

The Manasquan Planning Board held a Regular and Re-Organization meeting on Tuesday, January 8, 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. John Burke asked all present to please rise and Salute the Flag.

**ROLL CALL:**

**Board Members Present:**

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

**Board Members Absent:**

Mayor George Dempsey

**Professionals Present:**

Geoffrey S. Cramer – Planning Board Attorney

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

John Burke said there were two items he would like to do before his 2012 term ends, we have two new Board Members. One is the Mayor's representative, Bob Young and Greg Love who will be the Environmental Liaison to the Board. The second thing is a letter we received from the American Legion Post 171, thanking the Board for their donation in the memory of Charles McCarthy, father of Owen McCarthy.

Next Mr. Cramer took over the meeting.

**RESOLUTION #A-2013** – this Resolution establishes meeting dates and times for the year 2013 this will be published in the paper and also posted with the Borough Clerk's Office. Leonard Sullivan moved to adopt the Resolution, seconded by Joan Harriman all in favor none opposed.

**RESOLUTION #C-2013** – this Resolution appoints a Chairman and a Vice-Chairman for the Manasquan Planning Board for the year beginning January 8, 2013. John Burke – Chairman with a term beginning today and ending at the first meeting of the Manasquan Planning Board on January 7, 2014 and that John Muly shall be the Vice-Chairman of the Planning Board for a term beginning tonight and ending on the first meeting of the Manasquan Planning Board on January 7, 2014. All in favor none opposed.

**RESOLUTION #D - 2013**– this Resolution appoints Mary C. Salerno as our Secretary starting January 8, 2013 and she will hold that position until January 7, 2014. Mark Apostolou moved to memorialize the Resolution, seconded by Joan Harriman. All in favor none opposed.

**RESOLUTION #E - 2013** – this Resolution is to adopt Engineering and Planning of T & M Associates represented by Al Yodakis as the Board Engineer, from this date until January 7, 2014. John Muly made a motion to memorialize the Resolution, seconded by Neil Hamilton, all in favor none opposed.

**RESOLUTION #F – 2013** – this Resolution is to appoint T & M Associates as our Planners, represented by Al Yodakis from this date until January 7, 2014. Neil Hamilton

**RESOLUTION #G - 2013** – this Resolution is to appoint Geoff Cramer as the Board Attorney, starting on this date and ending on January 7, 2014. John Muly made a motion to memorialize the Resolution, seconded by Neil Hamilton, all in favor none opposed.

**RESOLUTION #H - 2013** – Resolution adopting the Planning Board Rules and Regulations, a copy of which can be read up in the office, John Muly made a motion to memorialize the Resolution, seconded by Joan Harriman, all in favor none opposed.

**RESOLUTION #B-2013** – Resolution to name the Coast Star as our Official newspaper and the Asbury Park Press as our secondary newspaper. Patrick Callahan made a motion to memorialize the Resolution, motion seconded by Neil Hamilton, all in favor none opposed.

Next, Geoff Cramer gave the Oaths of Office to all members of the Board –  
Class I Member – Robert Young  
Class II Member – Patrick J. Callahan  
Class III Member – Council Liaison – Owen McCarthy  
Regular Board Members – John Burke, John Muly, Joan Harriman, Neil Hamilton, Leonard Sullivan  
Alternate Board Members:  
Alternate #1 – Jay Price  
Alternate #2 – Peter Ragan  
Alternate #3 – Mark Apostolou  
T & M Associates Representative – Albert D. Yodakis  
Planning Board Attorney – Geoffrey S. Cramer

**Unfinished Business 2012:**

**RESOLUTION #26-2012** – Kleinknecht, Jake and Gloria – 6 Main Street – Block: 34 – Lot: 2 – Zone: R-2 – Neil Hamilton made a motion to memorialize the Resolution, motion seconded by Peter Ragan, all in favor none opposed.

**RESOLUTION #29-2012** – Drawbaugh, Charles – 269 Pine Avenue – Block: 80 – Lot: 22 – Zone: R-2 – Mark Apostolou said paragraph four on the second page, it should read 2500-square feet. Geoff said the Resolution tonight has already been corrected to read 2500. Mark said on the next to last page in paragraph one under the now therefore, it reads the replacement of existing, but he doesn't know what should follow existing. Geoff said it should read the single-family dwelling shall be in conformity with the recommendations of

the Borough's Zoning Official. Motion to memorialize the Resolution made by Joan Harriman, seconded by Owen McCarthy all in favor none opposed.

**RE-STATED RESOLUTION #22-2012** – Bostell, Frederick and Marlene – 49 Second Avenue – Block: 166 – Lot: 5 – Zone: R-2 – This is a reaffirmation of the approval previously given to the Bostell's with one change on page four paragraph twelve. The project architect in response to Board member's question stipulated that the third floor area will be an open area to utilize for family gatherings and further will not be used as a bedroom or bathroom on that floor of the dwelling. A motion to memorialize the Resolution was made by Patrick Callahan; motion was seconded by John Muly, all in favor none opposed.

**RE-STATED RESOLUTION #21-2012** – Tomasso, Raymond – 520 Brielle Road – Block: 175 – Lot: 3 – Demolition of a single-family residential dwelling and to construct a new two and one-half story single-family dwelling. The only change in this Resolution is in paragraph twelve which provides that the third floor area will be an open area to be utilized for family gatherings and will not be used as a bedroom with only a half bath will be constructed on that floor of the dwelling. Mark Apostolou said on page three paragraph eight there is a spelling error which Geoff will change. Also Mark said the only question he has is in paragraph ten when we state that the current home proposed to be demolished and that the new structure will comply with FEMA flood zone elevation requirements. He knows something recent just came out. Is this as existed on this date or do we put in there as they confront us. Al said they are not a requirement up until this point, so still the required flood elevations are what we have on the books today. Mark said he is curious about that too, when we adopt a Resolution especially when it relates to FEMA do we talk about it as FEMA evolves and therefore let's assume that we grant a approval on January 1<sup>st</sup> and the Resolution is read on March 15<sup>th</sup> and the regulations have changed in between that time. Owen said he doesn't think the new numbers are supposed to come until later this year. It's not going to be for awhile until the new flood elevations and there is even a chance that what was introduced as the advisory flood maps may be even a little lowered by the time the final maps are accepted. Al said he was at a FEMA meeting recently and it's anticipated best case will be the end of this year we will know for sure. It seems like they may go down but that's only slightly. Nothing is written in stone it's only advisory at this point. Neil Hamilton made a motion to memorialize the Resolution, the motion was seconded by Peter Ragan, all in favor none opposed.

### **REGULAR MEETING**

**APPLICATION #24-2012** – Masella, Donna – 443 Euclid Avenue – Block: 142 – Lot: 25, 26 – Zone: R-2 – Use and Bulk Variances – this is a continued application from December. Owen McCarthy and Robert Young stepped out as this is a Use Variance. Geoff marked an item from Mr. Dooley as Exhibit A-1 – he was sworn in at the last meeting. Mr. Dooley is speaking for Ms. Masella as she couldn't be here tonight, her mother has Alzheimer's and she didn't have anyone to stay with her. Mr. Dooley said after the last meeting the Board was primarily concerned with the applicant's inability to say that she was going to live in the residence part-time. We had a long talk about that with her afterwards and

honestly she feels that she cannot commit to that and with that in mind we have totally backed up on the application to the point that we are now putting before the Board we are not going to change the footprint of the building, we are not going to put a second story on the building. The existing floor plans that you have now before you are the existing footprint of the existing plans of the house, first and second floor. What we would like to do is rearrange the dormers that are on the front of the house and beautify the house. He believes the Board is familiar with Mr. Bateman's projects that he does, this is what we wish to do with this. Cedar clapboard, cedar shingles, some metal roofing, brackets on the house. On the front of the house we would like to put a shed dormer where there is a gable dormer out of the face of the building presently, we want to move that shed dormer back two-feet onto the roof and that will allow us to put some windows into the living space that is existing on that floor. The applicant would like to add a bedroom to the first floor so there would be her bedroom, she still wishes to have her mother come to the house during the summer, they have a home health aide that comes with them, they would like two bedrooms and they would like to add one bedroom to the second floor. It will still remain a two-family and all of this would be done within the existing footprint of the first and second floor. Lenny said so you are just moving walls around. Mr. Dooley said yes with the exception of the second floor in the front of the building, there is a 4-foot knee wall in the front of the house right now and a gable dormer and I wish to make that a conventional 8-foot wall with a shed dormer that we could put windows in. John Burke said you have a problem here that came up at the last meeting, this is a two-family house. It is not allowed in this Zone you are asking for an expansion of the living area, you are adding two bedrooms to a house that is non-conforming for that Zone. That was the major problem we had last meeting. Mr. Dooley said we were expanding a non-conforming Use. Mr. Callahan said this is what we discussed when we amended the Ordinance to allow interior alterations. Mr. Apostolou said last year Mr. Cramer gave an opinion that prior to the adoption of the Ordinance this would have required a Variance. But that was the purpose of that Ordinance to encourage people to do renovations. Patrick said the Ordinance has been amended to that, interior alterations don't require Planning Board approval. Mr. Burke said he understands that but in his mind making this alteration is expanding the living area, going from two bedrooms to three bedrooms, in his mind that is an expansion of the living area of the house. Patrick said as long as it's in the existing footprint the interior partitions are permitted. John Burke said we could add a Variance request to the application to put in the dormer and have the Board vote on it. John took a poll of the Board and the majority was against the application as it stands. Mr. Dooley said he could eliminate the second bedroom on the second floor, but still extending the dormer. Mr. Apostolou said being the applicant is not present and only attorneys can represent applicants he believes Mr. Dooley cannot speak for the applicant. Mr. Cramer said technically these plans need to be given to Mary ten (10) days before the hearing date; we are outside that time perimeter. The applicant is not represented by Council, she is not here tonight. The Board still has to have a chance to study this more carefully and ask Mr. Yodakis to give an opinion with respect to the plans as presented, because now the plans are going to change again. Geoff said the theory of non-conforming uses is that you want them to waste away, you don't want to encourage them, and we don't want to preserve them. You want to give them a chance to die naturally and gracefully. This is a two-family Use that refuses to die. It troubles me as a lawyer because the entire theory of non-

conforming uses is they're disfavored in the law. They are exceptions to the rule. You are asking the Board to put its neck out on the line here. John gave Mr. Dooley an option, one is to talk to the applicant, we continue this application to the next meeting that would give Mr. Yodakis time to look at this and write a report on the change. That gives the applicant time to decide what she wants to do with it. Mr. Dooley said he can testify the applicant would leave the one bedroom on the second floor, she would like to add the bedroom to the first floor, she would like the dormer. John Burke asked if she would agree to two tenants on the second floor and six on the first on the C/O because that means that you can't put a second bedroom upstairs. Mr. Dooley said yes. Mr. Burke said then let's continue the application to next month. The only way to control this situation is with C/O inspections. Lenny said he would not be in favor of this application. Mr. Dooley asked for a continuance to the February 5, 2013 Planning Board meeting, Neil Hamilton made a motion to approve the continuance, the motion was seconded by Patrick Callahan, all in favor none opposed.

***APPLICATION CARRIED***

**APPLICATION #27-2012** – Sepe, Brad – 40 Broad Street – Block: 64 – Lot: 25.02 – Zone: Office – This is a Use and Mr. Young and Mr. McCarthy could not hear it, Mr. Price and Mr. Ragan have recused themselves. Mr. Cramer swore in Mr. William Sepe he goes by Brad. He explained the project to the Board. He is seeking a Variance to put a 27 X 58-foot skating rink on his vacant lot. It is already built without permits. Mr. Sepe explained that this is not a permanent structure. There was discussion by board members, Joan Harriman, Mark Apostolou, Patrick Callahan, John Burke, and Neil Hamilton. Mr. Sepe stated at the most he would ask to put pavement in there so the kids could roller blade during the summer. This is a unique request we've never had anything like this, Zoning doesn't permit it that's why it's a Use Variance stated by Neil Hamilton and you need five affirmative votes of this Board to achieve that. John Burke would like to see this treated as a pool and fall under all the regulations that we have on maintaining safety on a pool and that includes fencing and gates and so on if it was approved by the Board. There was a lot of discussion between Mr. Sepe and the Board members about why he felt the Board should grant his request. Patrick Callahan made a motion to open the meeting to the public, the motion was seconded by Joan Harriman, all in favor none opposed.

**Audience Members:**

**Arthur Serratelli** – 33 Pearce Avenue – he said his backyard is directly opposite this man's lot. He objects to the application.

**Gay Gundersen** – 29 Pearce Avenue – she objects to the application.

Neil Hamilton moved to close the public portion of the meeting, seconded by Leonard Sullivan, all in favor none opposed. Neil said Mr. Cramer should speak to the applicant that he needs to prove the negative and positive criteria of this application prior to this Board voting. Mr. Sepe gave his reasons for wanting the rink approved. He said he could put up a three-story structure there and he is not asking for that, he is just asking for a place where his children and their friends can skate and practice ice hockey which has become a very popular sport in the school district. It's only for daytime use, he is not asking for lights. He feels it would be positive for the Town. Geoff brought up the fact that one of the permitted principal uses in this Zone is municipal parks, playgrounds or municipal facilities deemed necessary and appropriate by the Governing body. But, the

Town doesn't own the property so why would they want to get involved. It is not intended to be a private exercise. This Board can't make that determination. Mr. Sepe said he is not asking for a municipal park. It's important that the Board notes that had it been behind the house it would have been perfectly permissible. John Burke said it might not be permissible behind your house, the Code Officer might state that you had to meet all the regulations of a pool. John Burke took a poll of the Board and the consensus was they were not in favor of the application. Mr. Sepe was advised if the Board voted tonight he would probably get a no vote and could never return with this same application. He could withdraw the application without prejudice, think about it. If he wants to come back before the Board with a more detailed plan showing fencing and everything the Board talked about tonight. Mr. Sepe said he would like to withdraw without prejudice. Patrick Callahan said one thing he wanted to add before Mr. Sepe leaves is that this rink already exists, this has been built, this is not a proposed rink. So what would the Board like to do with that? Mark Apostolou said that's up to Code. Patrick said it doesn't fall under structures or fences. Mr. Sepe said before he withdraws the application he requests to carry it and talk to an attorney. Leonard Sullivan made a motion to allow the applicant to carry the application to February 5, 2013; the motion was seconded by Joan Harriman, all in favor none opposed.

*APPLICATION CARRIED TO FEBRUARY 5, 2013*

John Burke called for a 5-minute recess; Joan Harriman made the motion seconded by Leonard Sullivan, all in favor none opposed.

#### **ROLL CALL FOLLOWING RECESS:**

##### **Board Members Present:**

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

**APPLICATION #01-2013** – TFM Builders, LLC – 10 Minnesink Road – Block: 16 – Lot: 5.01 – Zone: R-2 – Minor Subdivision – Michael Henderson is the attorney representing the applicant. Mr. Cramer swore in the applicant Aaron McLaughlin, owner/applicant, he lives in Point Pleasant, 43 Florence Avenue and Charles Gilligan, Engineer/Planner for the applicant and Al Yodakis – T & M Engineering. Mr. Henderson asked the Board to accept jurisdiction and Mr. Cramer said the file was in good order. Mr. McLaughlin said he proposes to build two single-family homes, four bedrooms, 2 ½ baths on two fully conforming lots where there is one lot currently. He will be demolishing an existing house on the lot prior to the subdivision. He is not seeking any Variances. Next, Chick Gilligan gave his testimony. He stated this is in the R-2 Zone, they are creating two fully conforming lots, and this is on Minnesink Road between Clark and Fisk. Presently there is a single-family home on the property right now. They will be eliminating an existing front yard Variance. Al Yodakis asked if the existing house will be demolished prior to filing for the subdivision, he said considering that stipulation including the other items in his report including the monuments, he doesn't have any other issues. John Muly made a motion to open the meeting to the public, motion seconded by Patrick Callahan, all in favor none opposed. There was no audience participation. Michael Henderson gave his closing

summary. Neil Hamilton made a motion to close the public portion of the meeting, motion seconded by Joan Harriman, all in favor none opposed. Joan Harriman made a motion to approve the application, the motion was seconded by John Muly.

**Board Members Voting Yes:**

John Muly, Patrick Callahan, Joan Harriman, Councilman McCarthy, Neil Hamilton, John Burke, Leonard Sullivan and Jay Price

No negative votes.

***APPLICATION APPROVED***

**APPLICATION #15-2012** – Derdzikowski, Joseph and Roberta – 103 Beachfront – Block: 167 – Lot: 2 – Zone: R-4 – Bulk Variances – Keith Henderson is the attorney representing the applicant who is also the owner in this matter. Mr. Cramer found the file to be in good order and accepted jurisdiction. Mr. Cramer swore in Joseph Derdzikowski – owner/applicant, and Gregory Cox – Architect for the applicant, and Al Yodakis – Planning Board Engineer/Planner. Mr. Henderson gave testimony regarding the application. Mr. Henderson said this application has been in the works for quite some time before we were visited by Sandy. In our application and public notice we reserve the right to request additional Variances from the Board. He wants to place on record they are going to be seeking an additional Variance on height. The FEMA advisory maps came out after this application was made, after the plans were drawn, etc. He knows over time there are two competing purposes of the MLU which we discuss up here on the Beachfront, over and over and those are light and air verses safety from fire and flood. He would just say to this Board that after our Community's recent experience he thinks we are going to have to give a little more emphasis to fire and flood, both of which unfortunately visited this Town during the Storm and we intend to address both of those issues during our application process. He had thirteen (13) photographs to be marked as Exhibits A-1. In front of the applicant's house there were benches and playground equipment on the beach and they were washed into the applicant's property during the storm. Board members asking questions were Joan Harriman, John Burke, Mark Apostolou, Owen McCarthy, and Lenny Sullivan.

The architect was the next to give his testimony. He outlined all the Variances requested by the applicant. They are improving the southerly setbacks for the garage building. The existing curb cut is 24-feet, permitted to be 20 by Ordinance; they intend to maintain the existing curb cut that is there. Next, he addressed the dormers. The Ordinance says East and West and Mr. Henderson said he doesn't think he has ever done an application or heard of one that had the dormers on the East and West side they are always on the North and South. The architect explained the placement of the dormers to the Board. They are considering putting in a fire suppression sprinkler system in both structures, to protect the property owners and the structures and the adjoining structures. It would run off the domestic water supply. They are also looking at a new product on the market for fireproof framing materials. There is a new product fireproof wood using a non-toxic substance, the beauty of this product is the actual framing members are fireproof as well as rot proof and mold proof. The architect said the Advisory BFE is 5-feet higher than the current BFE for this house. The architect stated that CAFRA does not approve a deck on pilings; they will let you drive piles on your house. The deck has to be put on regular footings, when you have wave damage it takes the dune away like it did down in Mantoloking and Bay Head, it

will scour underneath that deck, the footings will collapse and the deck goes out to sea or wherever it goes. If it's attached to the house and you don't have piles, you now have the potential where a structure is now nailed to your house and it's trying to pull the house with it because it's not sitting on piles. So, there is a little bit of a disconnect between what FEMA would like to see and what CAFRA would like to see. The FEMA theory is that the deck could potentially become a projectile but CAFRA wouldn't approve a deck that is attached and on pilings. Mr. Henderson said he is asking this Board to go to 37-feet and in balancing light and air verses fire and flood, he thinks you would lean with the fire and flood in light of what's happened in Town most recently. If all these houses had been built at that level he doesn't think the Town would have lost any homes. Al Yodakis said there were a few issues in his letter that haven't been addressed. Mr. Henderson said they will comply with everything that pertains to this property. He said new utility service underground becomes a problem up on the Beach, if we can do it we will. Al said if there is the opportunity then he would want them to comply. Al said the height really is the issue here. There was a lot of discussion regarding the height of the house as the architect stated the plans were designed prior to the BFE and met the Zoning Codes prior to the flood. He said now he has to get two additional feet added to the structure and he doesn't know how he is going to do that, whether or not he will be reducing ceiling heights, roof height or whatever. This particular project does not need CAFRA permit because they are under the CAFRA rules in demolishing a home and making it smaller, so in CAFRA's eyes as long as you are not making it bigger, you are good. Board members questioned whether or not the Board should be giving out height after the Committee worked to set the height restrictions. Owen said when the Committee met two-feet seemed to be a good number. Keith gave his closing argument, he said they would figure out a way to make it work with the additional two-feet. There was a lot of discussion because the Board members questioned the plan being different than what would be built. Mark Apostolou made a motion to open the meeting to the public, the motion was seconded by Leonard Sullivan, all in favor none opposed.

**Audience Members Coming Forward:**

**Jim Donegan – 101 Beachfront** – he lives just north of the applicants, he was before this Board eight years ago for the same kinds of Variances. He met his wife here in Manasquan 50 years ago, married her 47 years ago. They are not our neighbors they are our family. For eighteen years they have lived next door to him. He feels they have taken the right steps in trying to mitigate where their house will be in terms of the flood zone. He would like to see this application approved.

**Tom Bateman – 43 Pearce Court** – he thinks it's a great application, he thinks they are right on the money, he thinks the house is gorgeous. It's a great house.

**Mary Ryan – 113 Beachfront** – she and her husband live just a few doors down from the applicants and she said she feels so fortunate to live where they do because they have a wonderful neighborhood on the Beachfront. Living there and seeing people make a commitment to the area where they are living so that it's no longer just a seasonal kind of place but really there are people who are there all the time and really care about each other and know each other and it really is a great place. She loves the look of their house, she knows how difficult it is to build on a narrow lot because her situation is similar, she has heard a lot from people since Sandy hit Manasquan about what needs to be done on our Beachfront. She thinks it is really important that we do find some way of deciding what is

going to be the guideline that we are going to use. She knows they have to listen to FEMA and CAFRA and all these other people but she thinks it is important that we consider what our own Beachfront is going to look like and how we are going to handle all of these applications. She thinks their house really looks lovely and she personally can't see anything that would be distasteful about it or anything. She thinks it's something that you have all alluded to tonight that it is really important that we set some kind of standard, that we find some way that we can decide how we are going to handle all the applications that come forward. Everybody is concerned about this. It is a very real consideration that we look at every application and think about how we are going to make some kind of program or process that is going to enable people to build homes that are going to be reasonable for them to live in and still maintain some kind of stability in the way our Beachfront develops. Patrick Callahan made a motion to close the public session, the motion was seconded by Owen McCarthy, all in favor none opposed.

Keith gave his final statement. John Burke polled the Board. It was the consensus of the Board that they would like to see a rendering of the house as it would be as opposed to just stating they would make it work but they didn't have a problem with the 37-feet. Owen said he would be in favor of the proposal subject to the stipulations that were made and let this applicant get his property moved forward and give us time to have these hearings that we are talking about, but sometimes it pays to be a Pilgrim. John polled the Board again. Owen McCarthy made a motion to approve the application at the proposed height of 37-feet subject to the other restrictions mentioned by the architect as well as Al Yodakis our Engineer and approve the application; the motion was seconded by Joan Harriman.

**Board Members Voting Yes:**

John Muly, Patrick Callahan, Joan Harriman, Councilman Owen McCarthy, Neil Hamilton, John Burke, Jay Price, Robert Young

**Board Members Voting No:**

Leonard Sullivan

***APPLICATION APPROVED***

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

***VOUCHERS APPROVED FOR PAYMENT***

Minutes of Tuesday, November 13, 2012 – John Muly made a motion to approve the minutes; the motion was seconded by Patrick Callahan, all in favor none opposed.

***MINUTES APPROVED***

John asked Neil to address a letter from Mayor Dempsey. Neil said Mr. Bateman who is in the audience sent an inquiry to the Mayor, Neil didn't know what it was in reference to. He thinks if you are in the process of building a house now, you have plans and the house is conforming or not been approved by this Board and you want to raise it up to the 35-feet he thinks that would be an issue for the Construction Official. If it's going to exceed the 35-feet like we just had an applicant who had to pay to come to this Board to get that relief, if that's the case I don't know what Mr. Bateman's issue is. Owen said as he mentioned earlier with the application with Keith Henderson we do have about five or six issues that have come to the Council that he thinks they would like to schedule a Forum, get Public

input, so we don't get criticized for not having people involved. One of the issues as we saw tonight would be the building elevations, another one was the adoption or non-adoption of the ABFE, setback issues, including stairs into the front setback, will that require them to come to the Planning Board. One of the main issues that as houses are getting raised, decks, we have the four-foot restriction now. If people are raising their houses should they have to come to the Planning Board, if the house is going to be completely complied with the remaining of the Zoning Ordinances and Dick would give a permit, it seems somewhat silly if all they are doing is raising a deck so it's flush so when a person walks out the back door they are not going down a series of stairs. We do need to get this Forum scheduled; it doesn't have to be a formal Planning Board meeting so we can work on the re-building process.

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

**Audience Members Coming Forward:**

**Tom Bateman – Pearce Court** – he said the issue that he has is with the new FEMA recommendations. He has three houses in the pipeline right now, that in all cases comply with proper setbacks, and he would need no Variances. His customers are asking what do I do, do we have to shrink the house, and can I raise it. He built a house 4 years ago on Pearce Court, when he built the house the flood elevation requirement for the first floor level was 10-feet. Two years ago they lowered on Pearce Court the BFE to 8-feet. When he built the house he happened to build it to 11-feet, he built it 1-foot and change above what the FEMA requirement was at that time. He had three-feet of water in the house even though he was at 11-feet. If he had built it to the FEMA requirement just two years ago he would have had 5-feet of water in the house. Now it's back to the recommendation on Pearce Court is 11-feet. What happens to somebody right now who is ready to build a house where everything is conforming and now we have to go to 12-feet? What do we do? I try not to come before the Board, I make my houses comply. John Burke said the way it stands right now if your clients want to go above 35-feet they have to come before this Board as it stands right now. Owen said the maps just came out and one of the things we have to be careful with is we don't want people building houses 40-feet high, we need to put these restrictions in place because they need to be in place. Tom Bateman said coming before the Board makes the projects go on another three or four months and these are not good options. He feels they are not fair. Owen said we get one shot at addressing these situations and if we make mistakes people are going to be living with these for generations, so we have to make smart decisions.

**Tom Huth** – Broad Street – he was not affected by the Storm, however his parents live on the corner of Third Avenue and Salmon and his dad is with him here tonight. They got flooded out as did a lot of people. They lost most of their house it went out to the curb. They are in the process of re-building, of pulling their lives back together. That's a house his parent's live in all year round for fifteen years and the house has been in their family for 30-years. We want to get my parents back in and they want to get back in; we've been fighting hard to do this. We've done all of our demolition, we've gotten rid of all our personal belongings; we've started our reconstruction inside. One of the things we are doing to be compliant with FEMA requirements is to raise the structure. We've been dealing with the Zoning Officer which I must acknowledge has been very helpful to us. Mr. Furey has answered all our calls, all of our questions and I realize those guys are

getting crushed with inquiries right now. That must be said because they have been very helpful. We finally got approval, we are only 26-feet high, and we're not looking for any extra height. However, even though we have approval to go ahead and raise the house here's the caveat the deck. The deck because it would be raised to a level of approximately 5-feet needs a Variance, that deck is at the front of the house, it wraps around the side of the house and the only two entrances to that house are at the level of where that deck is. That deck requirement I submit to you respectfully was there for a good reason before Hurricane Sandy. Revisiting the deck requirement he submits to the Board should be a first step, because what's happening as far as the re-building is going on in this Town is most people aren't just knocking down their houses, most people are raising their houses because it's probably the quickest and easiest thing to do. Now it's nothing more than a hardship, it serves no purpose to have that deck restriction. I am here as a family member but I am asking this Board to start this process with probably the easiest component and that would be to get rid of that deck restriction. Pat said Spring Lake Heights recently passed an Ordinance relating to this so we should get some input. Owen feels it's a waste of time and money to come here for a deck, this is probably the simplest of the concerns we are going to be facing. Owen said his recommendation would be if nobody objects would be to let Pat bounce this off the TRC, look at Spring Lake Heights Ordinance and amend our Ordinance to give people here to the first floor. Owen will talk to Mark Kitrick. The Board was unanimously in favor of Owen proceeding on with this. Mark Apostolou said there was a snafu of some language, we all wanted the interior wall thing that was discussed earlier only applied to the interior, nothing to the exterior so if the Ordinance needs to be clarified in any way I would ask that the Councilman go back and clarify that issue, my statement would be a) it should only apply to conforming uses with interior work only, anything with a non-conforming use or anything with an exterior should be excluded. Owen said he would talk to the Judge and straighten that out. Motion to adjourn was made by Leonard Sullivan, motion seconded by Patrick Callahan, all in favor none opposed.

*MEETING ADJOURNED AT 10:46PM*

Respectfully Submitted,

Mary C. Salerno  
Planning Board Secretary