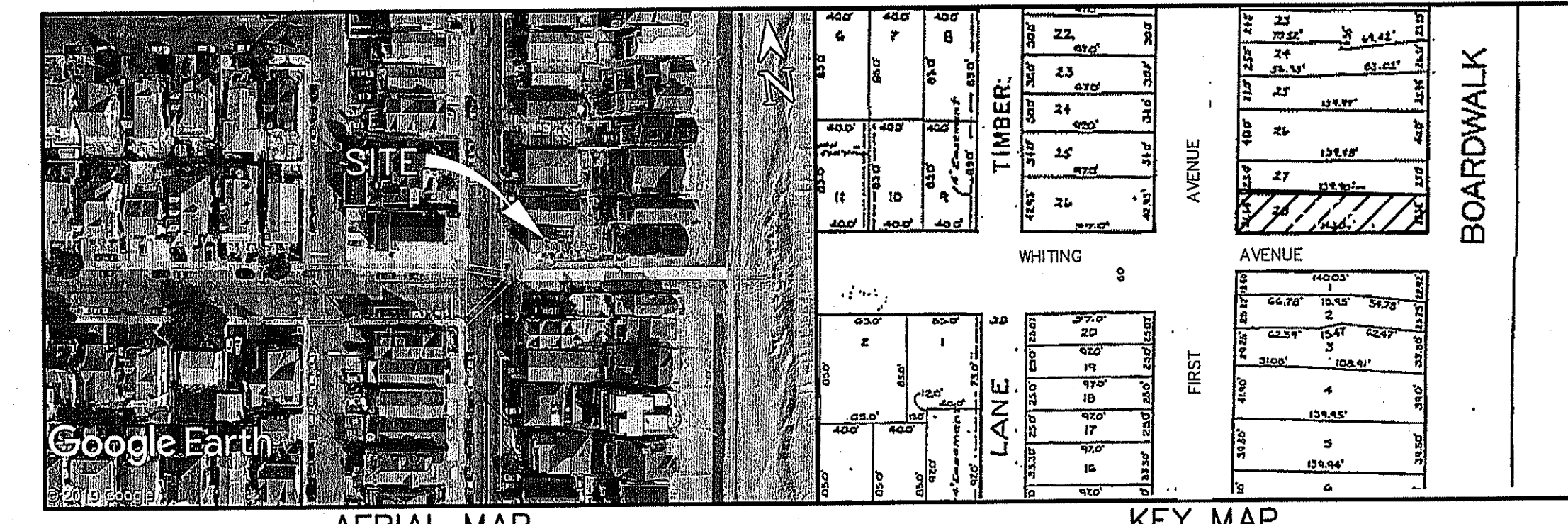
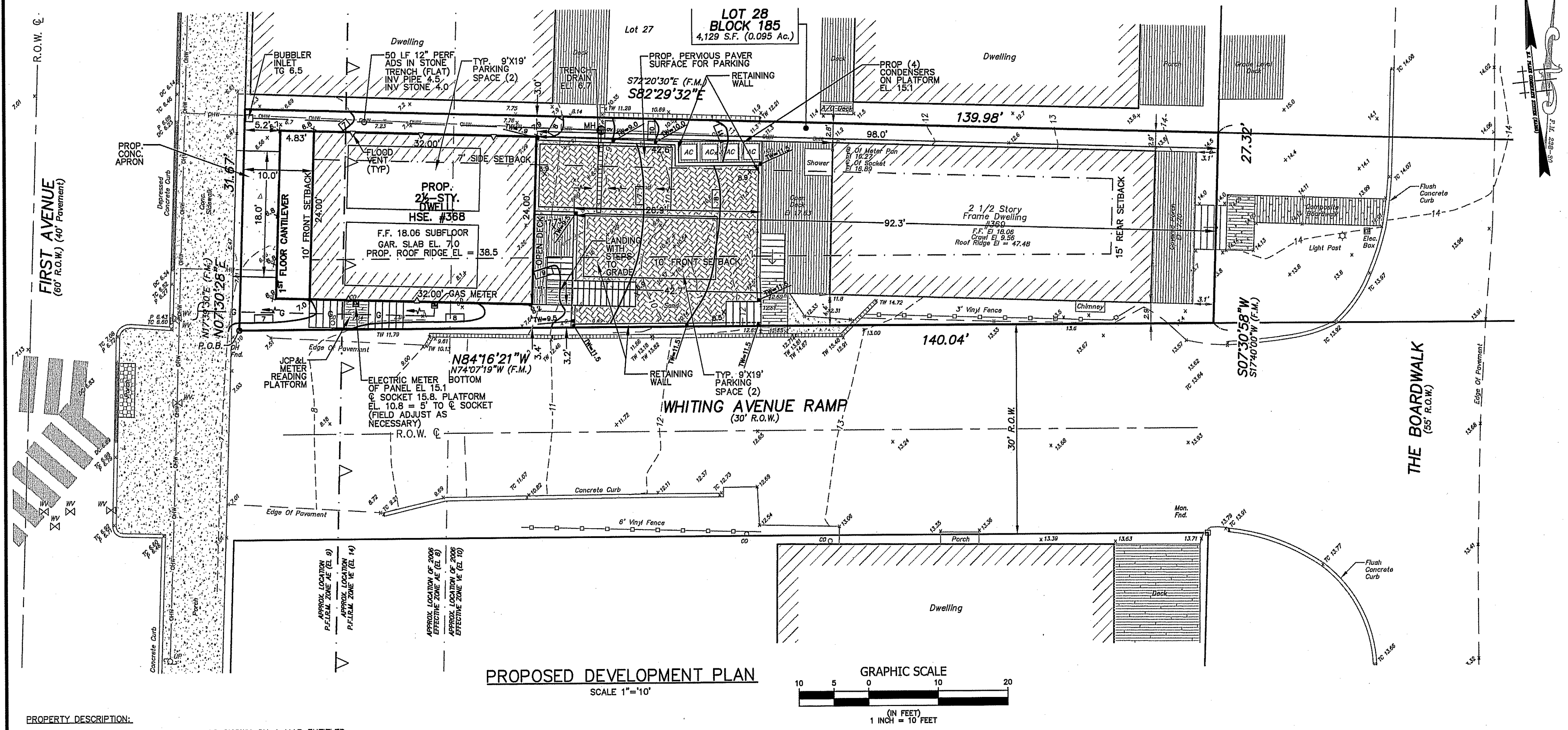
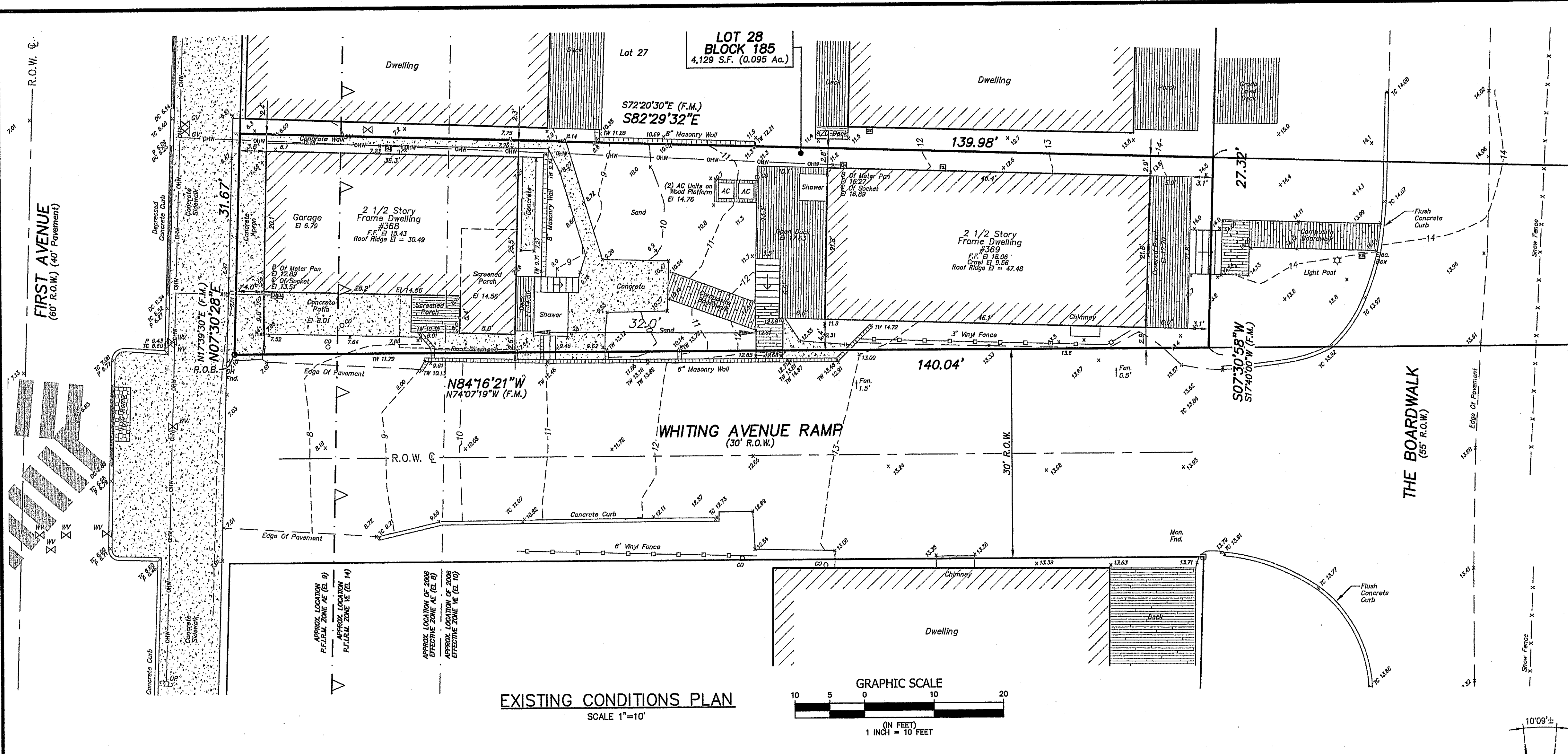
FRANK R. DESMAYRE, P.L.S.
 PROFESSIONAL LAND SURVEYOR
 N.J. LIC. NO. 41001

EXAMINE SHOWN AND REFERRED TO HAVO BE DATED

NEED DESCRIPTION:
 PROPERTY IS MOON AND DISIGNED AS LOT 20 IN BLOCK 27 AS
 MANASSAUX, MONMOUTH COUNTY, NEW JERSEY. THIS LOTS
 PARTICULARLY INCORPORATED IN DEED BOOK 3009 PAGE 3418 AND
 RECORDED IN THE MONMOUTH COUNTY CLERK'S OFFICE.
 ALSO KNOWN AS 10 MAIN STREET, MANASSAUX, NJ.

KELLY DEVELOPMENT, LLC

I CERTIFY TO THE ABOVE STATED TRUE TO THE BEST OF MY
 KNOWLEDGE AND BELIEF, AND THAT THE SAME IS A TRUE AND
 ACCURATE REPRESENTATION OF THE SURVEYED AND DESCRIBED
 PROPERTY. I HAVE BEEN ADVISED BY THE OWNER THAT THE ABOVE
 PROFESSIONAL SURVEYOR HAS BEEN LICENSED AND IS IN GOOD
 STANDING WITH THE STATE OF NEW JERSEY.
 THE INFORMATION SHOWN HEREON CORRECTLY REPRESENTS THE
 SURVEYED LOT AS SHOWN ON THE ATTACHED MAPS AND PLANS.
 EXCEPT AS SHOWN ON THE SURVEY MAPS AND PLANS, I DO NOT
 KNOW THE SURFACE OF THE GROUND OR THE LOCATION OF ANY



PROPERTY IS LOCATED IN THE R-4 DISTRICT

FIRST AVENUE HOUSE #368			
DESCRIPTION	REQUIRED	EXISTING	PROPOSED
FRONT SETBACK	10 FT.	3.8 FT.*	5.0 FT.**
SIDE SETBACK NORTH	5 FT.	2.8 FT.*	3.4 FT.**
SIDE SETBACK SOUTH	7 FT.	6.4 FT.*	7.0 FT.**
REAR SETBACK	15 FT.	14.5 FT.*	15.0 FT.**
DIST. TO BLDG.	15 FT.	32.0 FT.*	26.9 FT.**
MAX. HEIGHT(1)	32 FT.	23.99 FT.*	31.5 FT.**
		2 1/2 Sty	2 1/2 Sty

OCEAN FRONT HOUSE #368

DESCRIPTION	REQUIRED	EXISTING	PROPOSED
FRONT SETBACK	10 FT.	3.1 FT.*	2.8 FT.*
SIDE SETBACK	5 FT.	7.5 FT.*	7.5 FT.*
REAR SETBACK	15 FT.	32.0 FT.*	26.9 FT.**
DIST. TO BLDG.	15 FT.	33 FT.*	33.47 FT.*
MAX. HEIGHT(2)	32 FT.	28 FT.*	28 FT.*

PROPERTY IS LOCATED IN THE R-4 DISTRICT

TOTAL LOT ZONING CRITERIA			
DESCRIPTION	REQUIRED	EXISTING	PROPOSED
MIN. LOT SIZE	4,000 S.F.	4,129 S.F.*	4,129 S.F.*
LOT FRONTAGE	50 FT.	31.67 FT.*	31.67 FT.*
LOT WIDTH	45.0 FT.	31.4 FT.*	31.4 FT.*
BUILDING COVERAGE	47.75%	45.33%*	45.33%*
LOT COVERAGE	50%	61.65%*	54.12%*

* EXISTING NON-CONFORMING
** VARIANCE REQUIRED
N.C. = NO CHANGE

(1) MEASURED FROM TC OF FIRST AVENUE 6.5
(2) MEASURED FROM TC 14.01 AT THE BOARDWALK 47.48 - 14.01 = 33.47

- LEGEND:**
- 47- EXISTING CONTOUR
 - 128- PROPOSED CONTOUR
 - 128.45- EXISTING SPOT GRADE
 - 128.45- PROPOSED SPOT GRADE
 - EXISTING INLET
 - PROPOSED INLET
 - EXISTING FIRE HYDRANT
 - PROPOSED FIRE HYDRANT
 - EXISTING M.H.
 - PROPOSED M.H.
 - EXISTING UTILITY POLE
 - PROPOSED UTILITY POLE
 - SOIL BORING LOCATION
 - EXISTING VALVE
 - PROPOSED VALVE
 - EXISTING WOODS LINE
 - PROPOSED WOODS LINE
 - TOP OF BLOCK

4	7/14/20	REVISED COVERAGE	JGK
3	7/8/20	REVISED ZONING CHART	JAR
2	6/29/20	REVISED REAR STEPS & COVERAGE	JAR
1	4/13/20	REVISED BUILDING & LOT COVERAGE	JAR

NO. DATE REVISION DESCRIPTION BY

Lindstrom, Diessner & Carr, P.C.
ENGINEERING ♦ SURVEYING ♦ PLANNING
136 Drum Point Road • Suite 6 • Brick, NJ 08723 • Tel.(732)477-8900 • Fax.(732)477-8026

CHARLES E. LINDSTROM
PROFESSIONAL ENGINEER N.J. LIC. NO. 246502473900
PROFESSIONAL PLANNER N.J. LIC. NO. 331002333000

PLOT PLAN
LOT 28 BLOCK 185

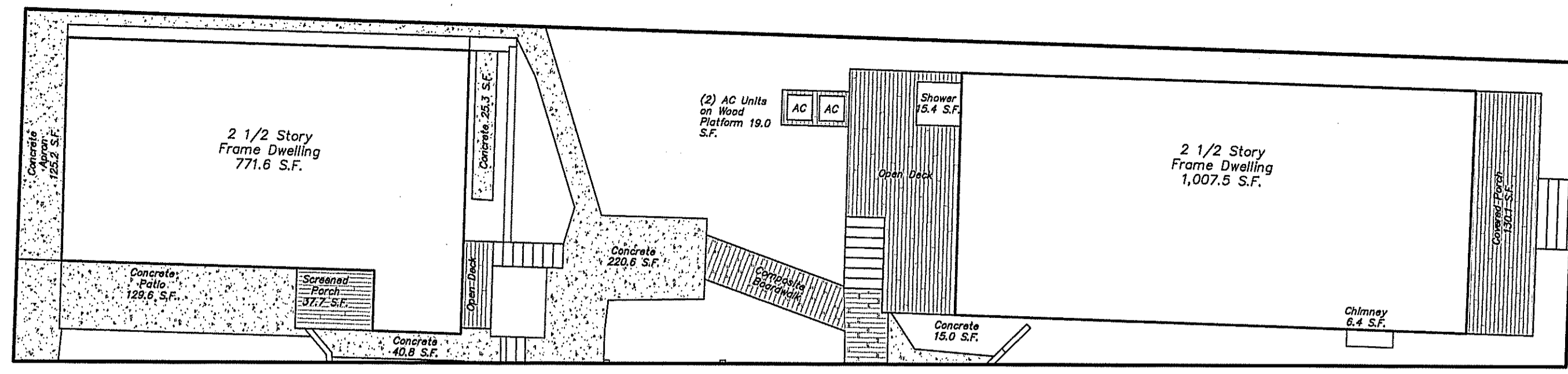
DRAWN BY:	SCALE:	DATE:	SHEET:	PROJECT:
JAR	SEE PLAN	2/5/2020	1 OF 2	19184

BOROUGH OF MANASQUAN MONMOUTH COUNTY NEW JERSEY

PROPERTY DESCRIPTION:
BEING KNOWN AS LOT 28 IN BLOCK 185 AS SHOWN ON A MAP ENTITLED "FINAL MAP OF BLOCK 185, LANDS OF AMERICAN TIMBER COMPANY, LOT 1, BLOCK 185, BOROUGH OF MANASQUAN, MONMOUTH COUNTY, N.J." DATED JUNE 7, 1990 AND FILED IN THE OFFICE OF THE MONMOUTH COUNTY CLERK ON NOVEMBER 5, 1990 AS MAP NO. 238-30.

OWNER/APPLICANT:
DANIEL & SUSAN SHANNON
12 HICKORY PLACE
CEDAR KNOLLS, NJ 07927

REFERENCES USED:
- FILED MAP CASE NO. 238-30
- DEED BOOK 9367, PAGE 4861



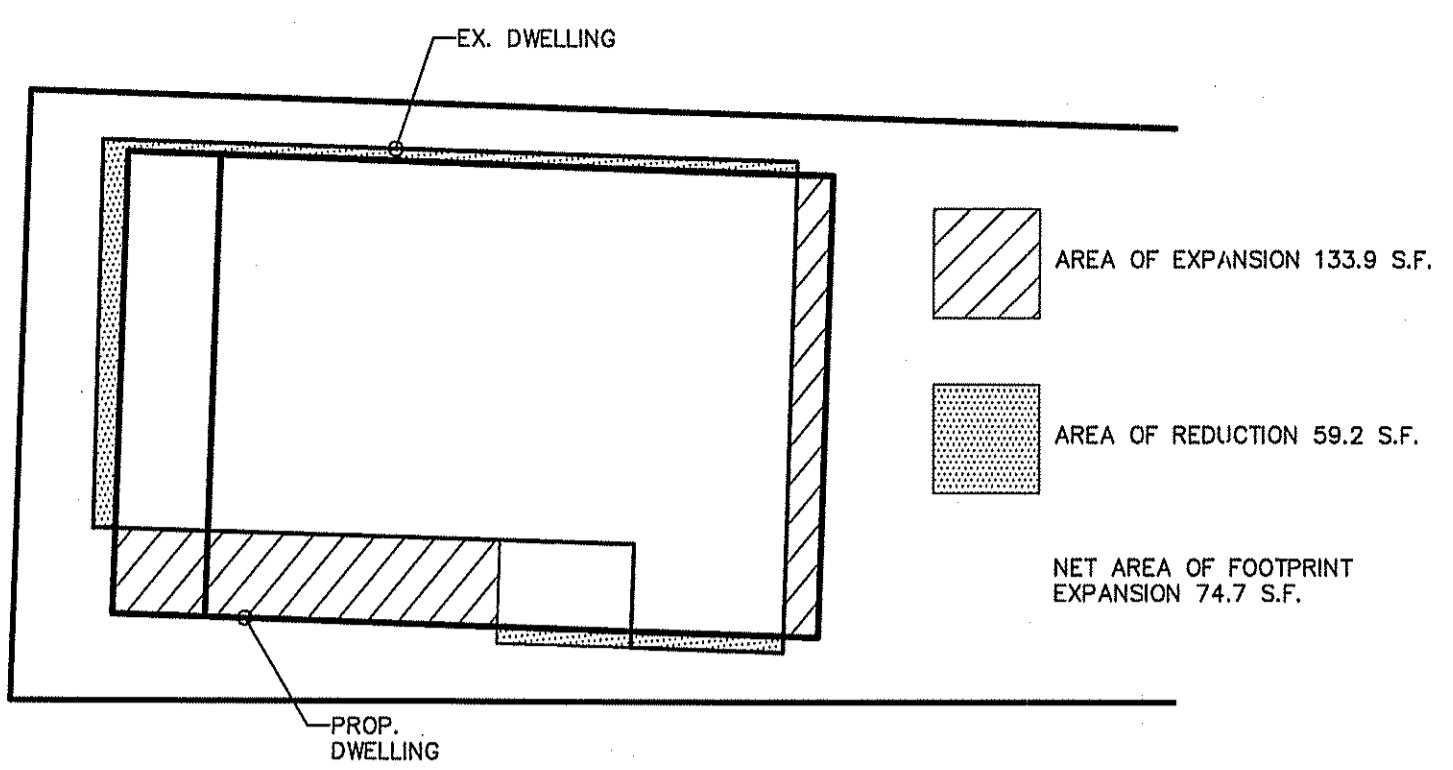
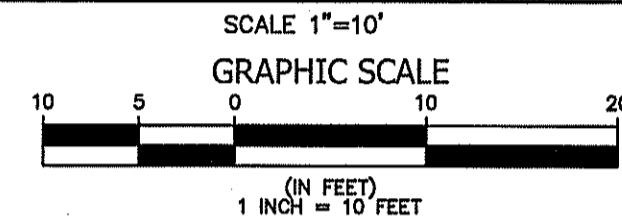
EXISTING BUILDING COVERAGE

2 1/2 STORY FRAME DWELLING	771.6 S.F.
SCREENED PORCH	37.7 S.F.
SHOWER	15.4 S.F.
2 1/2 STORY FRAME DWELLING	1,007.5 S.F.
COVERED PORCH	130.1 S.F.
CHIMNEY	6.4 S.F.
TOTAL	1,988.7 S.F.

EXISTING LOT COVERAGE

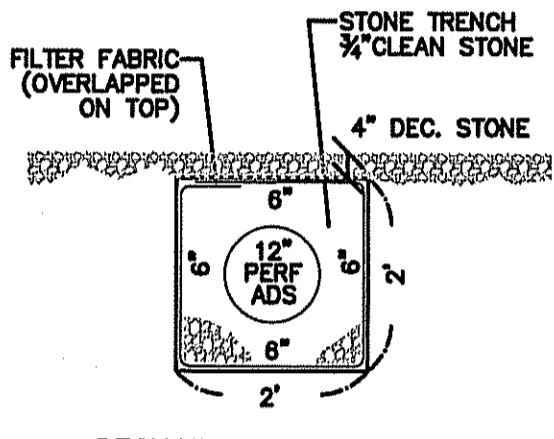
CONCRETE APRON	125.2 S.F.
CONCRETE PATIO	129.8 S.F.
2 1/2 STORY FRAME DWELLING	771.6 S.F.
SCREENED PORCH	37.7 S.F.
CONCRETE	25.3 S.F.
CONCRETE	220.6 S.F.
CONCRETE	40.8 S.F.
AC UNITS ON WOOD PLATFORM	19.0 S.F.
SHOWER	15.4 S.F.
CONCRETE	15.0 S.F.
2 1/2 STORY FRAME DWELLING	1,007.5 S.F.
COVERED PORCH	130.1 S.F.
CHIMNEY	6.4 S.F.
TOTAL	2,544.2 S.F.

EXISTING COVERAGE CALCULATIONS DETAIL

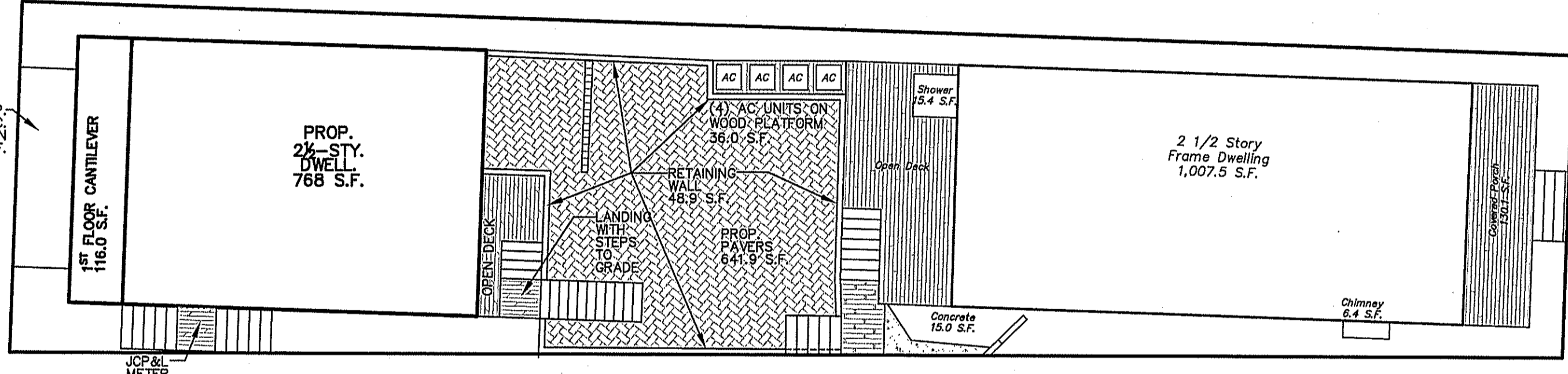


FOOTPRINT DIAGRAM

SCALE 1"=10'



RECHARGE PIPE DETAIL N.T.S.



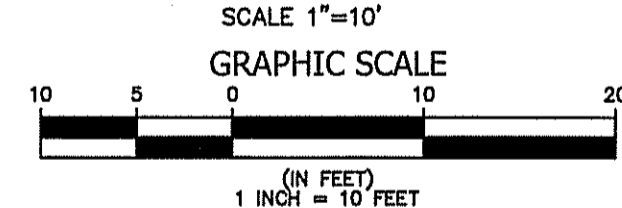
PROPOSED BUILDING COVERAGE

PROP. 2 1/2 -STY. DWELL.	768.0 S.F.
1 ST FLOOR CANTILEVER	116.0 S.F.
SHOWER	15.4 S.F.
2 1/2 STORY FRAME DWELLING	1,007.5 S.F.
COVERED PORCH	130.1 S.F.
CHIMNEY	6.4 S.F.
TOTAL	2,043.4 S.F.

PROPOSED LOT COVERAGE

PROP. CONC. APRON	93.0 S.F.
PROP. 2 1/2 -STY. DWELL.	768.0 S.F.
1 ST FLOOR CANTILEVER	116.0 S.F.
RETAINING WALLS	48.9 S.F.
AC UNITS ON WOOD PLATFORM	36.0 S.F.
SHOWER	15.4 S.F.
CONCRETE	15.0 S.F.
2 1/2 STORY FRAME DWELLING	1,007.5 S.F.
COVERED PORCH	130.1 S.F.
CHIMNEY	6.4 S.F.
TOTAL	2,236.3 S.F.

PROPOSED COVERAGE CALCULATIONS DETAIL



FLOOD HAZARD CONTROL ACT NOTES

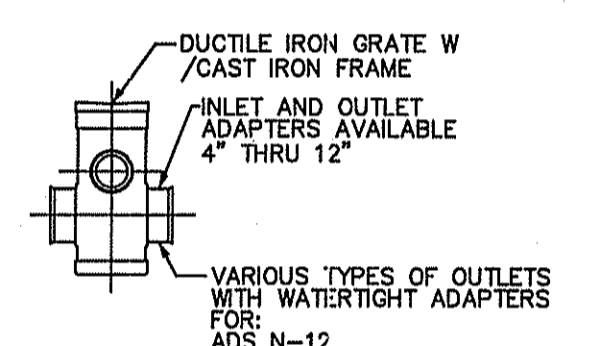
- DECK:
 - THE DECK IS NOT ENCLOSED WITH WALLS EITHER ABOVE OR BELOW ITS FLOOR EXCEPT FOR PROTECTIVE OR DECORATIVE FENCING, BANISTERS OR LATTICE WORK THAT ALLOW FLOODWATERS TO PASS FREELY.
 - THE DECK WILL BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE FEDERAL FLOOD REDUCTION STANDARDS 44 C.F.R. PART 60 & FEMA'S TECHNICAL BULLETINS.
 - THE DECK SHALL BE DESIGN AND CONSTRUCTED IN ACCORDANCE WITH PERMIT-BY-RULE 18 AT N.J.A.C. 7:13-7.16
- RESIDENTIAL CONSTRUCTION IN TIDAL FLOOD HAZARD AREA
 - THE PROPOSED FINISHED FLOOR LIVING SPACE IS ELEVATION 18.06 NAVD88.
 - LOWEST FLOOR SHALL MEET THE FOLLOWING:
 - THE ENCLOSURE IS USED SOLELY FOR PARKING OF VEHICLES, BUILDING ACCESS OR STORAGE;
 - THE FLOOR OF THE ENCLOSURE IS SITUATED AT OR ABOVE THE ADJOINING EXTERIOR GRADE ALONG AT LEAST ONE FOOT OF THE EXTERIOR WALL, IN ORDER TO PROVIDE POSITIVE DRAINAGE OF THE ENCLOSED AREA; AND
 - THE ENCLOSURE IS CONSTRUCTED WITH FEMA COMPLIANT BREAKAWAY WALLS AND PERMANENT FLOOD OPENINGS THAT MEET THE REQUIREMENTS OF THE UNIFORM CONSTRUCTION CODE AT N.J.A.C. 5:23
 - THE DEED FOR THE LOT ON WHICH THE ENCLOSURE OR GARAGE IS CONSTRUCTED IS MODIFIED TO:
 - EXPLAIN THAT THE ENCLOSURE OR GARAGE IS LIKELY TO BE INUNDATED BY FLOODWATERS, WHICH MAY RESULT IN DAMAGE AND/OR INCONVENIENCE.
 - DISCLOSE THE DEPTH OF FLOOD THAT THE ENCLOSURE OR GARAGE WOULD EXPERIENCE DURING THE FEMA 100-YEAR FLOOD AND FLOOD HAZARD AREA DESIGN FLOOD, IF EITHER ELEVATION IS KNOWN.
 - PROHIBIT HABITATION OF THE ENCLOSURE OR GARAGE; AND
 - EXPLAIN THAT CONVERTING THE ENCLOSURE OR GARAGE INTO A HABITABLE AREA MAY SUBJECT THE PROPERTY OWNER TO ENFORCEMENT ACTION BY THE NJDEP.
 - THE PROPOSED DRIVEWAY ASSOCIATED WITH HABITABLE BUILDING SHALL MEET THE REQUIREMENTS AT N.J.A.C. 7:13-12.6(i). THE DRIVEWAY WILL NOT BE CONSTRUCTED FOR A BUILDING THAT IS PART OF RESIDENTIAL SUBDIVISION OR MULTIFAMILY DEVELOPMENT AND A DEED MODIFICATION WILL BE PROVIDED IN ACCORDANCE WITH 12.6(i), SINCE IT IS NOT FEASIBLE TO CONSTRUCT THE DRIVEWAY AT LEAST ONE FOOT ABOVE THE BFE OF 14.0 NAVD.

GENERAL NOTES:

- SURVEY AND TOPOGRAPHY TAKEN FROM A PLAN ENTITLED "TOPOGRAPHIC SURVEY LOT 28 BLOCK 185 BOROUGH OF MANASQUAN, OCEAN COUNTY, NEW JERSEY" PREPARED BY LINDSTROM, DIESSNER AND CARR P.C. DATED 12/13/2019. WILLIAM H. DOOLITTLE P.L.S. FOR DANIEL & SUSAN SHANNON.
- HORIZONTAL DATUM BASED ON NEW JERSEY STATE PLANE COORDINATE SYSTEM NAD 1983. MAIN BEARINGS SHOWN ARE IN NAD 83 DATUM UNLESS STATED OTHERWISE.
- ELEVATIONS BASED ON NAVD 1988 DATUM AND GPS RTK OBSERVATIONS.
- PROPERTY LOCATED IN FLOOD ZONE AE (EL 8) & ZONE VE (EL 15). COMMUNITY NUMBER 345303 MAP NUMBER 030200000. EFFECTIVE DATE: SEPTEMBER 23, 2009. PROPERTY LOCATED IN FLOOD ZONE AE (EL 9) & ZONE VE (EL 14) BASED ON FEMA PRELIMINARY FLOOD INSURANCE RATE MAPS REVISED JANUARY 31, 2014.
- UTILITIES ARE EXISTING AND SHALL REMAIN AND BE RECONNECTED TO PROPOSED DWELLING IN ACCORDANCE WITH APPLICABLE BUILDING CODES AND UTILITY COMPANY REQUIREMENTS. LOCATION OF EX. UTILITIES IS APPROXIMATE AND MUST BE VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION/EXCAVATION.
- FOR COMPLETE BUILDING DIMENSIONS AND INFORMATION SEE ARCHITECTURAL PLANS.
- THERE ARE NO WETLANDS ON SITE.
- THERE IS NO BELOW GRADE BASEMENT PROPOSED.
- A FOYER WITH A FLOOR THAT IS NOT 1 FOOT ABOVE THE BFE IS NOT PERMITTED.
- ANY AND ALL IMPORTED EARTHEN MATERIAL SHALL BE CERTIFIED CLEAN.

CAFRA GENERAL NOTES:

- INDIGENOUS COASTAL PLANTS ARE ENCOURAGED TO BE USED WHEREVER FEASIBLE. NO PLASTIC LINERS SHALL BE USED IN LANDSCAPED OR GRAVEL AREAS. ALL LINERS SHALL BE MADE OF FILTER CLOTH OR OTHER PERMEABLE MATERIAL.
- GRASS DRIVEWAY TO PITCH RUNOFF TO DRAIN ONTO PERMEABLE AREAS OF THE SITE OR USE OTHER PERMEABLE STONE.
- PROPOSED SILT FENCE SHALL BE ERRECTED PRIOR TO CONSTRUCTION AND SHALL REMAIN IN PLACE UNTIL ALL CONSTRUCTION AND LANDSCAPING IS COMPLETE.
- ALL CONSTRUCTION SHALL COMPLY WITH FEMA REQUIREMENTS AND FLOOD HAZARD CONTROL ACT REQUIREMENTS.
- FLOOD VENTS SHALL BE INSTALLED IN GARAGE AND LOWER LEVEL IN ACCORDANCE WITH FEMA REQUIREMENTS.

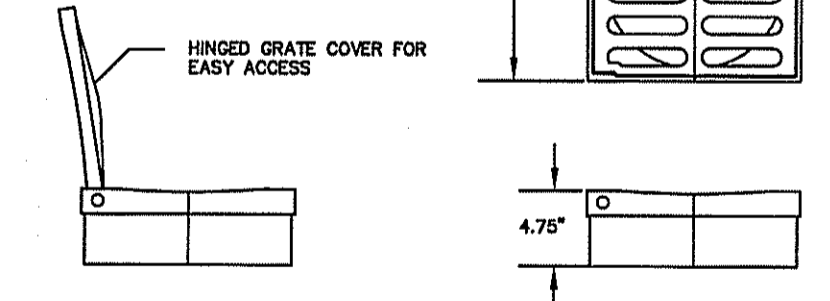


DUCTILE IRON GRATE W/ CAST IRON FRAME INLET AND OUTLET ADAPTERS AVAILABLE 4" THRU 12" VARIOUS TYPES OF OUTLETS WITH WATERTIGHT ADAPTERS FOR ADS N-12 SDR-35 SEWER SCHEDULE 40 DWV CORRUGATED PVC RIBBED PVC

12" DRAIN BASIN

N.T.S.

DRAINAREA = 62.7 SQ. INCH GRATE HAS H-20 (HEAVY TRAFFIC) DOT RATING QUALITY MATERIAL SHALL CONFORM TO ASTM A48 - CLASS 30B PAINT: CASTINGS ARE FURNISHED WITH A BLACK PAINT

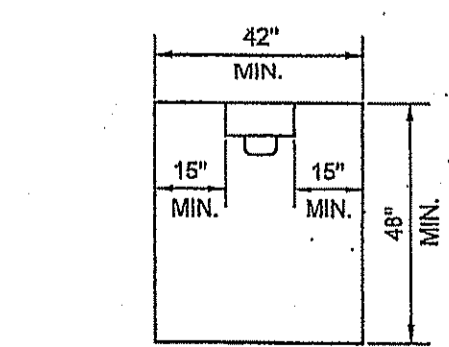


12" CAST IRON GRATE

N.T.S.

LEGEND:

- 47— EXISTING CONTOUR
- 48— PROPOSED CONTOUR
- 123.45 EXISTING SPOT GRADE
- 123.45 PROPOSED SPOT GRADE
- EXISTING INLET
- PROPOSED INLET
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- EXISTING M.H.
- PROPOSED M.H.
- EXISTING UTILITY POLE
- PROPOSED UTILITY POLE
- SOIL BORING LOCATION
- EXISTING VALVE
- PROPOSED VALVE
- EXISTING WOODS LINE
- PROPOSED WOODS LINE
- TOB TOP OF BLOCK



LANDING PLAN (MINIMUM CLEARANCES) JCP&L METER READING PLATFORM DETAIL N.T.S.

3	7/14/20	REVISED COVERAGE	JGK
2	6/29/20	REVISED REAR STEPS & COVERAGE	JAR
1	4/13/20	REVISED BUILDING & LOT COVERAGE	JAR
NO.	DATE	REVISION DESCRIPTION	BY

Lindstrom, Diessner & Carr, P.C.
ENGINEERING ♦ SURVEYING ♦ PLANNING
136 Drum Point Road • Suite 6 • Brick, NJ 08723 • Tel. (732)477-8900 • Fax. (732)477-8026

CHARLES E. LINDSTROM
PROFESSIONAL ENGINEER N.J. LIC. NO. 24602473800
PROFESSIONAL PLANNER N.J. LIC. NO. 33100233300









PLOT PLAN
LOT 28 BLOCK 185

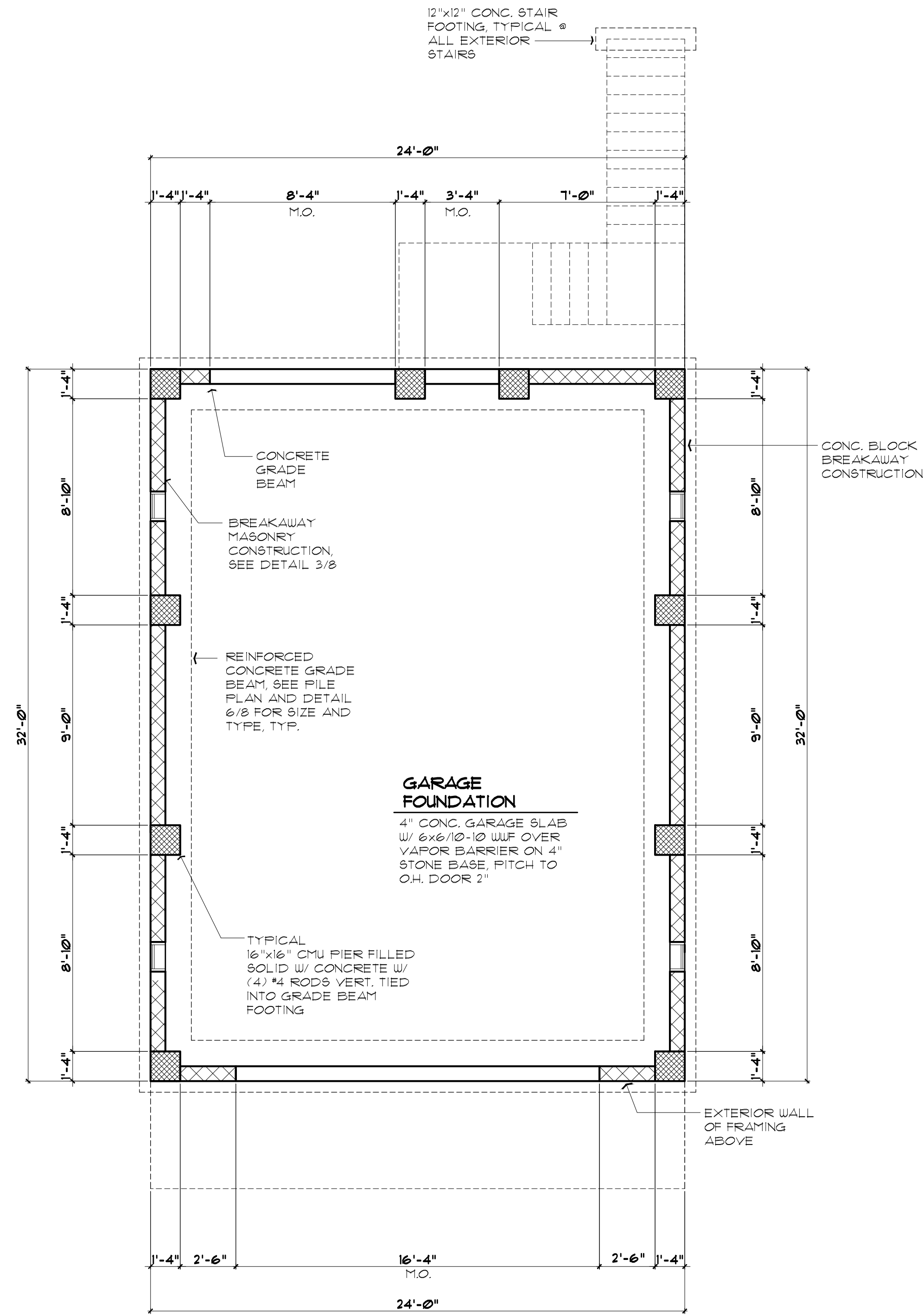
BOROUGH OF MANASQUAN	MONMOUTH COUNTY	NEW JERSEY
JAR	SCALE: SEE PLAN	DATE: 2/5/2020
	SHEET: 2 OF 2	PROJECT: 19184

revisions	date
1.	
2.	
3.	
4.	

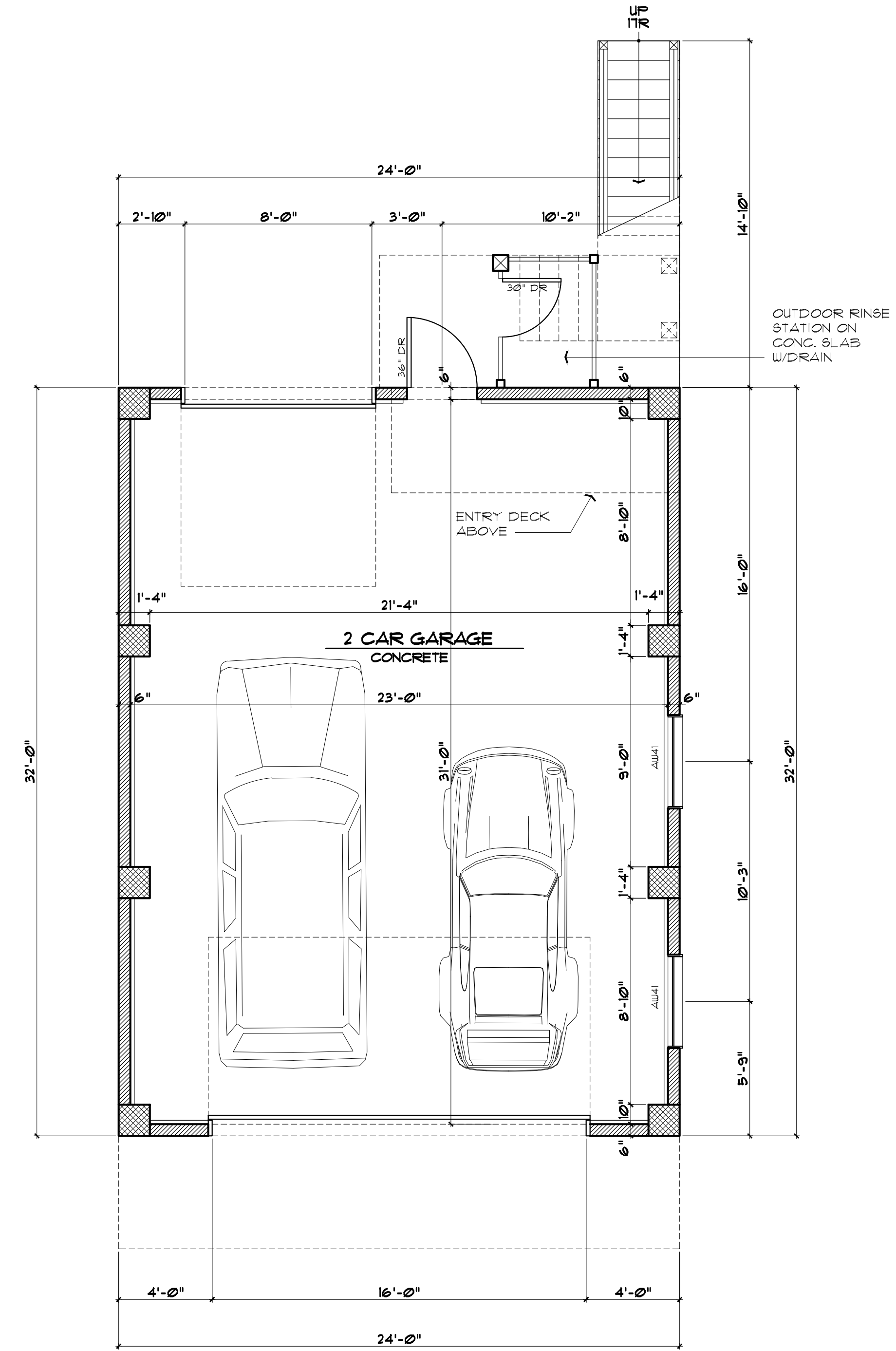
project number
1926

Legend for Floor Plans:

	WOOD FRAME CONSTRUCTION		BEAM ABOVE SEE DRAWINGS FOR TYPES AND SIZES
	BREAKAWAY WOOD FRAME CONSTRUCTION		GRADE BEAM OR FOOTING BELOW
	16"x16" CMU STRUCTURAL PIERS		LINES OF CONSTRUCTION BELOW
	NON-LOAD BEARING CMU, BREAKAWAY CONSTRUCTION		LINES OF CONSTRUCTION ABOVE



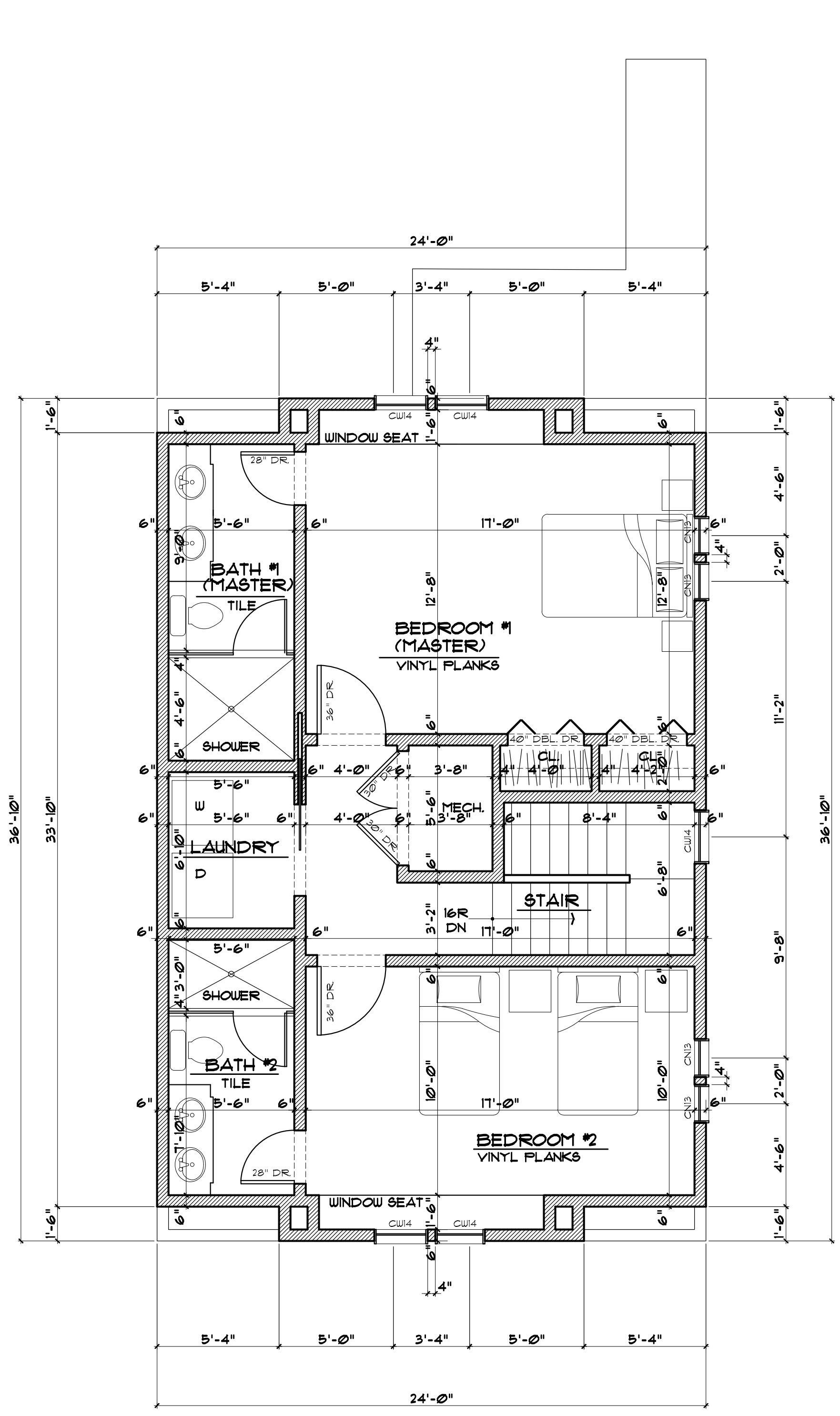
1 Foundation / Pier Plan
SCALE: 1/4" = 1'-0"



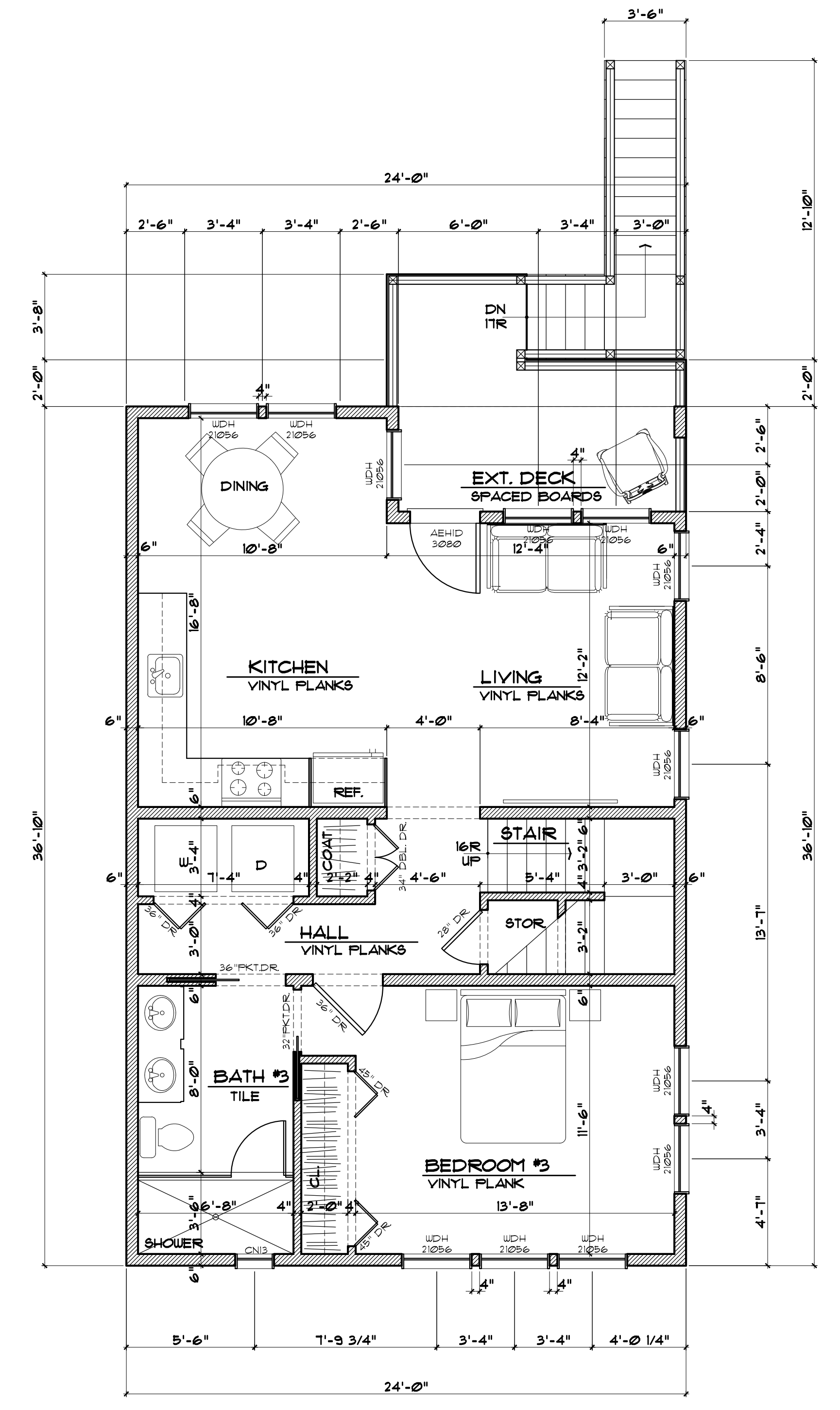
2 Garage Level Plan
SCALE: 1/4" = 1'-0"

revisions	date
1.	
2.	
3.	
4.	

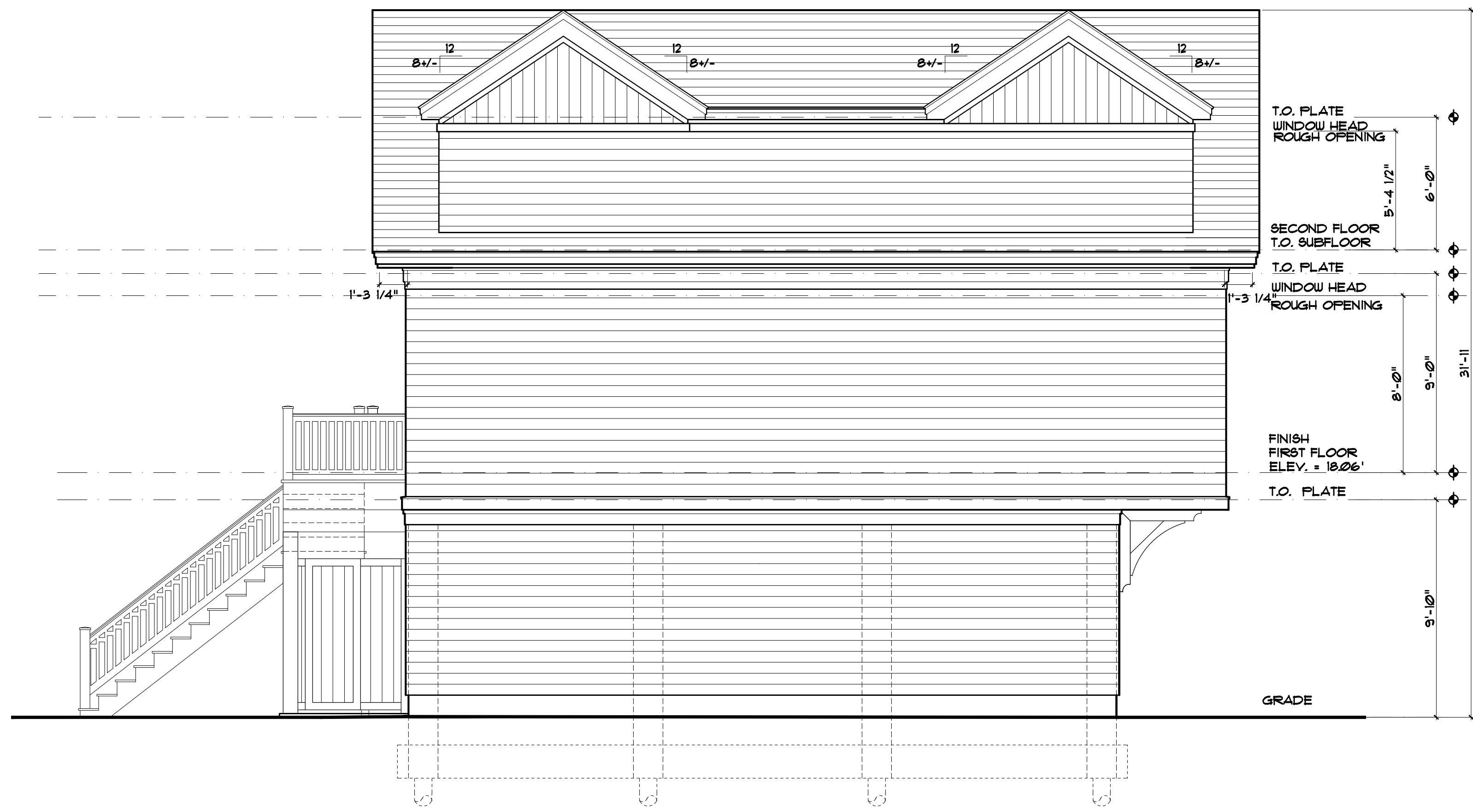
project number
1926



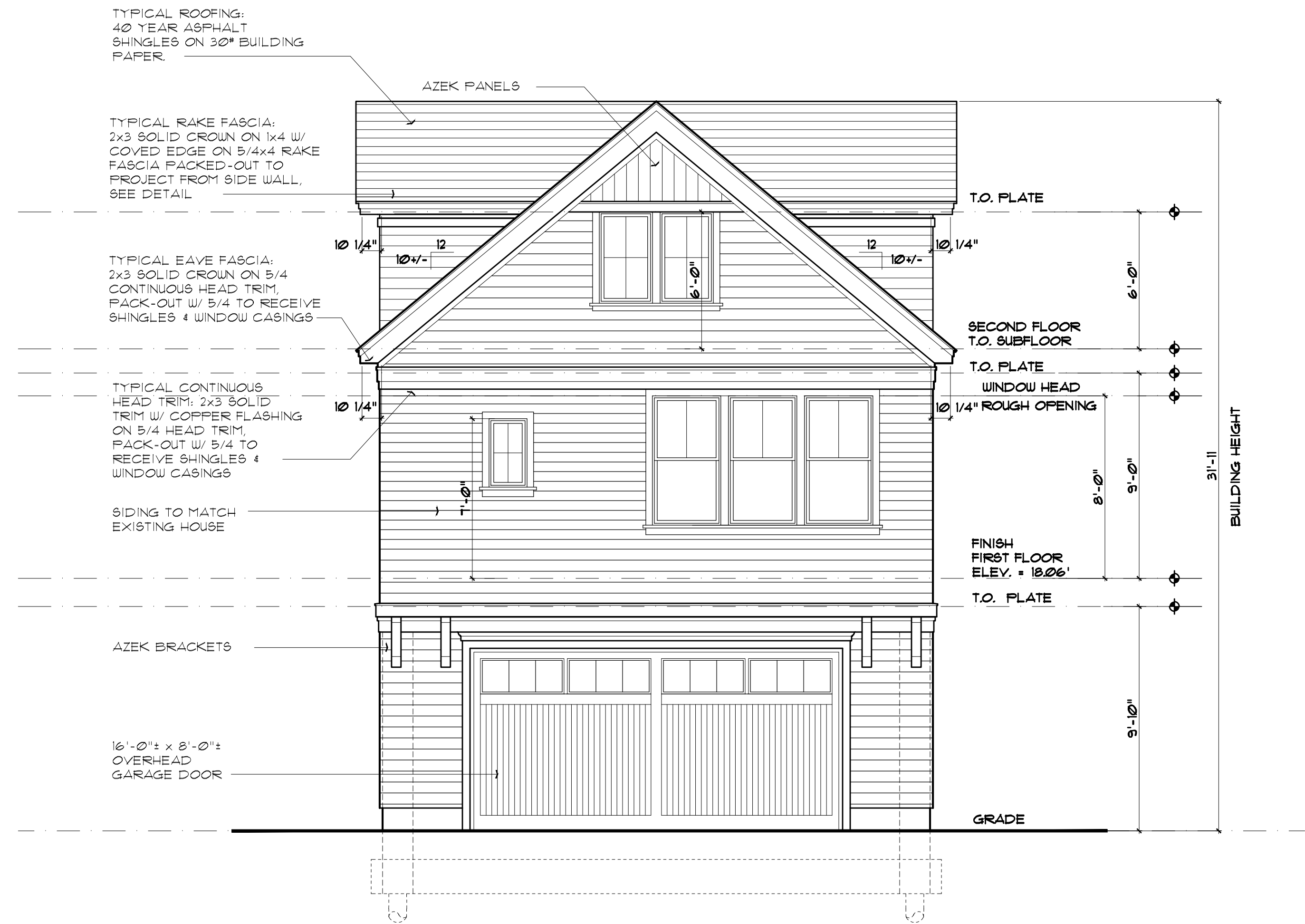
2 Second Floor Plan
 SCALE: 1/4" = 1'-0"



1 First Floor Plan
 SCALE: 1/4" = 1'-0"



2
3
North (Left) Elevation
SCALE: 1/4" = 1'-0"



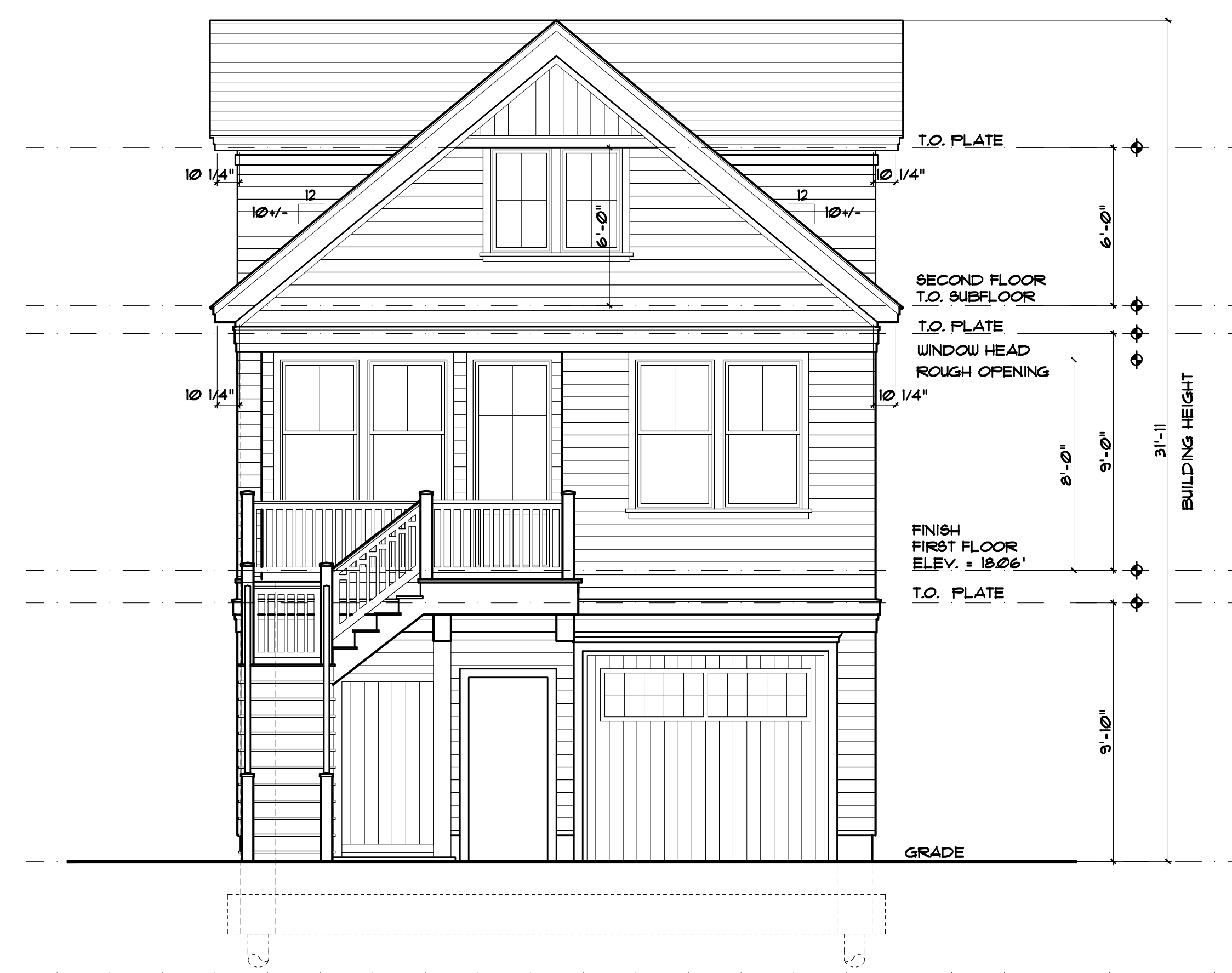
1
3
West (Front) Elevation
SCALE: 1/4" = 1'-0"

revisions	date
1.	
2.	
3.	
4.	

revisions	date
1.	
2.	
3.	
4.	



2
 4
 South (Right) Elevation
 SCALE: 1/4" = 1'-0"



1
 4
 East (Rear) Elevation
 SCALE: 1/4" = 1'-0"

June 2, 2020

Mary Salerno, Secretary
Manasquan Borough Planning Board
201 East Main Street
Manasquan, NJ 08736

Re: Boro File No. MSPB-R1250
Variance – Shannon
Block 185, Lot 28
369 Beachfront/368 First Avenue
R-4 Single-Family Residential Zone
Borough of Manasquan, Monmouth County, NJ

Dear Ms. Salerno:

As per your request, I have reviewed the above-referenced application in accordance with the provisions of the Borough Land Development Ordinance. The documents reviewed in conjunction with this application include:

1. Plot Plan prepared by Charles Lindstrom, P.E. of Lindstrom, Diessner & Carr, P.C., dated February 5, 2020.
2. Architectural Floorplans and Elevations prepared by Jeff Schneider, RA, dated January 15, 2020.

The property is located in the R-4 Single-Family Residential Zone with frontage on First Avenue, the Whiting Avenue ramp, and the Beachfront. With this application, the applicant proposes to demolish the existing front structure and construct a raised two story garage dwelling on First Avenue with associated site improvements. This application is deemed complete as of June 1, 2020.

The following are our comments and recommendations regarding this application:

1. The property is located in the R-4 Single Family Residential Zone. The proposed residential use is permitted in the zone.
2. The following bulk ('c') variances are required as part of this application:
Lot 28
 - a. A maximum building coverage of 35% is permitted, whereas a building coverage of 49.5% is proposed (47.7% exists).
 - b. A maximum lot coverage of 50% is permitted, whereas a lot coverage of 68.9% is proposed (61.6% exists).

Re: Boro File No. MSPB-R1250
Variance – Shannon
Block 185, Lot 28



June 2, 2020
Sheet 2

- c. A minimum building separation of 35 feet is required, whereas a separation of 26.9 feet is proposed.
- d. A dedicated 3 feet wide walkway to the beachfront is required, whereas none is proposed.
- e. A minimum setback of 5 feet is required to mechanical devices, whereas a setback of approximately 3 feet is proposed. It should be noted that the air conditioning units are located within the building envelopes between the dwellings.
- f. Landings and stairs are prohibited within the side yard setback, whereas stairs are proposed within the southern side yard setback.

First Avenue Dwelling (368 First Avenue)

- g. A minimum front yard setback of 10 feet is required, whereas a setback of 5.2 feet is proposed (3.8 feet exists).
- h. A minimum side yard setback of 5 feet is required, whereas a setback of 3 feet is proposed to the north (2.3 feet exists) and 3.4 feet is proposed to the south (2.6 feet exists).

3. The following non-conformities exist on Lot 28 and are not proposed to be modified as part of this application:

Lot 28

- a. A minimum lot area of 4,200 square feet is required, whereas a lot area of 4,129 square feet exists and is proposed.
- b. A maximum curb cut and driveway width of 20 feet is permitted, whereas a curb cut of approximately 21 feet exists.

Beachfront Dwelling (369 Beachfront)

- c. A minimum front yard setback of 15 feet is required, whereas a setback of 3.1 feet exists.
- d. A minimum side yard setback of 5 feet is required, whereas a setback of 2.8 feet exists to the north and 2.9 feet exists to the south.
- e. A maximum building height of 33 feet is permitted, whereas a height of 33.47 feet exists.

4. The base flood elevation for the property is 14 (Zone VE). The finish first floor of the First Avenue dwelling is proposed at elevation 18.06. The air conditioning units are to be located between the two dwellings on a raised platform at elevation 15.1.



Re: Boro File No. MSPB-R1250
Variance – Shannon
Block 185, Lot 28

June 2, 2020
Sheet 3

5. It appears that the required 80 square feet of storage space is proposed in the First Avenue garage.
6. The minimum two required conforming parking spaces are provided within the First Avenue garage as well as additional space between the dwellings on a porous paver area which can be accessed by the pull-through garage.
7. A drainage recharge system in accordance with the Borough's stormwater ordinance is not required as the property is located within the R-4 beachfront zone. The applicant has provided a trench drain connected to a bubbler inlet near the sidewalk to drain the area between the dwellings.
8. Construction details for the proposed retaining walls, concrete apron, pavers, and drainage system should be provided on the plans.
9. No trees will be removed as part of this application.
10. Any new utilities should be located underground if possible. The two dwellings must be serviced by separate water and sewer lines.
11. Any curb and sidewalk must be replaced along First Avenue as necessary.

Should you have any questions or desire any additional information, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Albert Yodakjs".

ALBERT D. YODAKJS, P.E., P.P.
PLANNING BOARD ENGINEER
BOROUGH OF MANASQUAN

ADY:jv

cc: George McGill, esq., Planning Board Attorney
C. Keith Henderson, esq.
52 Abe Voorhees Drive, Manasquan, NJ 08736
Charles Lindstrom, P.E.
Lindstrom, Diessner & Carr, 136 Drum Point Road, Suite 6, Brick, NJ 08723

**PLANNING BOARD APPLICATION
MANASQUAN, NEW JERSEY**

I. APPLICANT: Daniel and Susan Shannon

Address: 12 Hickory Place
Cedar Knolls, NJ 07927

Phone: 973-953-6875

Property Address: 369 Beachfront/368 First Avenue
Block 185, Lot 28, Zone R-4
Flood Zone: VE BFE: 15 ft DFE: 16 ft
Manasquan, New Jersey 08736

II. TYPE OF APPLICATION: Bulk Variances

SITE				
	REQUIRED	EXISTING	PROPOSED	VARIANCE REQUIRED
Section 35-9.4 Area of Lot	4,200 SF	4,129 SF	4,129 SF	No Previously approved existing non-conformity
Section 35-9.4 Percentage of Lot Coverage (Building)	35%	47.7%	49.5%	Yes
Section 35-9.4 Percentage of Lot Coverage (Imp)	50%	61.6 %	54.1%	Yes Improvement of an Existing Non- Conformity
Section 35-9.4 Lot Frontage	30 ft.	31.67 ft	31.67 ft.	No
Section 35-9.4 Lot Width	30 ft.	31.4 ft	31.4 ft.	No
Section 35-11.2: Building Separation	35 ft.	32 ft.	26.9 ft	Yes
Section 35-11.2: Dedicated Walkway	3 ft.	0ft	0ft	Yes
Maximum Curb Cut	20 ft	21 ft	21 ft	No Existing non- conformity

Section 35-11.8 Prohibits locating any mechanical device (A/C) in required setback area	5 ft	N/A	3 ft Air conditioning units are located within the building envelopes between the dwellings	Yes
Section 35-11.8	Prohibits locating landing and stairs in the required side setback area whereas stairs are proposed within the southern side yard setback			Yes
Section 35-11.2	Requires separate water and sewer service for each building			Yes

368 FIRST AVENUE				
	REQUIRED	EXISTING	PROPOSED	VARIANCE REQUIRED
Building Height-Stories	32 ft. 2 Stories	23.99 ft 2 Stories	32 ft 2 Stories	No
Front Yard Setback	10ft	3.8 ft	5.2 ft	Yes Improvement of an Existing Non-Conformity
Rear Yard Setback	15 ft	97.1 ft	92.3 ft.	No
Side Setback (North)	5 ft	2.3 ft	3.0 ft	Yes Improvement of an Existing Non-Conformity
Side Setback (South)	7 ft.	2.6 ft	3.4 ft	Yes Improvement of an Existing Non-Conformity

369 BEACHFRONT

	REQUIRED	EXISTING	PROPOSED	VARIANCE REQUIRED
Building Height-Stories	33 ft. 2.5 stories	33.47 ft 2.5 Story	33.47 ft 2.5 Stories	No Previously approved existing non-conformity
Front Setback	15 ft	3.1 ft	3.1 ft	No Previously approved existing non-conformity
Rear Yard Setback	15 ft	74.5 ft	74.5 ft.	No
Side Setback (North)	5ft	2.8 ft	2.8 ft.	No Previously approved existing non-conformity
Side Setback (South)	7 ft	2.9 ft	2.9 ft.	No Previously approved existing non-conformity

III. SITE INFORMATION:

Street Address: 369 Beachfront/368 First Avenue

Block 185, Lot 28

Zoning Districts: R-4

Present Use: Two Single Family residential Dwellings

Proposed Use: Two Single Family residential Dwellings

VI. ZONE REQUIREMENTS: R-4 Zone

Min. Lot Area: 4,200 sq ft

Min Lot Frontage: 30 ft

Front Yard Setback: 15 ft

Side Setback: 5 ft

Rear Setback: 15 ft

Max. Bldg. Height: 33 ft

Max Stories: 2 ½

Max. Bldg. Coverage: 35%

Max. Lot Coverage: 50%

V. MISCELLANEOUS:

1. Is the Applicant the Landowner? Yes
2. Does the Applicant own any adjoining land? No
3. Are the property taxes paid to date? Yes
4. Have there been any previous applications to the Planning Board or Board of Adjustment concerning this property? Yes. Please see attached Resolution 21-2015
5. Are there any deed restrictions, easements or covenants affecting the property? Applicant will supply upon receipt.

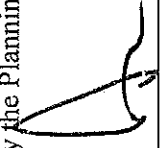
VI. COMMENT:

Applicant seeks approval to remove the existing single-family dwelling fronting on First Avenue and construct a new two-story garage apartment.

The Applicant agrees to be responsible for and pay the costs entailed in the review of this application by any experts retained by the Planning Board for advice in this matter, if necessary.

7/16/30

Date



C. KEITH HENDERSON
Attorney for Applicant

BOROUGH OF MANASQUAN

PLANNING BOARD

RESOLUTION NO. 21-2015

RE: APPLICATION OF MARY PLAINE, SUZANNE RYAN AND LEON MAES SEEKING VARIANCE APPROVAL IN CONNECTION WITH THE CONSTRUCTION OF A NEW SINGLE FAMILY DWELLING AT 369 BEACHFRONT

WHEREAS, Mary Plaine, Suzanne Ryan and Leon Maes have applied to the Manasquan Planning Board seeking variance approval in connection with the construction of a new two and one-half story single family dwelling upon property known Lot 28 in Block 185 as shown on the Borough of Manasquan Tax Map (said premises being also known 369 Beachfront); and

WHEREAS, the Planning Board conducted public hearings on **June 3, 2015** and on July 7, 2015 with respect to the application regarding Applicants' property, at which hearing all interested neighbors and property owners were provided an opportunity to be heard; and

WHEREAS, the members of the Planning Board have reviewed the testimony received from the Applicant Mary Plaine and the Applicants' professionals, William J. Fiore and Taras Dobusz, as well as from the Board's Engineer, Albert D. Yodakis, P.E., together with the written denial of the application issued by the Zoning Officer, Richard Furey, under letter dated March 10, 2015, as well as the written report of the Board's Engineer dated May 12, 2015; and

WHEREAS, the Planning Board makes the following findings of fact and determination based upon the testimony provided, the reports reviewed, comments received from the Board's Members, stipulations made upon Applicants' behalf by Applicants' professionals during the course of the public hearing last mentioned:

1. The property is located in the R-4 Single Family Residential Zone and on the date of the hearing contains a Beachfront two story dwelling known as 369 Beachfront as well as a separate structure having frontage on First Avenue (and known as 368 First Avenue). The Applicants seek variance relief with respect to the construction of a new two and one-half story dwelling fronting on the Beachfront. No variance relief is sought in the context of the subject application with respect to Applicants' 368 First Avenue structure nor shall any approval be deemed granted by this resolution with regard to the construction or any improvements to that structure.

2. Applicants' property is a rectangular shaped lot containing 4,128 square feet (4,200 square feet is the minimum lot size in the zone) and having a frontage of 31.68 feet along

PLAINE

First Avenue and 27.32 feet along the Beachfront. The Applicants have provided to the Board two surveys of the property. The survey dated February 3, 1991 was prepared by George W. Edwards, L.S. There is also a boundary and topographic survey prepared by William J. Fiore, P.L.S., dated April 10, 2014. The Applicants have also provided to the Board a site plan and architectural elevations prepared by Tara Dobusz, each dated February 15, 2015.

3. The Borough of Manasquan Zoning Ordinance specifically permits two principal dwellings on a lot in the R-4 Beachfront One Family Residential Zone (Section 35-11.2). However, the Ordinance does require that the residential structure located upon the property having frontage on the Beachfront can only be a single family residential dwelling. Applicants seek to demolish the existing single family dwelling fronting on the Beachfront, which was substantially destroyed by Super Storm Sandy and to construct a new two and one-half story single family dwelling.

4. In the foregoing regard, the following variance relief is required in connection with the subject development application:

As to Lot 28

A. A variance from the minimum lot area (4,200 square feet minimum required, 4,128 square feet existing and proposed).

B. A variance from the maximum building coverage (35% maximum permitted, a coverage of 43.85% is proposed).

With respect to the Beachfront dwelling to be constructed and known as 369 Beachfront

A. A variance from the minimum front yard setback (15 feet required, 9.1 feet proposed to the dwelling and 3 feet proposed to the deck).

B. A variance from the minimum side yard setback (5 feet minimum required, side yard setback of 3.1 feet proposed to the north and 3.1 feet to the southerly side).

C. A variance from the maximum building height of 34 feet (33 feet is maximum permitted, Applicant originally sought approval for 36 feet).

D. A variance from the building envelope Options A or B.

E. A variance for dormers on the northerly and southerly elevations where dormers are only permitted on the east and west elevations.

With respect to structure known as 368 First Avenue

- A. A variance from the minimum front yard setback (10 feet minimum required, 4.13 feet existing and proposed).
- B. A variance from the side yard setback (5 feet is the minimum required, existing and proposed is 2.5 feet on the north side and 2.3 feet on the south side.
5. **With respect to the new dwelling to be constructed on the Beachfront,** Dobusz further testified that the Applicants' property is an odd shaped property and is a very narrow lot and it has a significant differential in the frontage on the Beachfront versus First Avenue. Applicants' professionals **stipulated** that the Applicants will comply with the maximum lot coverage requirement of the Zoning Ordinance.
6. The Applicants are retaining the front yard setback that existed before Sandy (9.1 feet). The side yard setbacks that previously existed were 2.49 feet and 3.7 feet respectively. Applicant **stipulates** that the new setbacks will be 3.1 feet and 4.94 feet which is an actual increase in the gross side yard setback. With respect to the northerly side yard setback, it will be 3.1 feet where 3.4 feet and 2.9 feet existed previously. The Base Flood Elevation for the Beachfront dwelling is 14 feet and the Applicants propose that the lowest horizontal structural member will be at approximately elevation 16.5 feet. This will result in a finished first floor according to the architect's testimony at 18 feet.
7. Applicant **stipulates** that there will be 80 square feet of storage space provided in the existing First Avenue garage structure and that structure can accommodate two cars on site. The architect also noted that the Applicants' proposed construction is in the Flood Velocity Zone which requires that any structure member be at least 3 feet above the required Base Flood Elevation.
8. Mr. DuBusz further testified that the ceiling height of the first floor of the proposed new construction will be 9 feet and the second floor will have a ceiling height of 8 feet.
9. The lot is only a very small percentage short of being fully conforming in terms of total lot area. Applicant, during the course of the **June 3, 2015** meeting asked for a maximum building height of 36 feet. The building would be a sufficient height out of the ground so as not to be effected by another storm of the magnitude as recently experienced with Hurricane Sandy. Applicant **stipulated** that half story would be utilized for storage purposes only. It was argued that the narrowness of the lot and the proximity of its size to a fully conforming building lot

compels favorable consideration of a building height in excess of the maximum permitted. The Board disagrees.

10. C. Keith Henderson, Esquire, appearing on behalf of the Applicants, argued that the structure will be built in conformity with the fire and flood codes and will provide additional protection, because of its height elevation, from fire and flood. With respect to the dormer location on the north and south sides, it is becoming a normal building architectural artifice for homes along the Beachfront area. The location of the dormer is appropriate as a result of the location of stairs giving access to the second story.

11. There were no objectors to the subject development application at either the **June** or July meetings of the Board at which the application was considered and then reconsidered. In fact, several property owners appeared with respect to the subject application and spoke warmly and in favor of the application. The Board's vote at the **June 3rd** meeting was a split vote and it appears that the only basis for the split was a disagreement over the maximum building height that the proposed new dwelling would achieve. As a consequence, the application was denied. However, consistent with the provisions of the Board's Rules and Regulations, Applicants' counsel did make an application for reconsideration based upon his clients' willingness to reduce the height of the dwelling proposed to a maximum height less than that originally requested.

12. At the July 7th public hearing before the Board, the Board determined that it had no problem with the bulk variance relief associated with the development application and the only issue remaining was the maximum building height of 36 feet.

13. The Board now determines from its review of the argument presented by Applicants' counsel, C. Keith Henderson, that Applicants' property at the Whiting ramp is slightly deficient for lot area which may be a consequence of its proximity to the Whiting ramp and but for the existence of the pedestrian ramp at its location would be a fully conforming lot. Mr. Henderson reminded the Board that the Applicants were prepared to reduce the building height to a maximum of 35 feet but based upon Applicants' review of its development proposal with the project architect that they have amended the application to request a 34 foot maximum building height. The height issue is what appears to have generated the problem in the Board's split decision and resulting denial at the **June** meeting.

14. The Board determines from its review of the application and the Applicants willingness to comply with several of the bulk requirements of the Zoning Ordinance (in fact not

exacerbating existing side yard setback deficiencies) and the fact that the proposed improvement will enhance the Applicants' property aesthetically and that enhancement together with the stipulations made by or on behalf of the Applicants during the course of the hearings outweigh any detriments that might otherwise be associated with the grant of the relief from the bulk requirements requested in connection with the construction of a new dwelling at new 369 Beachfront. A more desirable visual environment achieved by the Applicants in their building design and the height reduction to 34 feet, the continued provision for onsite enclosed parking and the elevating of the structure consistent with flood hazard mitigation requirements, collectively advance the purposes of zoning and support the variance relief that has been requested.

15. The Board determines that the variance relief in the context of the subject development application (especially with respect to Applicants' compliance with a proposed maximum 34 foot height elevation) can be approved without substantial detriment to the public good and the grant of that variance relief will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Manasquan.

NOW, THEREFORE, BE IT RESOLVED by the Manasquan Planning Board, that the application of Mary Plaine, Suzanne Ryan and Leon Maes for variance relief as hereinbefore outlined, including but not limited to the grant of variance relief from the minimum lot area, minimum lot frontage, maximum building coverage, minimum front yard setback, minimum side yard setback, and building envelope requirements of the Zoning Ordinance with respect to the construction of a new proposed two and one-half story dwelling upon property known as 369 Beachfront, consistent with the architectural plans hereinbefore referenced (but having a height that does not exceed the maximum height of 34 feet) be and the same is hereby granted, subject, however, to Applicants' continuing compliance with each of the stipulations hereinbefore contained and with each of the following conditions:

1. All construction shall be in accordance with the architectural floor plans and elevations as well as the plot plan hereinbefore referenced subject only to Applicants' showing on the site plan the location of the 3 foot wide walkway to be maintained to the Beachfront for the First Avenue dwelling and located upon Applicant's property, as well as identification on that plan of the number of parking spaces in the garage portion of the structure known as 368 First Avenue. This resolution is not intended to nor shall it provide any authorization for the

inclusion of any other accessory structure upon the subject property other than that specifically noted on the site plan and the architect's plans. **The storm damaged dwelling had been previously demolished at the request of the Borough.** There shall be no expansion of either principal structure beyond those dimensions noted on the plans hereinbefore referenced or in this resolution. All meters installed at the site for water and sewer service must be protected from the elements and not located in any unheated space and notation to that effect shall be set forth in the plans provided to the construction office.

2. The Applicants shall provide a landscaping plan and a grading plan in form and content satisfactory to the Board Engineer and the Construction Official.

3. The obtaining by Applicants, at Applicants' sole cost and expense, of any approvals and permits (if any required by law) from the State of New Jersey, County of Monmouth, Monmouth County Planning Board and Soil Conservation Service and New Jersey Department of Environmental Protection, including CAFRA approvals.

4. Payment of all fees due to the Borough of Manasquan and its engaged professionals, including but limited to fees for all professional engineering services (inclusive of inspections).

5. No building permits or certificate of occupancy shall be issued with respect to the subject property by the construction official until all terms and conditions of this resolution have been satisfied and an elevation certificate provided with respect to the structure forming of the subject of this application.

6. Payment of all real property taxes by the property owner.


7. New curbs and sidewalks along First Avenue as determined by the Board Engineer.

8. Upon completion of all construction and prior to the issuance of a final certificate of occupancy, the Applicants shall provide a building height elevation certificate and a final as-built survey with respect to the property showing both the First Avenue structure and the completed principal structure known as 369 Beachfront and all front, rear and side yard setbacks as well as building and impervious lot coverage calculations with respect to the property and show all easements on the property and referenced in the instrument or deed giving rise to those easements.


BE IT FURTHER RESOLVED that the variance(s) approved shall expire within nine months calculated from the 45th day following the date that written notice of the Planning Board's action is published in the Coast Star or the Asbury Park Press. In the event that construction, alteration or use has not been commenced within the aforementioned time period, Applicants may request and obtain at no additional cost a single one time only nine month extension within which to commence construction of the single family dwelling hereinbefore approved, provided, however, that the request therefore shall be made in writing to the Planning Board Secretary before the initial expiration date hereinbefore stated; and

BE IT FURTHER RESOLVED that in the event that the Applicants (or their successors in interest) shall seek to modify the site plan or the tentative plan on the basis of which development approval has been granted by this resolution of the Board after a full public hearing, then, and in any such event, the Applicants (or their successors in interest) shall appear before the Technical Review Sub-Committee for the purpose of obtaining a favorable recommendation to the Planning Board from that SubCommittee with respect to the modification sought of this development approval. The Applicants (or their successors) shall pay an application modification fee together with all professional fees that may be incurred by the Planning Board or by its Technical Review Sub-Committee with respect to its consideration of the design modifications requested; and

BE IT LASTLY RESOLVED, that a copy of this resolution be immediately provided by the Planning Board Secretary to the Zoning Officer, to the Construction Official, to the Planning Board's Professional Engineer and to the Tax Office and Water & Sewer Departments in order that said officials and departments may appropriately note their records with respect to the development approval herein granted.


NEIL HAMILTON, Chairman
Manasquan Planning Board

I certify that the foregoing resolution is a true copy adopted at the meeting of the Manasquan Planning Board held on August 4, 2015


MARY C. SALLERNO, Secretary
Manasquan Planning Board

No. 21- 2015

MARY PLAINE, SUZANNE RYAN AND LEON MAES
(Name of Applicant)

The Vote on the Motion made by
General Thompson
On August 4, 2015, to approve
this application was as follows:

MEMBER	YES	NO	ABSTAIN	ABSENT
Mayor George Dempsey				X
Chairman Neil Hamilton	X			
John Muly				X
Paul Rabenda	X			
Joan Harriman				X
Councilman McCarthy	X			
John Burke				X
Greg Love		X		
Leonard Sullivan		X		
Peter Ragan				X
Mark Apostolou		X		
Kevin Thompson	X			
Robert Young		X		

The Vote on the Memorializing Resolution
offered by *Mark Apostolou*
was as follows:

MEMBER	YES	NO	ABSTAIN	ABSENT
Mayor George Dempsey			X	
Chairman Neil Hamilton	X			
John Muly	X			
Paul Rabenda	X			
Joan Harriman				X
Councilman McCarthy				X
John Burke				X
Greg Love			X	
Leonard Sullivan			X	
Peter Ragan	X			
Mark Apostolou	X			
Kevin Thompson				
Robert Young	X			

BOROUGH HALL
201 EAST MAIN STREET
EDWARD G. DONOVAN
Mayor

Incorporated December 30, 1887

732-223-0544
Fax 732-223-1300

CONSTRUCTION DEPARTMENT

FRANK F. DIROMA
Supervisor of Code Enforcement

THOMAS F. FLARITY
Municipal Administrator

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
NEW JERSEY 08736

STEVEN J. WINTERS
Construction Official

May 11, 2020

Keith Henderson, Esq.
52 Abe Voorhees Drive
PO Box 260
Manasquan, NJ 08736

Re: Block: 185 Lot: 28 Zone: R-4 Flood Zone: VE BFE: 14ft. DFE: 15ft.
Shannon – 368 First Ave. – 369 Beachfront

Dear Sir:

On this date we reviewed your application to remove the existing single family dwelling fronting on First Avenue and construct a new two-story garage apartment.

Revised plot plan prepared by Charles Lindstrom on April 13, 2020. Conceptual plans prepared by Jeff Schneider on March 4, 2020.

Application denied for the following reason(s):

Site:

Section 35-9.4 – Lot Area – 4,200s.f. Required
4,129s.f. Existing

“ - Building Coverage – 35% Permitted
49.5% Proposed

“ - Lot Coverage – 50% Permitted
68.9% Proposed

Section 35-11.2 - Building Separation – 35ft. Required
26.9ft. Proposed

“ - Dedicated Walkway – 3ft. Required
0ft. Proposed

Section 35-11.8 – Prohibits locating any mechanical device (A/C) in the required side setback area.

368 First Avenue:

Section 35-9.4 – Front Setback – 10ft. Required
5.2ft. Proposed

“ - Side Setback (North) – 5ft. Required
3ft. Proposed

“ - Side Setback (South) – 7ft. Required
3.4ft. Proposed

369 Beachfront:

Section 35-9.4 – Front Setback – 15ft. Required
3.1ft. Existing

“ - Side Setback (North) – 5ft. Required
2.8ft. Existing

“ - Side Setback (South) – 7ft. Required
2.9ft. Existing

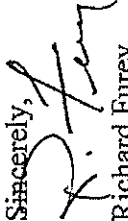
“ - Building Height – 33ft. Permitted
33.47ft. Existing

Section 35-11.8 – Prohibits locating landing and stairs in the required side setback area.

Additional required documentation:

- Section 35-11.2 – Requires separate water and sewer service for each building.

If you have any questions, please call me at 732- 223 – 0544 ext. 256.

Sincerely,

Richard Furey
Zoning Officer