

The Manasquan Planning Board held a Regular meeting on Tuesday, February 5, 2013 at 7PM in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey. Mr. Cramer read the Open Public Meeting statement. Chairman, John Burke asked everyone present to please stand and Salute the Flag.

ROLL CALL:

Board Members Present:

Mayor George Dempsey, Patrick Callahan, Councilman Owen McCarthy, Joan Harriman, Neil Hamilton, John Burke, Leonard Sullivan and Mark Apostolou

Board Members Absent:

John Muly, Greg Love, Jay Price, Peter Ragan, and Robert Young

Professionals Present:

Geoffrey S. Cramer – Planning Board Attorney

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

John Burke said there is a slight change in tonight's Agenda, the Borough Attorney, Mark Kitrick is going to speak to us and we want to have him go first.

Mark spoke about an Ordinance that was introduced on January 22, 2013 at the Council meeting and now is before the Planning Board for their review and one of their charges is to find whether or not it is consistent with the Master Plan, MLU Law 40:55d-26. Since it was introduced they received additional feedback and they have made what he referred to as minor changes, additions to that Ordinance. He passed a copy to each Board Member with added items redlined. One of the changes is in section 4, the definition section, Sandy Rats and Richard Furey recommended that instead of 12-inches we use 8-inches or more above grade. Section 3-L has to do with decks, now reads rear and side-yards. We also have a definition section for a stairwell dormer. This will be before the Mayor and Council for adoption on February 9, 2013. From the Board Mark Kitrick needs approval that it's consistent with the Master Plan and if you do find that then I need approval for Mr. Cramer to prepare a Resolution stating as such which we would need prior to our February 9th meeting. Al Yodakis saw no problems at all but stated he was very happy to see the stairwell dormer change. Mark Apostolou said he would like to ask that down the road the Council and the Board need to type up definitions. Mark Kitrick concurred with Mark. Mayor Dempsey said there are some issues that Council will be looking at in the very near future. One is on corner lots, generator placement. The other one that just came up yesterday is when we allow these extra heights if they come more than 7-feet 1-inch out of the ground according to our definition that's another story. So, that would make it 3 1/2-stories and we don't permit that. We will be looking at that and change the height to a different number of some sort. Mark Apostolou made a motion to grant the Resolution, the motion was seconded by Leonard Sullivan.

Board Members Voting Yes:

Mayor Dempsey, Patrick Callahan, Joan Harriman, Councilman McCarthy, Neil Hamilton, John Burke, Leonard Sullivan and Mark Apostolou.

Mark Kitrick brought up an issue involving someone who had previously come before the Planning Board prior to Storm Sandy. The applicant's Resolution stated that if he wants to make additional

alterations he has to come before the TRC. Now his house needs to be higher than what was approved. The applicant was present, Raymond Tomasso, 520 Brielle Road. He was before the Board in October, the Storm came three weeks later and now he has to go to 11-feet instead of the 8-feet above the BFE and he would like to do that. He is going to Demo the house and if he has to return to the Board he will lose about three months time. He is asking permission to raise the house and then his front steps will be out a few more feet. His only Variance was on the side yard and the front steps. It's a non-conforming structure on a conforming lot. Geoff said he has to come back before the full Board. George said these situations are going to be coming up again. John Burke told Mr. Tomasso he has to make an application for a modification to his Resolution to go to TRC. Geoff said in the interim the Borough Council has to look at the Ordinance again.

APPLICATION #27-2012 – Sepe, William (Brad) – 40 Broad Street – Block: 64 – Lot: 25.02 – Zone: Office – John Burke said there is a letter from Mr. and Mrs. Sepe requesting to be moved to our March 5, 2013 meeting, without re-noticing or re-publishing.

APPLICATION #24-2012 – Massella, Donna – 443 Euclid Avenue – Block: 142 – Lot: 25, 26 – Zone: R-2 – John asked the architect, Bob Dooley if he told Mary Ms. Massella was withdrawing her permit and he said yes. He was told she needed to submit a letter stating this request. He said he told her and she will submit the letter.

APPLICATION #05-2013 – Damen, Steven – 581 Brielle Road – Block: 182.01 – Lot: 21 – Zone: R-2 – Geoff Cramer swore in Steve Damen – owner/applicant and Brendan McHugh – Architect for the applicant, he gave his credentials which were accepted by the Board. Mr. Damen gave his presentation and gave a background of his proposed project and a history of his life here. Brendan McHugh was next to give his testimony. He said the reason they are here is to raise the house. The advisory is 11.0-feet and based on what building code is telling him is they should have the whole wood structure out of it so that's twofold for us because 1) you have the floor joists, then we also have a drop joist in this first floor condition, which is also another foot. So, we want that whole wood structure to be out of the BFE. They will be using the existing foundation; we will be reinforcing it a lot because we know there might be possible wave action. That's the first Variance, the height. Next, he covered the Engineer's report and all the Variances requested. Mr. Damen said if they removed all the stuff that's in the Engineering report they would be at a close estimate of 54.7% lot coverage, which equates to about 2.4% on the original Resolution. The outside shower will be raised with the house. On the Engineer's report 1.2.2 – is for lot, height and yard requirements. Brendan McHugh explained the design proposed to keep them off the property line and still give allow them a driveway here to a one car garage area. Neil said over the years their car was never parked directly to the garage and it was an illegal parking action. He asked if they were able to accommodate any parking now. The answer was they are proposing a two-car parking area. Mr. Sullivan reminded the Chairman that section "a" was never finished being discussed which is height. They are in an A Flood Zone. There was discussion about the height of the proposed structure. Al addressed the applicant stating you are saying your first floor elevation will be 12-feet. The finished floor will be one-foot above the ABFE of 11-feet. Right now the structure is just under 32-feet and we are bumping the first floor up to 12, so that's 4-feet so we'll be at 36-feet. Neil said we just need to get this addressed now otherwise we are just going to have lined out the door people that are going to get a Variance to exceed what the Ordinance says for the BFE. Here is case scenario one. If we are going to give a Variance for freeboard to exceed these heights, we need to take a look at where we are going with all this. There was a lot of discussion about the height, the building department's recommendation and the fact that this application has a lot of issues the Board is not comfortable with. John Burke took a poll of the Board regarding their feelings as to the height request. It was unanimous that the members would like to see the finished plan prior to voting on the application. The applicant asked for a

continuance to the next meeting. Mayor Dempsey made a motion to carry the application to the next meeting; Councilman McCarthy seconded the motion, all in favor none opposed.

APPLICATION CARRIED TO THE NEXT MEETING

Motion for a 5-minute recess by Mayor Dempsey, all in favor none opposed.

Roll Call Following Recess:

Present:

Mayor George Dempsey, Patrick Callahan, Joan Harriman, Councilman McCarthy, Neil Hamilton, John Burke, Greg Love, Leonard Sullivan and Mark Apostolou

APPLICATION #04-2013 – Ogden, George – 34 Ocean Avenue – Block: 162 – Lot: 8.03 – Zone: R-3 – Geoff Cramer swore in George Ogden – applicant/owner, Architect – Robert Dooley, Jr., 274 Lenox Avenue, Long Branch, NJ and the Board Engineer, Al Yodakis. Mr. Ogden was the first to testify, he presented his application and then turned it over to Mr. Dooley. This is a non-conforming 30-foot frontage, 360-foot deep property. In order to re-build they are honoring the Township setback requirements, it is a 1940's bungalow which was destroyed in the Storm. Mr. Dooley had in a building cross section drawing showing the proposed elevations of the house which Mr. Cramer marked as Exhibit A-1. He also had another sheet which showed the height to the ridge provided by his Engineer which was marked as Exhibit A-2 which was provided by Mr. Burdig. He proceeded to explain the project to the Board. In the Board's packet there was a Survey and he worked the height of the building off of that. The peak of this house being at 41.9-feet in relationship to the information he just gave the Board. The two neighboring properties are 41.3-feet and 33.8-feet. From the top of the curb the proposed height is 34.5-feet, that is their ridge height. They are requesting a one and one-half foot Variance for height. They are tearing down a house and building a brand new house. The house has 8-foot ceilings. The storage space would be underneath the house with lattice work around the perimeter. The air conditioning equipment will be located at the rear of the house. The applicant agrees to install the utility services underground if at all possible. The curb and sidewalk along the lot line will be replaced as necessary. Al said the issue now is just the height. The top of the first floor is 14.4-feet. Above the first floor they have 27.5-feet of house bringing them to 34.5-feet from the top of the curb. Board members asking questions were Lenny Sullivan, George Dempsey, Joan Harriman, Neil Hamilton, Mark Apostolou, John Burke and Owen McCarthy. There is no request for a Variance on the curb cut the request is for the driveway width which is up to 24-feet. They are requesting 12.4-feet to the underside of the structure. If they were at 33.2-feet the beam would be out of the water according to the 100-year flood plain. When the storm hit the water in his structure was approximately 6-feet above curb. The consensus of the Board was they wanted to see the height closer to 33-feet. They agreed they could live if he could keep it at 33.2-feet. Mark Apostolou made a motion to open the meeting to the public, the motion was seconded by Councilman McCarthy all in favor none opposed.

Audience Members Coming Forward:

Mary Kotsopoulus – 30 Ocean Avenue – She is the adjoining neighbor to the West of the proposed building. Her daughter Sophia introduced herself as well and stated they were never in receipt of a document informing them of tonight's meeting. John Burke checked with the Board Secretary and she stated they were noticed properly. They had questions regarding the enclosure under the house, the driveway, parking in the front and buffer between houses. He will put in a section of breakaway walls just where he is storing his stuff. He will work with his neighbor so she doesn't have to look at it. She requested it be in the final plans and was told it would be. He will also work with the neighbor on a landscaping plan.

Mary Forshay – 36 Ocean Avenue – she asks for the same consideration of the breakaway walls on her side. She asked about the stairs and the location of his house in relation to hers.

Kathy Sweeney – 40 N. Potter – she would rather see people be able to have higher foundations for issues of safety and non-destruction of property. She feels applicants should be allowed to have their houses higher.

Mary Kostopolous – 30 Ocean Avenue – asked about the side facing her which is the West side and the windows which would look down into her shower. She asked for smaller windows and was told the windows had to be that size for safety issues. Bob Dooley answered her and said those windows were actually in the stairway.

George Dempsey made a motion to close the public portion of the meeting, the motion was seconded by Patrick Callahan, all in favor none opposed.

Mr. Ogden said he feels he has made a lot of compromises. John Burke asked the Board what they would like to do and if the applicant requests the height to be at 33.2-feet would they have a problem with that. There was a lot of discussion between the Architect, applicant and Chairman regarding the request for the original height of 34.6-feet. Neil Hamilton said if folks are re-building from scratch they need to stay within the perimeters of the heights that were approved by Council and the Board. He feels the Board has to take a stand on this Ordinance. John took a poll of the Board. The consensus of the Board was the applicant should stay at the 33-feet the Ordinance says. Mr. Burke explained to the applicant that if they go forward and the Board votes them down, Race Judicator comes into effect, they cannot come back before the Board again with this kind of an application. The next application would have to be substantially different or it has to meet everything with no Variances. Mr. Dooley said he thinks the Board is being unreasonable. Mr. Ogden was going to withdraw the application and come back with a new application when Tom Bateman asked to speak to him in the hall.

While the applicant was discussing his options the Board moved forward.

Geoff Cramer swore in Greg Love at this time.

RESOLUTION #01-2013 – TFM Builders, LLC – 10 Minnesink Road – Block: 16 – Lot: 5.01 – Zone: R-2 – Minor Subdivision – Leonard Sullivan made a motion to memorialize the Resolution, the motion was seconded by Patrick Callahan.

Board Members Voting Yes:

Patrick Callahan, Joan Harriman, Councilman Owen McCarthy, Neil Hamilton, John Burke and Leonard Sullivan

RESOLUTION MEMORIALIZED

RESOLUTION #15-2012 – Derdzkowski, Joseph – 103 Beachfront – Block: 167 – Lot: 2 – Zone: R-4 – Patrick Callahan made a motion to memorialize the Resolution; the motion was seconded by Neil Hamilton.

Board Members Voting Yes:

Patrick Callahan, Joan Harriman, Councilman Owen McCarthy, Neil Hamilton, John Burke and Leonard Sullivan

RESOLUTION MEMORIALIZED

George Ogden and his Architect Bob Dooley returned to the table. They said they would make their first floor elevation 12.9-feet, the other stacking remains the same and they will bring the height into conformance at 33-feet in height.

Mark Apostolou made a motion to approve the application with all the stipulations made by the applicant, the motion was seconded by Leonard Sullivan with the request that the neighbors request has to be reasonable.

Board Members Voting Yes:

Mayor Dempsey, Patrick Callahan, Councilman McCarthy, Joan Harriman, Neil Hamilton, John Burke, Leonard Sullivan and Mark Apostolou

APPLICATION APPROVED

Motion to approve the Vouchers was made by Neil Hamilton, seconded by Lenny Sullivan all in favor none opposed.

VOUCHERS APPROVED FOR PAYMENT

Discussion – John Burke asked if the Secretary was getting enough Escrow with the current Escrow amounts that are in place. The Tech Committee and Patrick will examine the Escrow fees and make a recommendation. The Secretary said she will ask everyone for Escrow for an Engineering report and if there is money left it will be refunded. George asked what that number is and the answer is normally its \$1000.00 without Engineering and \$1700.00 with Engineering. The Secretary said there is a Technical Review Fee of \$200 which if the applicant comes before the full Board the money is applied to their application fee.

There have been a few instances where the applications have not been complete and applicants were bringing plans to the meeting. The Secretary is to call applicants and tell them if the application is not complete two full weeks prior to the meeting they cannot be heard.

Next is we have scheduled two meetings a month as of right now. Our regular first Tuesday meeting and a second meeting. John Burke asked if the Resolutions would be available for the following meeting so the people can get started and get their permits ready for approval. We are not charging the \$1000.00 Special meeting Fee for the year 2013. John said 4 o'clock doesn't work for him and it doesn't work for some other Board members so he would like to move the second meeting to 7PM. The Secretary said the room could be booked and the second meeting has already been published as 4PM. John is worried we may not have a quorum at 4PM. This will be re-addressed in the future.

THE BOARD WAS UNANIMOUS IN VOTING ON THESE ISSUES

Mary said the June meeting was approved and advertised for June 4, 2013 and has to be moved to June 11, 2013 as it is an election day.

THE BOARD UNANIMOUSLY VOTED TO CHANGE THAT DATE TO JUNE 11, 2013

Al said right now we are having two meetings a month as well as getting Resolutions memorialized within two-weeks, he feels that is very generous on the part of the Planning Board.

Neil Hamilton made a motion to open the meeting to the public, motion seconded by Patrick Callahan, all in favor none opposed.

Audience Member Coming Forward:

Donald Cresitello – 361 Beachfront – He appreciates that the Board conferred with the Councils recommendations tonight so they could move forward with the height limits. One of the items the Council suggested should come back to the Planning Board was the size of the dormer. The problem is the Ordinance allows for a 10-foot dormer and with the narrow houses and the stairwell being required against one of the side walls you can't get the stairwell in a 10-foot dormer. He has seen numerous houses with 15-foot dormers that the Board has previously approved to accommodate stairwells. He was wondering if the Planning Board was going to consider a change to that particular dimension or does he need to seek a Variance because he has that issue. He said some people including himself are going to want to be installing an elevator also. Mr. Cresitello was told that even if the Board did look at this issue and made recommendations and changes were to

be made it would likely take months for an Ordinance change. He is asking if the Planning Board might be considering looking at longer dormers. He was told they might but if he is wanting to move forward he should seek a Variance.

Neil Hamilton moved to close the public portion of the meeting, the motion was seconded by Mark Apostolou, all in favor none opposed.

Motion to adjourn made by Jay Price, motion was seconded by Patrick Callahan, all in favor none opposed.

MEETING ADJOURNED AT 10:34PM

Respectfully Submitted,

Mary C. Salerno
Planning Board Secretary