

The Manasquan Planning Board held a Regular Meeting on April 2, 2013 at 7PM in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey. Mr. Cramer the Planning Board attorney read the Open Public Meeting Statement. Chairman John Burke asked everyone present to please stand and salute the Flag.

**ROLL CALL:**

**Board Members Present:**

Patrick Callahan, Joan Harriman, Councilman Owen McCarthy, Neil Hamilton, John Burke, Greg Love, Leonard Sullivan, Mark Apostolou, Jay Price and Robert Young

**Board Members Absent:**

Mayor George Dempsey, John Muly, Peter Ragan

**Professionals Present:**

Geoffrey S. Cramer – Planning Board Attorney

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

**APPLICATION #14-2013** – Presinzano, Paul – 23 N Potter – Block: 149 – Lot: 9.02 – Zone: R-1 – Keith Henderson is the attorney representing this applicant. Geoff Cramer accepted jurisdiction. Keith had two witnesses to be sworn in Paul Presinzano, property owner/applicant, and the builder Robert Wojewodzoj, and Robert Burdick who is a professional Planner and Engineer. The first witness to testify was the owner Paul Presinzano; he said it is a one-story single family dwelling on the intersection of Potter and Fletcher. He had a lot of damage during Super Storm Sandy, he received a determination that the building either has to be elevated or demolished. Next, Mr. Wojewodzoj testified stating he builds Modular Homes. He said it is recommended by FEMA that the finished first floor be at 12-feet. They are proposing to build a two-story single-family home on the property. He discussed the front steps in response to a question from Mark Apostolou. The stairs will have a switchback but will still encroach into the front yard setback. They are proposing to construct a two-story home. There was much discussion between board members and the builder regarding the front steps, landings, setbacks, etc. Next, the applicant's planner/engineer testified and described the property in connection with the Zoning Map. He described the variances for this property. They will conform fully with the height requirement. They asked for a Variance for building coverage. They also asked for rear setback. They propose a paver driveway and therefore will meet the lot coverage. The ground level will be used as a garage and storage area. The house will be three-stories but only the top two levels will be habitable. They proceeded to address the T & M report prepared by the Board Engineer. The mechanical equipment will be located on the first floor. They will also submit a landscaping plan. All utilities will be underground. They are proposing re-charge pits on the property to address the Storm water Ordinance. Al Yodakis said they have addressed his report, he said this application applies to the new Ordinance 2130-13 is now in affect so since this is a new house that Variance does apply for the stairs. The building height issue, our Ordinance is not as clear as Al would like it when

it comes to corner lots but he thinks the interpretation of measuring from the crown of the road at the middle of the frontage on this corner property to be a correct interpretation. Mr. Henderson summarized. Patrick Callahan made a motion to open the meeting to the public, the motion was seconded by Greg Love, all in favor none opposed.

There was no audience participation.

Patrick Callahan made a motion to close the meeting to the public, the motion was seconded by Greg Love, all in favor none opposed.

Neil Hamilton made a motion to approve the application as requested, he felt it was a fine application for a small lot in a large zone, Leonard Sullivan seconded the motion.

**Board Members Voting Yes:**

Patrick Callahan, Joan Harriman, Councilman McCarthy, Neil Hamilton, John Burke, Greg Love, Leonard Sullivan, Mark Apostolou, Jay Price and Robert Young.

No negative votes.

***APPLICATION APPROVED***

**APPLICATION #09-2013** – Martin, John and Virginia – 121 Ocean Avenue – Block: 168 – Lot: 28 – Zone: R-5 – Mr. Martin and his Architect Dominick Macaluso, Virginia Martin and Al Yodakis were sworn in by Geoff Cramer. Mr. Martin gave his testimony explaining to the Board what he proposes to do. They suffered a large loss due to the Storm and decided to demo and re-build with a year round residence. Mr. Macaluso gave his testimony, he explained the Variances sought by the applicant. The property is long and narrow and there exists presently a single-story single-family dwelling. They are proposing to construct a 2 ½-story single-family dwelling. The property is located in Flood Zone A and they are proposing to raise the structure approximately 12-feet. The height of the garage is proposed to be 13-feet. Board members asking questions were Joan Harriman, and Neil Hamilton who stated the denial letter shows the garage at 15.6' height. Neil said the parking pad in the front of that garage has what amount of space? Mr. Macaluso said approximately 17-feet. Neil said looking at that when all is said and done if you are able to get a vehicle in the garage, and looking at that site and I've been there twice and again today I don't want you to down the road get a summons if you have a large vehicle hanging over that sidewalk area. If that's going to be an issue we need to get the Variance in place and you need to be made aware that is going to be a no-parking Zone for you. Just so you understand that it's not a legal parking pad. Mark Apostolou said there is a State Statute that precludes the blocking of the sidewalk unless there is a license granted. He saw many summonses issues but never saw a license issued by the Town to block the sidewalk. Neil said his second and hardest question of the whole project is the overall building height. With the new FEMA rules and we understand where we are trying to go and the Borough Council worked hard to revise and put in place a new Ordinance to get the heights in the different Zones. He thinks it's prudent to this Board to give all our thought wherever possible to try to hold to those heights as provided to us by the Borough Council. His builder said there is no physical way to achieve a 2 ½-story and limit it to two stories because there is really no way to achieve it without surpassing that height limitation. Neil said we offer the opportunity to have a half-story, we have parameters to control the size of the half-story but that doesn't say you need to build a half-story. You can build a two-story home with pull-down stairs and a loft storage area. The builder said if he had three more feet of width on the lot he could go to 38-feet. The garage height will be brought

down to 13-feet. John Burke asked the Board for comments for the building to be brought down to 34-feet in height. The applicant said they would make it work at 33-feet. Patrick Callahan made a motion to open the meeting to the public, the motion was seconded by Leonard Sullivan, all in favor none opposed.

There was no public participation on the application.

Mark Apostolou made a motion to close the public portion, the motion was seconded by Councilman Owen McCarthy, all in favor none opposed.

**Board Members Voting Yes:**

Patrick Callahan, Joan Harriman, Councilman McCarthy, Neil Hamilton, John Burke, Greg Love, Leonard Sullivan, Mark Apostolou, Jay Price and Robert Young

No negative Votes

***APPLICATION APPROVED***

**ROLL CALL FOLLOWING RECESS:**

**Board Members Present:**

Patrick Callahan, Joan Harriman, Councilman Owen McCarthy, Neil Hamilton, John Burke, Greg Love, Leonard Sullivan, Mark Apostolou, Jay Price, Robert Young

**APPLICATION #13-2013** – Dattilo, Dennis – 12 Pearce Court – Block: 155 – Lot: 4 – Zone: R-3 – Geoff Cramer swore in Dennis Dattilo- owner/applicant, and Al Yodakis – Planning Board Engineer/Planner T & M Associates. Mr. Dattilo gave testimony as to what he proposes to do. He addressed the denial letter from the Zoning Officer. His house had more than 50% damage so he decided to re-build the house. Mr. Dattilo stated his case requesting to attain a height of 38-feet and 3 ½-stories. Mr. Cramer said if this house were to be 38-feet that would make it a Use Variance. Because, should he exceed by more than 10% the maximum height that is permitted on this particular piece of property, it then becomes a Use Variance. After much discussion with Board members and the applicant on the heights of the floors and the height of the garage the applicant agreed to amend the application to a 36-feet height as the lot is non-conforming. This height was stipulated to by the applicant. He also stipulated that the garage on the ground floor would eliminate parking problems and there would be storage in the garage area. He will retain the existing 10 X 20-foot patio as well as the front walkway showed on the survey. Regarding the dry well Al Yodakis said a 36-inch pipe in this area will have a positive outlook. The plans will have to be revised to show the details of all surfaces surrounding the proposed dwelling. The applicant did stipulate he would build a longer pipe system if that would make the underground water system work more efficiently. He also stipulated the mechanical equipment will be located at the rear of the dwelling. He also stipulated that he will provide a landscaping plan with respect to the front yard area. He also stipulated he would be willing to put all utility services underground if at all feasible. He stipulated that there will be no living area on the ground floor and there would not be an exterior shower on the property. The furnace and hot water heater will be located in a utility room on the first floor. There was a lot of discussion that this was a non-conforming lot and therefore the height should be restricted to 33-feet. John Burke took a poll of the Board regarding the height of the structure. The consensus was the height should be held at 33-feet. The applicant stated he wished to amend the application to 33-feet and therefore remove the

height variance request. Councilman McCarthy made a motion to open the meeting to the public, Mark Apostolou seconded the motion. All in favor none opposed.

**Audience Members Coming Forward:**

Jeff Dattilo – 10 Pearce Court – He is the brother of the applicant and he believes 33-feet is not high enough and the Board should allow the house to be higher since there is no storage under the house. He feels it's a disservice to the residents to not grant higher than 33-feet.

John Burke told Mr. Dattilo if he has a problem with the 33-feet, that came from the Council and he should go to the Town Council and make his comments there.

Mark Apostolou made a motion to close the public portion of the meeting, the motion was seconded by Councilman McCarthy, all in favor none opposed.

Neil Hamilton made a motion to approve the application with all the changes, the motion was seconded by Patrick Callahan.

**Board Members Voting Yes:**

Patrick Callahan, Joan Harriman, Councilman McCarthy, Neil Hamilton, John Burke, Greg Love, Leonard Sullivan, Mark Apostolou, Jay Price and Robert Young

***APPLICATION APPROVED***

**APPLICATION #11-2013** – Bindler, Lori – 93-A Ocean Avenue – Block: 156 – Lot: 1 – Zone: R-3 – Geoff Cramer swore in Lori Bindler – owner/applicant, and Robert Burdick, Professional Engineer, and Daniel Bach – architect for the project and Al Yodakis for the Board. Ms. Bindler was the first to give testimony. She testified that from Super Storm Sandy she had a little over 55 inches of water in her home and prior to that Storm during Irene she had 13-inches in her home. She is presently living with her sister's basement. She is hoping to get assistance from FEMA to take the house down. She is not changing her foundation; she is building on the same footprint. She proposes to build a single-family three-story home on a new foundation. She will stipulate to a height of 33-feet. Robert Burdick, engineer for the applicant addressed all the variances requested. The applicant also stipulated that the loft or attic area would only be used for recreational space only. The furnace will be located in the attic area and the outside condenser will be on the first habitable floor area on the east side of the property. The applicant also stipulated that wherever possible she would place utilities underground. There will also be a generator on the back deck as the applicant has lost power more than 30 times during the time she has lived there. Regarding the parking the applicant stipulated that she has offsite parking which came with her house, she said it is around the corner and it came with her house and was grandfathered in. Geoff Cramer said she has onsite parking off site. She will provide paperwork for the file in the form of a Deed which shows that she does indeed have parking for two cars around the corner from her house. The T & M report was addressed and satisfied. They will provide Al Yodakis with a grading plan. The outside shower which is in the side setback will be allowed to remain. Patrick Callahan made a motion to open the meeting to the public, the motion was seconded by Leonard Sullivan, all in favor none opposed.

There was no public participation.

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

Councilman McCarthy made a motion to approve the application with all the stipulations; the motion was seconded by Mark Apostolou.

**Board Members Voting Yes:**

**Patrick Callahan, Joan Harriman, Councilman McCarthy, Neil Hamilton, John Burke, Greg Love, Leonard Sullivan, Mark Apostolou, Jay Price and Robert Young**

***APPLICATION APPROVED***

**RESOLUTION #10-2013 – Quigley, Laura (Ocean’s Four Partnership) – Block: 178 – Lot: 2.01 – Zone: RPM**

**Councilman Owen McCarthy made a motion to memorialize the Resolution, the motion was seconded by Patrick Callahan.**

**Board Members Voting Yes:**

**Patrick Callahan, Councilman Owen McCarthy, Neil Hamilton, John Burke, Mark Apostolou and Jay Price**

***RESOLUTION MEMORIALIZED***

**Mark Apostolou made a motion to approve the minutes of January 8, 2013, Regular and Re-Organization meeting, the motion was seconded by Councilman McCarthy all in favor none opposed.**

***MINUTES APPROVED***

**Neil Hamilton made a motion to approve the vouchers, the motion was seconded by Mark Apostolou, all in favor none opposed.**

***VOUCHERS APPROVED***

**Next, there were comments from individual Board members. The Board said they wanted every application that comes before the Board to be reviewed by the Board Engineer.**

**Neil Hamilton made a motion to adjourn the meeting, the motion was seconded by Leonard Sullivan, all in favor none opposed.**

***MEETING ADJOURNED AT 9:41PM***

**Respectfully Submitted,**

**Mary C. Salerno  
Planning Board Secretary**