

The Manasquan Planning Board held a Regular meeting on Tuesday, May 7, 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. John Burke asked everyone present to please stand and salute the Flag.

ROLL CALL:

Board Members Present:

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

Board Members Absent:

Jay Price, Peter Ragan and Robert Young

Professionals Present:

Geoffrey S. Cramer – Planning Board Attorney

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

John Burke announced that if anyone in the audience was present for the Kevin and Patricia Coffey application that was originally on the Agenda, they will be heard at the May 21, 2013 Second Meeting.

APPLICATION #17-2013 – GEE, LLC – 201, 203 Beachfront – Block: 170 – Lot: 1.04 – Zone: RPM – The attorney representing Gee, LLC is Dennis Collins, and he had witnesses to be sworn in Stuart Challoner. Professional Engineer and Planner, George Pearson, Architect and also at this time T & M Board Engineer, Al Yodakis. There are representatives of Gee; LLC present in case the Board has questions and they are Paul Wolfe and Fred Bryant, Mr. John Paglia was unable to attend the meeting. The Board accepted jurisdiction on this application finding the file in good order. Mr. Collins had two Exhibits to be marked into evidence, Exhibit A-1 is an aerial of the site, A-2 is the architectural rendering. Mr. Challoner was called first to present, he gave his credentials which were accepted by the Board. He described the property and what was on the site prior to Super Storm Sandy and what is proposed to be on the site if approved by the Board. He said the sand collapsed the first floor down to the basement causing the entire structure to be jeopardized. He was called out in November to do some structural inspections on the property; originally they were considering reconstructing the facility, adding a new first floor and renovating the building. After the inspection it was discovered the foundation of the building had severe damage, the wood frame structure dated back to the '30's or '40's, that also had some structural failures so we decided it would be better to tear down the existing building and build a new building that would be built to the current Codes and FEMA requirements. They propose to construct a new Gee Gee's, that will house a new restaurant facility on the first floor, they will still have the apartments on the second floor, there are three now which will be reduced to two new apartments. He addressed the design constraints they are dealing with. The new BFE based on ABFE which were adopted by the Governor back in January sets this now at elevation 15. The

existing structure did meet previous Codes but the new Codes of elevation 15 requires raising the building substantially, almost 3-feet. Because the building fronts pretty much on the property lines on all three sides, we have frontage on the Boardwalk which is an asphalt walkway, then between the walkway and to Gee Gee's property line where the building physically sits today, there is a concrete sidewalk area, also a paver block area where during the summer has tables and chairs for outdoor seating for the public. The property also comes directly on East Main Street, which is the Southern boundary of our lot; the building façade is right at the property line again. So, we have design constraints. The floor elevation has been designed at elevation 16.3 which will bring our finished floor above the new elevation of 15; we will be able to construct the girder system that will be compliant with the FEMA regulations. In order to provide handicapped access to the building instead of having an exterior staircases and ramps, we have left those inside. In order to raise the grade from the outside grade of the boardwalk which is approximately elevation 13 to the new floor height of elevation 16 and change we would have to have approximately 3 ½-foot of ramps or staircases to bring us up to the new elevations. FEMA requires the girders run perpendicular to the wave action, today the girders run parallel, they run parallel to the boardwalk we would have to re-construct a new building with a new foundation and girder system that will actually be perpendicular to the ocean so the wave action would flow through unobstructed, the joists will then be perpendicular to the Boardwalk. The girder elevations have to be to be at elevation 15 or greater. There will be pier structure with break-away walls to support the first floor. The existing basement of the building today will remain, since it's a Commercial establishment we are allowed to wet proof that so everything on the bottom of the basement will continue to be concrete, there will be new timber piles driven in to support the new structure. FEMA considers this to be a Class II structure. There are some existing encroachments into the public right-of-way over the property line at the existing structure. The new building will not have encroachments. Gee Gee's is a two-story structure, even though they have common walls, the arcade is the northern 75 X almost 30-foot wide structure. That is going to remain and be open for the summer after it is renovated. The elevation of that would stay at 13-feet, which is the elevation of the boardwalk. That structure sustained significantly less damage than the main building; there is just a crawl space under that structure. Next, Architect for the project George Pearson testified. He gave his credentials which were accepted by the Board. He came up with a design consistent with the Jersey Shore's architecture. They put a hip roof with eyebrow windows and a widow's walk at the top and a balcony across the whole front to give it some character and usefulness. They designed it so it doesn't look like it has been raised 3-feet. They are cutting off a corner which works nice with the new building next door. They have put concrete blocks so the building doesn't get damaged by people walking by and there will be vinyl shutters, the eyebrow windows will have copper roofs and there will be people outside dining. He feels the building has dignity and sits quite well on the site. The building is designed to be ADA accessible working within the new elevation in the interior. The widows walk is not a functioning area, it's not accessible to anybody and it is approximately 2.8-feet high. If you look at the architectural plans the roof structure comes up inside that walk also. It's just decorative. The maximum height of the building will be 38-feet. He explained the layout on the inside of the building and how the building meets all the ADA regulations. Because of the ramps and stairs there is a 20% less floor space that is available for the restaurant. That is why they decided to eliminate a

portion of the arcade and include that space into the restaurant. They are proposing two (2) two (2) bedroom apartments on the second floor, they will have to access points, and a separate access off E. Main Street, there will be a staircase up to the second floor that will provide access to both apartments and they also have access off of the Boardwalk right-of-way that will come up to a shared walkway balcony across the front of the two apartments. This is an existing non-conforming lot. After construction they will bring the building just inside the property limits, whereas now it's a little over a half a foot beyond the property limits. The owner today is just over an inch over the property line in the rear, the new building will be constructed back on the property line. The side setback is over today by about four (4) inches but will be built on the property line. Maximum lot coverage for the zone is 40% today it is 93.1%, because we are taking a small section out of the corner of the building that reduced out building coverage to 92.7%. Off street parking has zero parking spaces and zero is proposed. The height requested is 38-feet. The trash enclosure that is currently closed in at the western portion of the property and they are going to continue to use that as the trash enclosure. That will be for the residential and commercial. The Board requested that they make the trash enclosure more aesthetically pleasing than it is today. Al said as far as Storm water Management if there are any opportunities to provide porous pavers instead of concrete that would reduce storm water. Al said we need to talk about that corner on the ramp as well. Al said we need to talk about the roof drains and how they are going to be directed out to the Street. He would worry about icing conditions if it was going to run on the sidewalk. Mr. Collins suggested the Engineers could work this out and make that a condition in the Resolution. Al agreed to that suggestion. Al also suggested somehow dressing up the trash enclosure and Mr. Collins again suggested the Engineers could look into that. The applicant also stipulated to use every effort to identify off street parking by the residents of the upstairs units. Mr. Collins said regarding the ramp, he knows the Borough is very concerned with respect to that ramp in getting it open. Also, what has to happen to that ramp for access to the boardwalk? The mechanicals will be screened on the rooftop by the widow walk; they will be accessible by a hatch for service.

Mr. Collins said if the Board approves this application it is the client's intention they will get the building down as soon as possible. They have to secure the site, we don't want to make a dark area where people could congregate, and we need to open up that walkway as soon as possible for access. The walkway is starting to tilt into our property and we know the building is not going to be built by Memorial Day and we have to have interaction with the Town to get that into the right condition for the summer and the future. The moment the Town says we can start construction we will, our plans were to do the pilings before the summer but that is not possible now. Mayor Dempsey said there is also a Borough Ordinance that states no machinery on the boardwalk after May 22nd. Mayor Dempsey made a motion to open the meeting to the public; motion was seconded by Patrick Callahan, all in favor none opposed.

Audience Members Coming Forward:

Elaina Richardi – 215-3 Beachfront – Mr. Collins said he apologizes as he spoke to this lady's husband and he was supposed to address his concern but he wants them to know there won't be signs on the south facing facade of the building. She also asked about signage on awnings, she has visual site line to the south side, in the past there were fabric awnings with advertisements on them, she finds that not aesthetically pleasing. She is also

concerned about exhaust fans on the south side of the building and lighting. They assured her the lighting will be down facing.

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

Mr. Collins gave his closing statement.

Mayor George Dempsey made a motion to approve the application with all stipulations noted; Councilman Owen McCarthy seconded the motion subject to the concurrences and agreement between the Engineers for the applicant as well as the Board, particularly the timeline as discussed for securing the property.

Board Members Voting Yes:

Mayor George Dempsey, John Muly, Patrick Callahan, Joan Harriman, Councilman McCarthy, Neil Hamilton, John Burke, Greg Love, Leonard Sullivan and Mark Apostolou. No negative votes.

APPLICATION APPROVED

APPLICATION #18-2013 – Sauer, James – 110 Second Avenue – Block: 168 – Lot: 26 – Zone: R-5 – Alfred Sauer is the attorney for the applicant, James Sauer is the owner/applicant and they were both sworn in by Geoff Cramer as well as the Board Engineer Al Yodakis and the applicant's architect Mary Hearn. Joan is on MBIA with Mr. Sauer but she didn't recuse herself. James Sauer owner was the first to testify and gave the background of the home and its rental history. Next, Mary Hearn gave her credentials and they were accepted by the Board. She had 11 photos of the front, neighborhood, and existing home. The pictures that were not included in the application were marked as exhibits. Photo Board (two-sided) was marked as Exhibit A-1. Colored Site Plan with added information was marked as Exhibit A-2. A front elevation comparison colored was marked as Exhibit A-3. Mr. Cramer found the file to be in good order and accepted jurisdiction. Mary Hearn proceeded to address the proposal stating that there were challenges with the application as the lot is undersized. Following Super Storm Sandy they now have to lift the house higher that they originally were planning and now they are not able to get a third floor but they are here to seek Bulk Variances. She then addressed the photographs submitted showing the neighborhood and the heights of other homes and front setbacks. There is a shared access easement on the property four feet on their property and four feet on the neighbor's property, it's an access, egress easement which the applicant will honor. They are proposing a two-story house in between two existing houses, we are proposing that it will align with both houses on either side and they are proposing a small covered porch in the front with a pretty long flight of stairs up to it, the stairs actually eat into the porch, they are trying to keep them as far off the Street as she can. There is a small landing in the back of the house with a long stair down to grade, with a shower up on that platform. There is a little room for plantings and then there is a proposed parking area in the back for two cars. She then addressed the Zoning Data and the Variances requested. She bumped out a window on the front which is allowed to project up to 3-feet into your setbacks. Mary had a design she had prepared prior to the Storm which would have had the third story for storage of holiday decorations and such. Now that they have to go up so high out of the ground they will lose that third-story. She feels if you can get a steeper roof on a narrow and tall house it helps that house. A squattier roof on a very tall and narrow house makes the house look taller. There is a

function reason in her opinion and there is an aesthetic reason in her opinion. Also, on Second Avenue the curb is at 4.3, they are going to be up at 12 for this house. Directly behind them on First Avenue the curbs are significantly up, they are up about 4-feet higher from First to Second Avenues. Some of those lots are compliant so they will be able to have a 38-foot high house above a curb that's 4-feet higher than this one and across the Street there are bigger lots that are compliant so they would be allowed 38-foot high houses. She asked for the Board to be open minded regarding the height. After much discussion the Chairman took a poll of the board members regarding the air-conditioning unit being in the side yard and the requested height. It was the consensus of the Board that they would want to keep the height at 33-feet measured from the top of the curb and the air conditioning units in the rear. Al Yodakis said they pretty much covered his letter, he asked if they agreed to cover all the requirements of the Borough Storm Water Ordinance. Mary Hearn said yes they would. Mr. Sauer said the Board is being too arbitrary and one of the purposes of a Variance is to grant exceptions where there is particular hardship or difficulties with a particular property. This property is at least 4-feet lower than the properties in front of it. That in itself is a reason to take into account an exception. He said blindly sticking to 33-feet is shirking your responsibility under the State Statute to deal with differences in properties. John Burke asked them to decide if they wanted to amend the application.

Mayor Dempsey made a motion to open the meeting to the public, Councilman McCarthy seconded the motion. There was no audience participation. Mark Apostolou made a motion to close the public portion of the meeting, the motion was seconded by Councilman McCarthy. Mr. Sauer asked for a couple of minutes. The Board voted for a 5-minute recess.

Roll Call following recess:

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

Mr. Sauer asked if the Board could live with 34-feet. Mr. Burke again polled the Board. The majority of the Board was to hold the building to the 33-feet. Mr. Sauer respectfully disagreed with the Board's decision. Councilman McCarthy made a motion to approve the application based on the amendment the applicant stipulated considering the location of the air conditioning unit and the other Variances, motion seconded by Mark Apostolou.

Board Members Voting Yes:

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

John Burke had to step down as the next applicant is his daughter. Vice-Chairman John Muly took the chair.

APPLICATION #20-2013 – Pelenski, Jessica and Walter – 4 Stockton Avenue – Block: 164 – Lot: 31.01 – Zone: R-2 – Geoff swore in Jessica and Walter Pelenski – owner/applicant and Al Yodakis – Board Engineer. Mr. Muly asked Mrs. Pelenski to give the Board an idea of what their plans are. She said she doesn't have any plans. She explained the history of the existing house and the damage received as a result of Super Storm Sandy.

They plan on knocking down the existing house and build a modular home. She explained the Variances requested. The garage will be under the house and there will be a stone driveway. The height of the house will be 36' – 5". Ms. Pelenski brought new plans to the meeting with her different from the ones the Board members had in their packets. The house will be built on pilings with break-a-way walls. This is a five bedroom house, two bedrooms on the first floor and three bedrooms upstairs. The Board members had questions as to the number of windows in the house. The original plans did not show sufficient windows but Ms. Pelenski stated the new plans shows more windows. John Muly said he would like to see the house look a little more aesthetically pleasing. Mayor Dempsey made a motion to open the meeting to the public; motion was seconded by Mark Apostolou, all in favor none opposed. There were no comments from the public. Mark Apostolou made a motion to close the public portion, seconded by Leonard Sullivan, all in favor none opposed.

Councilman Owen McCarthy made a motion to approve the application was submitted, Mark Apostolou seconded the motion.

Board Members Voting Yes:

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

APPLICATION APPROVED

RESOLUTION #12-2013 – Carman, Dean – 490 Perrine Boulevard – Block: 143 – Lot: 5.03 – Zone: R-2 – Mark Apostolou made a motion to memorialize the resolution; the motion was seconded by Leonard Sullivan.

Board Members Voting Yes:

John Muly, Patrick Callahan, Joan Harriman, Neil Hamilton, John Burke, Leonard Sullivan, and Mark Apostolou

RESOLUTION MEMORIALIZED

RESOLUTION #16-2013 – Dana, Ron – 292 First Avenue – Block: 181 – Lot: 4 – Zone: R-4 – John Muly made a motion to memorialize the resolution; the motion was seconded by Neil Hamilton.

Board Members Voting Yes:

Mayor George Dempsey, John Muly, Patrick Callahan, Joan Harriman, Neil Hamilton, John Burke, and Leonard Sullivan

RESOLUTION MEMORIALIZED

RESOLUTION #15-2013 – Carlin, Virginia – 327 E Virginia Avenue – Block: 128 – Lot: 22, 28 – Zone: R-2 –John Muly made a motion to memorialize the resolution, the motion was seconded by Patrick Callahan.

Board Members Voting Yes:

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

RESOLUTION MEMORIALIZED

Leonard Sullivan made a motion to approve the Vouchers, the motion was seconded by John Muly, all in favor none opposed.

VOUCHERS APPROVED

Mark Apostolou made a motion to approve the minutes of Wednesday, February 20, 2013; the motion was seconded by Patrick Callahan, all in favor none opposed.

MINUTES APPROVED

RESOLUTION #20-2013 – Pelenski, Jessica and Walter – 4 Stockton Avenue – Block: 164 – Lot: 31.01 – Zone: R-2 – Councilman Owen McCarthy made a motion to memorialize the resolution, the motion was seconded by Mark Apostolou.

Board Members Voting Yes:

Mayor George Dempsey, John Muly, Patrick Callahan, Joan Harriman, Councilman Owen McCarthy, Neil Hamilton, Greg Love, Leonard Sullivan, Mark Apostolou, and Jay Price.

RESOLUTION MEMORIALIZED

Mayor George Dempsey made a motion to adjourn; Leonard Sullivan seconded the motion, all in favor none opposed.

MEETING ADJOURNED AT 9:44PM

Respectfully Submitted,

**Mary C. Salerno
Planning Board Secretary**