

EDWARD G. DONOVAN  
Mayor

CONSTRUCTION DEPARTMENT

FRANK F. DiROMA  
Supervisor of Code Enforcement

THOMAS F. FLARITY  
Municipal Administrator

BOROUGH OF MANASQUAN  
COUNTY OF MONMOUTH

ALBERT "SANDY" RATZ  
Construction Official

**The Manasquan Planning Board held a Special Meeting on August 20, 2019 at 4pm in the Council Chambers, 201 E Main Street, Manasquan. Chairman Hamilton opened the meeting and asked everyone present to please stand and salute the Flag.**

**ROLL CALL:**

**Board Members Present:**

**John Muly, Robert Young, Greg Love, Mark Apostolou, Kevin Thompson, Leonard Sullivan, Neil Hamilton, Mark Larkin, John Burke**

**Board Members Absent:**

**Mayor Edward Donovan, Councilman Mike Mangan, Barbara Ilaria**

**Professionals Present:**

**Al Yodakis – Board Engineer/Planner**

**George McGill – Board Attorney**

**Board Attorney, George McGill read the Sunshine Law in its entirety.**

**APPLICATION #25-2019 – Luther, Brian – 376 Perrine Boulevard – Block: 130 – Lot: 20.03 – Zone: R-2 – This is a Use Variance and that's why the Mayor and Councilman cannot participate stated Chairman Hamilton. George McGill swore in Brian Luther, owner/applicant, Patrick Ward, Engineer with the firm InSite Engineering, for the applicant, Al Yodakis. George stated that we have nine members of the Board here, we only have seven members who will participate in the voting, therefore the two alternates, Mr. Burke, Mr. Larkin will not be voting but they but they can fully participate in the hearing. Brian Luther was the first to testify. He said he purchased property in 1993, in 2001 he went in front of the Board for a subdivision to split the lot in two and it was granted, approved with stipulations that he deeded the waterfront property to upland property because the thought was that at one time those properties used to run together, it wasn't until the easement was put in for the road, so they took that into consideration. It was approved with building heights of 35-feet for both, sub sequentially it has changed. Sandy came, he evacuated the house and when he came back he was just under 32-inches of water on his first floor which destroyed everything. He had substantial damage which enabled him to get special funding to raise the house. He is trying to get the elevation to a point that if another storm comes or a storm similar to Sandy he will be out of harm's way and hope the damage will not be as bad as it was. At the time there was over \$250,000. worth of damage to his house. Next, Patrick Ward said he will walk the Board through the new variance they are here for tonight, building height. Because this height request is over 10% of the maximum building height permitted. Mark Apostolou asked for Mr. Ward's credentials to be accepted by the Board. George had him state his credentials and he was accepted as an Engineer and Planner. Mr. Ward proceeded on stating they are here for the building height variance which is technically a D-6 variance, what causes it to be a D is that**

the requested height is over 10% in excess of the maximum building height for the Zone. Based on the Manasquan Ordinances that were passed after Hurricane Sandy the maximum building height for this property would be 33-feet because by Zoning we have a non-conforming lot and the property itself with the structures is non-conforming. As a result, our proposed building height of 40.61 is over 10% in excess of the 33-feet. If they were on a conforming property with a conforming structure the maximum height could be 38-feet, which this proposal then would not require the D Variance, we would still need a C Variance. The existing first floor elevation is 7.6, based on FEMA mapping as you can see on the plot plan, on the water ward side to the West the FEMA map and the preliminary map, the future maps indicated that to be elevation 11 for the base flood. Where the structure is located the mapping indicates elevation 10 and again our first floor today is 7.6. What Mr. Luther is proposing is to raise the building just under 6-feet to elevation 13.5 for the first floor and there is some logic behind that request. We would like to apply the base flood of 11 to the structure because it's right across the Street from where the house is and also as Mr. Luther indicated he had 32-inches of water on the first floor which if you do the math it's over elevation 10. We want to start from 11 and provide enough free board so the framing, beams and floor joists and the mechanical ducts are above the base flood of 11. So that right there from elevation of 13 ½ to elevation 11 is 2 and one half feet of free board. Al Yodakis said in looking at the elevation certificate it says 9.2. Mr. Ward said so you will see the elevation certificate from when the house was constructed, at that time the current effective FEMA Maps were not adopted and the datum was different. That datum was NJVD29 in the late '90's there was a different datum that was used for FEMA, the elevation certificate says the first floor is 9.2, to convert that to what everyone uses today you have to subtract about 1.2-feet to get to that elevation, so if you do that math, it's 8. I told you earlier that our first floor was at 7.6. As we put together the documents for Mr. Luther we found that there was a 5-inch discrepancy with the original design plans. We think that caused the house to be built 5-inches too low. The first floor should have been at 8-feet. We found it to be 7.6-feet. We are trying to get it up to about 5 ½-feet from where it should have been. Bob Young said if it was built where you are saying it should have been built you would have exceeded the 35-feet. Patrick Ward said that's his understanding looking at the paperwork. He thinks the house was at the time maxed out structure wise from the top of curb. The numbers sound really tough to process on paper, but when you break it down by the fact that we are 5-inches lower at construction everything should be a little higher. We think there was actually more house was permitted during construction than probably should have been. That also contributes to our request. The other thing is with FEMA and flood insurance rates and premiums, the way the FEMA rates go is they structure them by every foot of free board that you are above the base flood. FEMA encourages as much free board as possible. He mentioned the existing conditions on the property that are unchanged by the application. They are non-conforming conditions. They are well spelled out in Mr. Yodakis' letter, he went through the items. He had a Google Street view image of the home as it stands today which Mr. McGill had him mark as Exhibit A-2 and the map as A-1, the plans on the easel. This shows the front elevation; the house was originally designed by Chris Rice. At the time it was maxed out for the

building height and you could see that from the front elevation really drawing your attention to the third floor, the gable is actually set back from the front building line and the other roof lines further back from the Street are actually hip roof style. In effect this is a two and one-half story home but when Mr. Rice designed it he did so it was less impactful from the Street. If the gable was at the front building line it would look massive. By virtue of lifting the home we feel it's been appropriately designed for an increased elevation and it was at the time of construction. He addressed the positive and negative criteria. Greg Love asked what the BFE is currently. Mr. Ward said 10 and 11, but that will go up when the new maps are adopted. This house is 10 and the parcel across the Street is 11. Greg said so normally what the Board has done is taken the BFE then go up a foot so the mechanicals are out of the BFE, not 2 ½-feet. Just so you are aware. Mr. Ward said this is unique because the house was built low, it's more structure than should have been built, it's not Mr. Luther's fault. Greg said even if it was at 8 and BFE is 10 and you went to 11 that's 3-feet. Mr. Ward said from today's mapping but that would be careless. Greg said you had 32-inches of water in the house, 3-feet would give you 36, what the actual Storm was. Mr. Ward said if the new maps are adopted and the elevation is adopted at 10 and we go up to just above that I would not suggest that. I don't know when they would be adopted. Mark Apostolou asked what is the present height of the house now, Mr. Ward answered 34.7-feet. Neil Hamilton said why don't we go to Al Yodakis our Engineer. Al said it's 10, he had to go back and dig into the maps and it's 10, we have been working with the new maps, anything that's in my report, Dick Furey's denials they are all based on the new maps. Neil said so in this application what is the minimum to meet the FEMA requirements? Al said 10-feet plus 1-foot so it would be at 11-feet. Neil said so then what are we going to add to that 34.7? Al said 38.11-feet. Greg Love asked isn't that an automatic raise? Neil said we have in the past tried to give whatever FEMA required plus that free board and we've done that in the past without an issue. Mark Apostolou asked if this isn't entitled under the Statute? George McGill said it's called an "automatic variance". He thinks they are entitled to BFE plus 3 under that Statute. That number will be 40.11. Al said just to clarify for them to get a building permit they would have to meet that now; we have this other legislation that's hanging out there which deals with existing house raisings. Mark Apostolou said he has shown us his substantial damage letter. George McGill said he is asking for more than what he is entitled to. Mark Apostolou said not what he is asking for but what the Statute says then there is no variance needed. George McGill agrees with Mark. Neil said the Judge is right, we have had this discussion before and we need to get these numbers in black and white on paper and a checklist so we don't go through this process if it's not necessary. George said if the applicant agrees to amend his application to bring the height down to 40.11 we would have to write a Resolution that states what transpired for Mr. Furey to understand what took place. Mr. Luther agreed verbally. Mark Apostolou made a motion to open the meeting to the public, seconded by John Burke, all in favor none opposed. There was no audience participation.

**Kevin Thompson made a motion to close the public portion, seconded by Robert Young, all in favor none opposed.**

**Kevin Thompson made a motion to approve the application as amended, seconded by Mark Apostolou.**

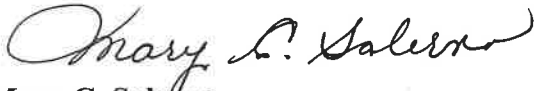
**Board Members Voting Yes:**

**John Muly, Robert Young, Greg Love, Mark Apostolou, Kevin Thompson, Leonard Sullivan, Neil Hamilton**

**Mark Apostolou made a motion to close the meeting, seconded by Kevin Thompson, all in favor none opposed.**

**Meeting adjourned at 4:37pm**

**Respectfully Submitted,**

A handwritten signature in cursive script, appearing to read "Mary C. Salerno".

**Mary C. Salerno**

**Planning Board Secretary**