

The Manasquan Planning Board held a regular meeting on Tuesday, April 3, 2012 at 7PM in the Borough Hall, 201 East Main Street, Manasquan, New Jersey. Chairman John Burke called the meeting to order and asked everyone to please rise and Salute the Flag. He then asked acting Secretary, Sharon Bogie to please call the role.

ROLL CALL – BOARD MEMBERS PRESENT:

Mayor George Dempsey, John Muly, Patrick J. Callahan, Joan Harriman, Councilman Owen McCarthy, Neil B. Hamilton, John Burke, Michael Sinneck, Leonard Sullivan, Jay Price, and Mark Apostolou.

BOARD MEMBERS ABSENT:

Peter Ragan

PROFESSIONALS PRESENT:

Geoffrey S. Cramer – Planning Board Attorney

Albert D. Yodakis – T & M Planning Board Engineer/Planner

Mr. Cramer read the Sunshine statement.

APPLICATION #03-2012 – (continuation) American China Company – A New Jersey Corporation – 435 Long Avenue – Block: 175 – Lot: 30.01 – Zone: R-3 – Minor Subdivision with Variances – Mark Aikin is the attorney representing the applicant. John Burke informed Mr. Aikin's that he has three sworn statements stating that Joan Harriman, Leonard Sullivan and John Burke have all listened to the tapes on the previous meeting of this case and will be hearing the case tonight. Mr. Aikins said at the last meeting the Board had asked that they take particular note of preserving the integrity of the end of Long Avenue noting specifically the integrity of the guard rail and the existing utility pole that was there as well as the inlet. The applicant revised the plans seeking to achieve those objectives as well as the applicant's objective of providing a direct access to the westerly of the proposed two lots, that's the lot that Dr. Chang proposes to retain as the Board may recall. Mr. Aikins said at the last meeting the Board asked that they take particular note of observing the integrity of the end of Long Avenue noting specifically the integrity of the guardrail, and the existing utility pole that was there as well as the inlet. The applicant provides the plans seeking to achieve those objectives as well as the applicant's objective of providing a direct access to the westerly proposed two lots that's the lot that Dr. Chang proposes to retain. The matter is yours for discussion and consideration at this time. John Burke said we have new proposals in front of us can you explain them at this time. Mr. Aikins the proposals are plans that are revised as of March 19, 2012 and hand delivered to the Board Secretary on Friday, March 23, 2012, eleven days ago. They reflect a revision of the driveway slid in a southerly direction away from the end of the cart way of Long Avenue there is a 50-foot right-of-way, obviously the cart way being a fraction of that. It provides for a 10-foot driveway it skews the lot in terms of the lot line, but again that would

allow for the driveway to the proposed westerly lot that's proposed lot 30.04 to have its own dedicated driveway and not have a common access easement which was sought by my client to be aborted. The skewing of that driveway results in technically a setback of proposed residence on lot 30.03 of 14.4-feet, but if you look at it from the end of the right-of-way of Long Avenue, not the cart way but the right-of-way of Long Avenue it does retain that 25-foot setback as does the easterly portion of that lot. The lot frontages would require a Variance for that as well. Those are the revisions. John Burke said since we don't have a new application requesting those two new Variances you are just asking us to add them on now. Mr. Aikins said the existing pole would be slid just a little bit to the north toward the bottom of this plan. Patrick said toward the inlet, toward the storm drain. John Burke said I guess you have talked to JCP & L about this. Mr. Aikins said it would be subject to their approval of moving it, but the inlet would not be affected, nor would the guardrail. John Burke questioned whether or not there would be enough land there to move the pole. Also there would be CAFRA approval required. Al Yodakis said he is only seeing this plan for the first time now; he wasn't copied on it earlier. He apologized to the Board because he would have provided a revised Engineering letter had he been copied. He is not crazy about the skewed lot line, typically we like a lot line of a right-of-way to come in at a 90-degree angle, however on this case they have provided testimony that they would prefer to not have an access easement there. That would seem to be a reasonable justification for that. Board members asking questions of Mr. Aikins were Joan Harriman, Neil Hamilton, and Mark Apostolou. Michael Sinneck made a motion to open the meeting to the public, motion was seconded by Joan Harriman, all in favor none opposed.

AUDIENCE MEMBERS COMING FORWARD WITH COMMENTS:

Donna Ruggiero – 439 Long Avenue – she is the next door neighbor of Dr. Chang. She asked if the house that would be for sale is on a 24.something lot. Mr. Aikins said it's on a lot that would measure 65-feet in the rear and 24.33-feet in the front. Mr. Aikins showed her the plan.

Mary Ellen Hintz – 444 Long Avenue – She is a part-time resident, here for half the year. She is actually looking forward to a new home, she is sure they will make it beautiful. However, she would like to be reassured regarding the end of the block. That that is not going to be made smaller in any way, because as it stands right now as a summer residence when the cars are end to end bumper to bumper say if the Ruggiero's were trying to get out of their driveway or a family directly across the Street the SanFilipo's if they were to try to back out of their property to leave Long Avenue if the Street were narrowed any more than it is that would be almost impossible with the existing traffic that would be on the Street and it would also become very hazardous for everyone on the Street with the amount of people that come up and down our Street looking for parking spaces, they would essentially have to back up the entire length of Long Avenue. I also feel that is hazardous in itself, but it would also present hazards for emergency services. You can't even make a K-turn once these cars are parked on either side it's a very narrow Street which it is full every single weekend. Her other concern is not in the building of a beautiful home, I would do the same thing with my own home at some point tearing it down putting up a new house, but we do have serious prior concerns and I'm also concerned about how much hard scape, the more hard scape we have the less water can disappear as it is each year that I have been here our water issues have become increasingly worse. Years ago we had a puddle at the end of

Long Avenue now it floods sometimes up to our front doors. I would like all this to be considered before any decision is made of the overall welfare of the Street itself.

Mr. Aikins in response said for the Board's benefit and Ms. Hintz's, with regard to the concern about parking with the proposed driveways there would physically be no parking in front of this property. Ms. Hintz said well there never has been. Also with the regard to the appropriate lot coverage the standards in the R-3 Zone are a maximum of 35% so even with the subdivision even with two driveways the property on the east which is the smaller of the two lots at 4900-square feet but still well in excess of the 3400-square feet that is required for minimum lot size would still be 33% so under that requirement and then even less for the larger lot at 26.67% again where 35% is the maximum. So, these figures tell you that the amount of development on the site is very appropriate and under the requirement set forth in Manasquan's Zoning Ordinance and in particular for the requirements of this Zone. Ms. Hintz said she understands what he is saying but she is concerned with making a bad situation worse.

Dennis Lafferty – 426 Long Avenue - he lives across the Street from the subject property he wants to echo some of his concerns with his neighbors, he is looking forward to a new development on that lot if only to take down the hurricane boards that are still up, that would definitely help out the neighborhood. More importantly for him is that he has two small kids, he has a two year old and a two month old and he is concerned about the amount of traffic that goes up and down the Street right now because we do live on a dead end which is not a cul-de-sac so as Mary Ellen pointed out it is very difficult for cars to turn around as it is down at that end of the block. We are part-time residents for pretty much the whole summer and on the weekends he is concerned for his children's safety, if they remove part of that guard rail it currently keeps people out of the water which basically falls off right there. If they remove that he would be concerned that his kids could potentially wander into and over the bulkhead. Mr. Aikins said none of the guardrail is to be removed.

Helen Lafferty – 426 Long Avenue – she wants to clarify one of the concerns with the two small children is people backing up and turning around in our driveway, which happens a lot now, I have a very short driveway like a lot of houses down here. So, we park all the way up and there is very little room and there's beach chairs, kids, there are always tons of kids at our house we don't want people turning around in our driveway. Even now we have people turning around partly on our lawn to look for parking spots. I know the numbers sound great and everything is within Code but I don't know how those numbers apply when it's a dead end. Mr. Aikins told Ms. Lafferty there is a proposed turn around so that a k-turn can be made on the westerly of the two lots. It would get traffic that's going to access these two properties off the Street. Now, whoever is coming down and not going to these houses obviously this development doesn't affect that. Ms. Lafferty asked to see the plan. Mr. Aikins showed her explaining the site to her and where the guard rail and bulk head is, etc.

Mayor George Dempsey made a motion to close the public portion of the meeting; the motion was seconded by Michael Sinneck, all in favor none opposed.

John Burke said since we have heard the public testimony he asked the Board members to give their input. Neil Hamilton said for the folks in the audience that have a concern about it, this property is proposed to be subdivided into two lots, so it would be far in excess of any lot probably on Long Avenue. The parking situation would not be affected because a

house could have two, four or eight drivers in there so that's not an issue. The end of Long Avenue being as it is you are always going to have people whatever is built there whether it's a single-family or another home or two homes down there, cars going down to the dead end Street, getting lost in the summer months and then having to turn around and try to find their way out. So, pulling into the driveway right now that's owned by the applicant, or across the Street at the San Filipo's house, there is a hydrant there. That issue is not going to go away. The drainage issue is going to be addressed because we have a Drainage Ordinance in place for new developments, so that will be taken care of. Plus the fact that they have the ability for runoff into the Creek. Water impact is not going to be an issue, your rising tide because of one or two homes being built there is not going to impact the flooding where it may occur during hurricane or high moon tides on Long Avenue. Those issues are not even relevant in this case, to make that clear so we all understand that. My concern with this application is, I think this is a beautiful piece of property, if I could afford to buy it certainly I would want that piece of property with all that space and the possibility of docking boats and whatever and enjoying all that open space. The applicant is coming to this Board to subdivide this property into two lots, which if it had frontage could be three lots. I'm not advocating any support for this application, the problem is street frontage. They are not impacting the end of this roadway in any fashion whatsoever, the bulkhead, the guardrail, everything is going to stay in place, and they are trying to get a common split-off driveway to the two properties proposed on the Long Avenue south section of the lot that will feed into these two creating two irregular lots. Still in excess of the requirement for square footage for lot area. We have discussed at this Board a concern and it's right now in our Master Plan review for two meetings from now is the creation of flag lots. Where I think we are not in favor of them any longer. We are trying to keep single parcels of land, unless they are fully conforming in absence of a subdivision. I think this is the hard part of where this Board is tonight in their consideration as what to do with this application, because we have created flag lots in the past whereby the lots have met or just slightly above the requirement for lot area and the only Variance required would have been the Street frontage for the driveway. Where we are right now in our Zoning and Planning process is do we want to go forward with this application tonight as presented because it's not a borderline issue, I think it's a tough call for the members of this Board. I have really thought about it a lot since our last meeting as to how this should play out, knowing that it could be three lots if everything was conforming. They are asking for two lots, but again it goes back to my own thought and until it's called for a vote tonight I'm not sure what I'm going to say. I'm thinking that it's a pristine piece of property and I just hate to see it taken apart. Mayor Dempsey said he agrees somewhat with what Neil is saying. To him he looks at it as a flag lot because of the narrowness in the front and it goes out. He has a problem with the setback in the front; it doesn't conform in the front. Mr. Aikins said it conforms on the easterly side and because the driveway is angled if you measure the setback from that driveway then that's 14.4-feet. George said he can't support that when you could make the house a little bit smaller and pull it back and it wouldn't be blocking the house next to it as much. Mr. Aikins said if you shave 9-feet off the corner of that house that Variance would go away but he doesn't think it would look very nice. George said he thinks it should be pulled back quite a bit. Michael Sinneck said you mentioned earlier on that the preference is not for a shared driveway. He feels some re-configuration of the eastern lot the smaller one pushing it back some number of feet and

then creating a shared driveway could alleviate a lot of concerns the Board members have been expressing. He was wondering if in your revised planning did you take that into consideration. Mr. Aikins said the issue is the shared driveway as it impacts the neighborhood is one and the same as the structures are located so it's really a question of ownership and accessibility for the property owner. Michael Sinneck said not being an architect he was thinking, push the house back towards the lagoon relocates the driveway to the westerly side and combine it with the driveway from the bigger house. Mr. Aikins said so seek a Variance for the rear yard setback, that's another way of doing it. Mr. Sinneck said it takes a lot of the commentary from the neighbor's into account and solve some of the concerns you have heard from the Board. Joan Harriman said she was out at the property today and she agrees it is a beautiful piece of property, it is just the spot for one house. She realizes it has a lot of land but the only reason it had a lot of land to begin with is because it is such an odd shaped lot. The house on the west runs just 10-foot from the border and it runs the whole width. There is nothing that can be built in that setback so all that water view is wasted. She feels it's upsetting to see it divided. John Burke said he is in agreement with the Mayor and Neil. He doesn't like to see flag lots created in this Town. He would much rather see a common driveway and see an easement as far as the house on Lot 03. He has seen some amazing houses designed to fit in an area and he thinks that could be done on this property keeping the 25-foot frontage on the property and using a common driveway. He doesn't like the angle of this driveway or the fact that it's only 10-foot wide, he thinks they are pushing it having it that close. He is not really happy with the way this sits right now. Mr. Aikins said he would like to ask to confer with his client then will return after they hear their next matter. A motion was made by Patrick Callahan to hear the next application before American China returns following their meeting with their attorney, the motion was seconded by Owen McCarthy, all in favor none opposed. There was a change in the order and the Board voted for a 5-minute recess, Councilman McCarthy made the motion which was seconded by John Muly all in favor none opposed.

ROLL CALL FOLLOWING RECESS:

Board Members Present: Mayor George Dempsey, John Muly, Patrick J. Callahan, Joan Harriman, Councilman Owen McCarthy, Neil Hamilton, John Burke, Michael Sinneck, Leonard Sullivan, Jay Price and Mark Apostolou

APPLICATION #03-2012 – American China Company – John Burke stated they have requested a continuance to the next meeting where they will present another plan to try to alleviate some of the concerns of the Board and of the public. They will not have to re-notice or re-publish; Mr. Cramer said the next meeting date will be May 1, 2012. All the neighbors are being noticed from the dais about the change. Neil Hamilton made a motion to grant the continuance, the motion was seconded by Mark Apostolou, all in favor none opposed.

APPLICATION #06-2012 – Read, Lawrence – 100 Minerva Avenue – Block: 105 – Lot: 4 – Zone: R-1 – Minor Subdivision – Keith Henderson is the attorney representing the applicant. The owners of this property are Lawrence Read, Ransom Read, and the applicant Lawrence Read is here tonight. This is a request for a subdivision by right. He addressed the Zoning standards. The applicant stipulates that unless someone buys one of these lots and applies for a Variance it is our intention that whatever is built on there will be conforming with the Zoning Ordinance, with the Bulk requirements of design. There are absolutely no Variances required, no notice required and I am requesting that the

Board approve the application. They did receive a letter from T & M Engineering, they had two requests. One was to put a monument in and we did. The second was will we be perfecting the subdivision by Deed or by Map, we will be perfecting the subdivision by filing of the Deed. Al Yodakis said everything he was going to bring up was already addressed. Mr. Apostolou said he has to make a disclosure that many, many years ago when he was a private lawyer maybe 30 years ago, he represented Larry Read and his company. He has not given any legal advice in the last perhaps 20 years so I disclose that in the event that anyone wishes me to recuse myself. I put it on notice I leave it to the Board. Mr. Henderson didn't have any objection. Mr. Cramer said it is a subdivision by right, there is absolutely no Variance relief and the stipulation is by Mr. Read that whatever structures are built on these properties will conform to the Zoning Ordinance. Joan Harriman said there are many beautiful trees on this lot so before these houses are built they have to go to Shade Tree. Mr. Henderson said we had one contract on one of the lots and we already informed the purchaser they would have to speak with you. A motion to open the meeting to the public was made by Michael Sinneck, seconded by John Muly all in favor none opposed. There was no public participation, a motion was made to close the public portion of the meeting was made by Neil Hamilton, seconded by Michael Sinneck, all in favor none opposed. A motion to approve the application was made by Owen McCarthy; the motion was seconded by Patrick Callahan.

Board Members Voting Yes:

Mayor George Dempsey, John Muly, Patrick Callahan, Joan Harriman, Councilman McCarthy, Neil Hamilton, John Burke, Michael Sinneck, and Lenny Sullivan.

No negative votes.

APPLICATION APPROVED

Mr. Henderson requested the Board vote on a Resolution tonight. Mr. Cramer summarized and read said Resolution with stipulations.

Motion to memorialize the Resolution was made by Mayor Dempsey; the motion was seconded by Joan Harriman.

Board Members Voting Yes:

Mayor George Dempsey, John Muly, Patrick Callahan, Joan Harriman, Councilman Owen McCarthy, Neil Hamilton, John Burke, Michael Sinneck, and Leonard Sullivan.

RESOLUTION MEMORIALIZED

APPLICATION #05-2012 – Common Ground – 67 Taylor Avenue – Block: 62 – Lot: 17 – Zone: Office – Mr. Henderson is the attorney representing the applicant, Diane See which is the applicant. Mr. Cramer found the file to be in order and accepted jurisdiction. Mr. Henderson outlined what this application is about. He said he was disappointed with the Technical Review Committee's report, which basically recommended against this. He thinks the application did not fully disclose because it's not required in the application what is really going on here. He took a few minutes prior to calling a witness to testify and answer any questions the Board may have. First of all the applicant in this case is a 501 c-3 entity, in order to satisfy that purpose it must satisfy a purpose such as a purpose such as a charitable educational or otherwise inherently beneficial use. Even if you had a Use Variance this would be automatically entitled to it because it's inherently beneficial. But you don't have a Use Variance and he explained why. Also, when one of these

organizations is terminated the assets must be turned over to another charity, there is nobody making any money on this and that's very important for the Board to understand. It is serving an inherently beneficial purpose. The hours of operation are extremely limited. The current hours are 7:30PM to 8:30PM, two days a week. That's the whole thing and the applicant is not requesting permanent relief and will restore the garage to a regular garage at the termination of the use. The applicant does not collect any fees or charges for people participating in this program. It provides a grief counseling program; it's a free public service for members of the community and the surrounding communities. Its existence depends wholly on Grants, and contributions. It does not have the financial wherewithal to construct an addition on the principal structure as was suggested in the TRC report. Although the proposed use is not permitted for the garage no Use Variance is required because Use Variances are not required for accessory structures if the Use is permitted for the principal structure. In the 1991 amendments to the Land Use Act, they took away the requirement that an accessory structure obtain a Use Variance, it's not required here. He called Lynn Snyder as a witness she would explain exactly what they do, what the nature of the services are, and why it's so important for the Community that this project go forward. Mr. Cramer swore in Ms. Snyder the founder and director, she proceeded to explain what Common Ground is. John Muly made a motion to open the meeting to the public, the motion was seconded by Michael Sinneck, all in favor none opposed.

Audience Members Coming to the Microphone:

Debra Thomas – 56 Parker Avenue – she lives behind and down the Street from the applicant. She has seen the property, it's kept very well and she did drive back there to see what it looked like. She questioned the amount of parking spaces, it was quite small. At the risk of sounding like the Grinch because she did not realize specifically what your business was she thinks it's wonderful. She speaks from a point that when you have a garage that is so close to a property line she feels when you buy a property within a specific area and you have a Planning Board and a Master Plan and that garage is intended for that use that once you start to change the use of a garage in one area, that can domino. She feels that the Zoning Board and Master Plan should be kept in tack and those types of things should not be changed.

Richard Thomas – 56 Parker Avenue – You mentioned earlier that your preliminary group that reviews these things first took a look at this and your first reaction was to say no to this application. Did I misunderstand that? Lenny Sullivan said we made a suggestion, we didn't say no. Rick Thomas asked if he could tell him what that was. Lenny said that perhaps they could put an addition on the back of the building as opposed to using the garage for that purpose. Rick Thomas asked Lynn Snyder if she owns the building. She answered that she just rents it. Rick said he went to the Town Hall and tried to get the schematic of what the building would be and was told first of all I can't see it, there is a new law in effect that you can't see the building for security reasons. I had a chance to look at something like that and it looked like there was something like a counter put in here is that something you would be putting in. Lynn Snyder said yes, that's correct. Rick then asked that you also stated there would be no water necessary out there, you would just put electric out there. She answered yes. Rick so the way it would be used is strictly for a waiting room. He asked how about heat in the winter time. She answered a heat pump unit takes care of heat and air conditioning. Rick said and you would just use half of this

unit. Is this garage used for anything at all right now? Lynne said no. Rick asked why they wouldn't use the whole unit rather than just a half. Lynne Snyder said for storage in case they need it. Rick Thomas said and the building that you are working out of right now only has enough space to accommodate what you are doing and you feel you need this for a waiting room additional space, or did I miss something? Lynne said as she said prior it's a privacy issue, because where the children meet and the parents meet now is separated just by a thick wall and a couple of doors, so it's noise and privacy. Rick said and you are always during the week, do you also work during the week day? She said she does not for this; it's for private practice at this location. Rick said so it's during the evening that you would want this and she answered yes two evenings a week. Rick said so you'll have lighting outside. She answered there is currently lighting out there. He asked on the garage and she answered yes. He asked if it faces her building and she answered yes.

Nancy Neidermeyer – she is a parent and she had her daughter Angelica with her and she said they currently have been going to Common Ground Grief Center for about a little over a year and she just wants to let the Board know how much she appreciates Common Ground. She said what a service to the Community it is and what a place of support for children and also for the parents. In the grand scheme of things she thinks this request is really small, it's such a minor thing. She appreciates what Lynn does, what all of her volunteers do and what a special place it is for her daughter to go and get some support. Her daughter said thank you.

Lisa Ward – she said she and her children also attend Common Ground, she lost her husband suddenly in December of 2009 and she was fortunate enough to have Common Ground open a few months after that. Her children have received such support, she could never thank Lynn and her staff enough and she thinks if anyone had an issue with the garage being converted, they should really see the site because we would just be sitting and chatting and waiting for our children, it really doesn't seem like a big issue for her. She thinks if anybody has a concern they should really go and view it. She just can't thank Lynne and her staff enough for the support that not only her children receive but that we receive.

Lynn McCabe – 38 Gertrude Place – She too is sorry to say that her family has had to use Common Ground too because in May 2009 she woke up in the middle of the night and found her young husband dead in the bathroom. My son was eight years old at the time, we have been attending Common Ground for two years now and she jokes with Lynn that they will be going there until her son turns 18 because he just can't wait until they go back next time. We should be honored as the Community of Manasquan that we have someone like Lynn and a service provided to our Community like that. We're quiet, we're not there often and she would implore all of the Board as leaders in our Community whether or not you approve this to come out and visit, help support us and help get the word out about this wonderful service. It's kind of a little bit of a secret in Manasquan, thank you.

Donna Felt – she is a resident of Manasquan and she is a volunteer at Common Ground and she wants to share something with the Board, if you are not there and you don't see what's happening in that wonderful place in that healing environment you might not understand this so forgive me if you do and I'm presuming something. The enormity of the loss and the emotions attached to that, it's the privacy issue that I think is so important that you understand, for the children and for the parents. It's not that they don't know that each other cries and has pain and anger about this loss, but they don't need to hear it

from each other when they come there. They should be able to go and feel that and be amongst their peers for the children and the parents, without having to be around that in that one time a week. That's really for her the most important piece here, they deserve that. Thank you.

Mayor George Dempsey made a motion to close the public portion of the meeting; the motion was seconded by Councilman McCarthy, all in favor none opposed.

John Muly commented, from the Technical Review Committee we didn't have a full understanding how this whole thing operated either, we were looking strictly at the paper and we saw a building and why not put it together. Three of us did have the opportunity to go over and look at it specifically the other day and Ms. Snyder gave us a tour and we all came away very impressed. He thinks it's something the Board should consider approving. Neil Hamilton said he is glad they took the opportunity to go investigate and see what this is all about and certainly we seem to know what goes on in the Community all the time and as the last lady that spoke said this is quite an eye opening experience to see what goes on in this place and what the applicant does for families and the young people in this community. I think all three of us were really impressed, it's hidden you don't know what goes on there. Her impact through those that she touches in her service is remarkable. John Muly said and we also got first hand information about the need for the privacy. You could see where it's difficult right now, so this would be a great asset to them to have this separation.

Patrick Callahan said he wanted the opportunity to join with John and Neil and agreed with their statements. He said he was really impressed also. John Muly made a motion to approve the application, the motion was seconded by Neil Hamilton.

Board Members Voting Yes:

Mayor George Dempsey, John Muly, Patrick Callahan, Joan Harriman, Councilman Owen McCarthy, Neil Hamilton, John Burke, Michael Sinneck and Leonard Sullivan.

APPLICATION APPROVED UNANIMOUSLY

APPLICATION #07-2012 – Forshay, George and Mary – 36 Ocean Avenue – Block: 162 – Lot: 9.03 – Zone: R-2 – Mr. Cramer swore in George Forshay and Mary Forshay. They explained their application to the Board. The house they have in Manasquan but when they relocate to live here permanently they would need something larger. His architect Tom Peterson is not with him tonight. The new addition will conform to everything as far as side setbacks, rear setbacks and so on. The little problem that they have is their current house falls short on the flood plane. The Ordinance calls for he believes 8-foot above sea level and they are 7.6-feet. There has been a recommendation that they raise the current house and quite honestly it's pretty cost prohibitive. The bids they received to raise the house were \$23,000 just the lifting part, they would have to remove the chimney, the solar panels, the furnace, the hot water heater, the hearth on the inside. They would have to disrupt their front patio, water systems, and stairways. It's going to be well in excess of \$50,000. We are seeking relief from the raising of that house. John Burke asked him if he has read T & M's report and Mr. Forshay said he had. John Burke asked Al Yodakis to address his report. Al addressed all issues in his report. Al said the biggest issue is that the current house doesn't meet the flood elevation. John Burke asked Al and Patrick what problems this Board could run into by giving an approval for a house that does not meet the flood plane standards. Al asked Mr. Forshay if they have flood insurance and he answered absolutely. Al asked if John means specific liability that the Board has, and John

said and the Borough. Mark Apostolou asked if there was any kind of Grant that Manasquan receives where if we in fact grant something along this line we forfeit something from the Federal or State Government, that's what he would be looking at, do we jeopardize any kind of Grant monies that we receive. I know that we have the Dunes and we have to keep them constructed in order to receive funds. If we grant something that's in contradiction do we lose? Al Yodakis said there is nothing that he is aware of that a single-family house like this that there would be anything jeopardized, no funds would be affected. George Dempsey asked Geoff if it was possible if he gave up the flood insurance on the original house and had the flood insurance on the addition would that satisfy FEMA. Geoff said quite frankly when you have these requirements for satisfying minimum flood elevations he doesn't think this Board has ever been requested in the past number of years for any type of relief. John Burke said years ago when he sat on the Board of Adjustment they gave an approval on a house on the Beachfront that they did not have to meet the flood plane and FEMA came in and over rode us, told us we were wrong and told the owner that he had to put the house on pilings and meet all the flood planes. That's what I'm afraid of for you as well as us. Mark Apostolou said based on the Chairman's comments may he suggest to the applicant that perhaps we grant an adjournment and he apply to FEMA to see if we have the ability to waive. Sir, if we go ahead to grant this to you and we no longer have that right and we're superseded you are going to be spinning your wheels anyway. Mark said perhaps you can apply through your Architect. Patrick Callahan said all these questions go back to FEMA and we really can't answer them, what jurisdiction they will take and what will happen in the future. Mark Apostolou said his motion is that we defer this application and ask that they go back to obtain an opinion letter from FEMA. Geoff Cramer said or a determination of some sort. Mr. Forshay said Tom Peterson told him Point Pleasant Beach interprets this law totally different than what we are viewing it as tonight. Again this is Tom telling him if the Ordinance says that if a new dwelling is going to exceed your current by 50%, then the old and the new have to be in compliance. They look at it that if it's less than 50% neither has to comply and if it's greater than 50% only the new needs to comply. John Burke said we have our own Town Ordinances that you don't have to comply with, not FEMA. They are a whole other ball game as far as I know that rule of 50% does not apply to FEMA, so that's where I have a problem with this. Geoff Cramer asked if there was some reason they wouldn't consider taking down the older section of the house and putting everything into the newer portion. Mr. Forshay said if you were to look into the inside of my home, its beautiful and to destroy it. George Dempsey said he thinks it can be done; he did it on his house on Morris Avenue even though it had wetlands in the rear. John Burke said we should do what Mark Apostolou said and we can continue your application to June and you can research this. If FEMA can give you a letter stating that you can do what you want to do then that's all we need. Geoff Cramer said the applicant wouldn't have to re-notice, or publication, but he would ask also that you would waive the time constraints for this Board to act. In other words this board has to take action on your application within a certain period of time, if they don't then its deemed approved, and the Board does not want that to happen so we ask for your waiver on the record. Mr. Forshay said sure, absolutely. Motion to open the meeting to the public was made by John Muly; motion was seconded by Patrick Callahan, all in favor none opposed.

Audience Members coming to the Microphone:

Hugh Flannery – He lives just east of the Forshay's 38 Ocean Avenue – he has lived in Manasquan since 1957, he has lived here through the hurricanes and everything else. Where we are they are our next door neighbors, we're talking the 100 year storm, all I want to say is the driveway is no problem to me because it's right next to my property so I wanted you to be sure of that, that that's not an issue, how they construct their plan is certainly approved by Kathy and I. We really think a couple of inches of raising the house is a very small thing to keep carrying on and carrying on. He is certainly in favor of the Board giving it all the consideration and approving it.

Neil Hamilton told Mr. Forshay that he may want to get a hold of Pat Callahan we have our own Agents as far as his contacts with FEMA and DEP rather than spin your wheels within the system.

John Winterstella – 436 Cedar Avenue – Huey who is a fraternity brother however John is much younger than he is, he asked me to stop in. He asked me if I was familiar with similar situations over the years and there have been some. I know FEMA is a concern because they will look at our records, but to my recollection and I've dealt with them on several occasions, they have always looked at the additions and not necessarily the initial structure, I know we had a couple of those situations and I thought we got by them, Neil I know you might recollect, I know back in the '90's we had FEMA come in and look at all our records and I thought there were a couple of houses in the Beach area where we had a lot of additions on. Neil said he vaguely recalls that we may have approved one knowing that there were no mechanicals and the only damage could have been done maybe to carpeting, furniture in the pre-existing section of the structure that was not elevated. In hindsight John everyone has gotten so technical anymore. John Winterstella said he is aware of it and he thinks they have given very good advice to Mr. Forshay and he sympathizes with him because he also knows it's probably going to take awhile for FEMA to make a decision but he thinks it's very important in your application explain that the addition will conform with the flood levels and it seems to me we're talking a couple of inches which would be de minimus but nothing with FEMA is de minimus, but I think they are giving you good advice. I felt we did have a couple of cases in the past, additions where we got through we were allowed to have them. Thank you for your time.

Mark Apostolou made a motion to adjourn the public portion of the meeting, the motion was seconded by John Muly, all in favor none opposed.

John asked for a motion from the Board to continue this application to the June 12, 2012 Regular meeting, **Owen** said if we could look at our records of examples of the past as **Mayor Winterstella** mentioned either Neil or Pat or perhaps our Engineer from T & M for other instances so perhaps we could give some closure to you so you can perhaps move forward. **Mayor Dempsey** said he feels we should have somebody from this Board go meet with Point Pleasant's Board and understand why and how they are interpreting it that way and maybe we are looking at it wrong, maybe they are looking at it wrong. **Al Yodakis** said he is doing work right down the hall from Point Pleasant's Beaches Board Engineer so he will discuss it with him tomorrow. **Geoff Cramer** will also talk to the Planning Board attorney in Point Pleasant Beach. **Patrick Callahan** said he had a meeting last week with FEMA here regarding our National Flood Insurance Program and they want to make Manasquan a model Community, they want to film a documentary here. But, also our rating is very good here and I have some very good contacts with FEMA, so what I'll do is I will reach out to them and I will put you in contact with the right people. **Mayor Dempsey**

said do we want to talk to FEMA before Al talks to the Engineer in Point Pleasant Beach. Patrick Callahan made a motion to adjourn this application to the June 12, 2012 Regular meeting, the motion was seconded by John Muly, all in favor none opposed.

APPLICATION CARRIED TO JUNE 12, 2012

John Muly had a question regarding the Vouchers, he said there is one for Zanes and Geoff explained that Mr. Zanes called him and he will be coming to the Board so the Voucher will sit until there is Escrow money to pay it. A motion to approve the vouchers was made by John Muly; the motion was seconded by Leonard Sullivan, all in favor none opposed.

VOUCHERS APPROVED FOR PAYMENT

Patrick Callahan suggested that everyone save their packets for Forshay and American China for the future hearing date.

A motion to adjourn the meeting was made by Mayor George Dempsey; the motion was seconded by Leonard Sullivan, all in favor none opposed.

MEETING ADJOURNED AT 9:10PM

Respectfully Submitted,

**Mary C. Salerno
Planning Board Secretary**