

The Manasquan Planning Board held a Second meeting on Tuesday, May 21, 2013 at 4PM in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey. Mr. Cramer attorney to the Planning Board 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, John Muly, Neil Hamilton, John Burke, Leonard Sullivan, Peter Ragan.

Board Members Absent:

Patrick Callahan, Joan Harriman, Councilman Owen McCarthy, Greg Love, Mark Apostolou, Jay Price and Robert Young

Professionals Present:

Geoffrey S. Cramer – Planning Board Attorney

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

John Burke made an announcement that the attorneys for the Kehoe application have graciously allowed the Board to hear two applications prior to theirs.

APPLICATION #22-2013 – Kelly, Kathleen – 163 McLean Avenue – Block: 158 – Lot: 11, Zone: R-1 – Mr. Cramer swore in Kathleen Kelly. She stated she wants to extend her breezeway out to the end of the house seven feet out which was damaged from the storm. It would still be in the footprint of the house. It is enclosed now and will remain completely enclosed. John Muly speaking for the TRC said they felt it was a deminimus request and they recommended approval. Al did not do a report on this but felt there was no problem with the request. Leonard Sullivan made a motion to open the meeting to the public, the motion was seconded by Mayor Dempsey, all in favor none opposed. There was no public participation. Leonard Sullivan made a motion to close the public portion, the motion was seconded by John Muly, all in favor none opposed. Neil Hamilton made a motion to approve the application, the motion was seconded by Leonard Sullivan.

Board Members Voting Yes:

Mayor George Dempsey, John Muly, Neil Hamilton, John Burke, Leonard Sullivan and Peter Ragan.

No negative votes.

APPLICATION APPROVED

APPLICATION #27-2013 – Coffey, Kevin – 574 Marlin Avenue – Block: 182.02 – Lot: 9 – Zone: R-3 – Mr. Cramer swore in Kevin Coffey, 43 Brookside Rd, Clarksburg, NJ and Tom Peterson, architect for the applicant. Tom Peterson said in the Fall the Coffey's came in for variance relief prior to the Storm, everything was fine they were ready to build, the

storm came up and changed everything. The flood elevation changed, previously they were at 9-feet and they were going to build the first floor to 9-feet pre-Sandy, now the ABFE is 11-feet and they are also adding a 1-foot free board which would mean the first floor would be at 12-feet. This means that the house which would have been at 35-feet will now be at 38-feet. The house will be exactly the same as it was before except for more steps in the front. Geoff said so this is a modification of the Resolution of 16-2012. Tom said essentially that is exactly right, we are just elevating the house. Lenny said the denial letter says 37-feet. Geoff Cramer said the notice and the letter to the property owners says 38-feet. Al Yodakis said the plans say 38-feet also. Tom said the house hasn't been constructed yet and the Resolution said 35-feet but that was before the Storm. George said since its new construction the steps cannot be in the setback. John Muly said TRC looked at this and they had 37-feet on their paperwork and recommended their approval on that number. John Muly 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. John Muly made a motion to close the public portion, the motion was seconded by Leonard Sullivan, all in favor none opposed. John Muly made a motion to approve the application at 38-feet and that the steps do not encroach into the setback, the motion was seconded by Leonard Sullivan.

Board Members Voting Yes:

Mayor George Dempsey, John Muly, Neil Hamilton, John Burke, Leonard Sullivan, and Peter Ragan.

APPLICATION APPROVED

APPLICATION #19-2013 – Kehoe, Aaron – 273 Beachfront – 272 First Avenue – Block: 181 – Lot: 11 – Zone: R-4 - Keith Henderson is the attorney representing the applicant. The Board accepted jurisdiction and found the file to be in good order. There were two witnesses to be sworn in, Karen Kehoe, owner/applicant, Terrance Hegel, Atlantic Modular Homes, builder and Al Yodakis, T & M Engineering. Mrs. Kehoe was the first to testify. Prior to owning the property this was a group rental which has now become a family property. They suffered extensive damage during Sandy. Their proposal is to put back both homes that were there with modular homes with parking on site. Next, Terrence Hegel testified that he was contracted to build two new homes on the site. The home on First Avenue includes the garage apartment. He addressed the Variances required and addressed the Engineer's report as well. They will have three parking spaces in the garage and one more contained within the property lines and two on the Street, inside the magic white line for a total of five. Mr. Henderson gave testimony in support of MLU as to why the Board should approve this application as presented. The utilities will be run from the pole underground to the structures. This is a new dwelling which will be a tremendous improvement over what was there. Mayor Dempsey made a motion to open the meeting to the public; the motion was seconded by John Muly, all in favor none opposed. There was no public participation. John Muly made a motion to close the public portion of the meeting, the motion was seconded by Leonard Sullivan, all in favor none opposed. Mr. Henderson gave his closing statement. Neil Hamilton made a motion to approve the application, the motion was seconded by Leonard Sullivan.

Board Members Voting Yes:

Mayor George Dempsey, John Muly, Neil Hamilton, John Burke, Leonard Sullivan and Peter Ragan.

APPLICATION APPROVED

Councilman McCarthy arrived at 4:29PM and sat in the audience until the next application.

APPLICATION #25-2013 – Cresitello, Don – 361 Beachfront – Block: 185 – Lot: 25 – Zone: R-4 – Keith Henderson is the attorney representing the owner/applicant. He asked that the Board accepted jurisdiction of the application. Mr. Cramer stated the file was in good order. Mr. Henderson had Exhibits to be entered, A-1 Coastal Vulnerability and Risk to Future Storms in Manasquan, NJ. Prepared by Donald E. Cresitello. Exhibit A-2 is a Coastal Vulnerability and Risk to Future Storms in Manasquan, NJ prepared by Donald E. Cresitello. Exhibit A-3 is a Planning Report for 361 Beachfront prepared by Nicholas J. Poruchynsky. Mr. Henderson had three witnesses to be sworn in, Don Cresitello, Jr., son of the applicant, Nicholas Poruchynsky, Planner, Anthony Gianforcaro, architect, as well as Al Yodakis the Board Engineer. Keith called Don Cresitello, Jr. to testify first, he stated he is employed by the US Army Corp of Engineers as a Coastal Regional Technical Specialist and a Hurricane Program Specialist. He has reviewed the subject property. Owen McCarthy said just to make the record clear the witnesses opinions are not the opinions of the Army Corp of Engineers. He prepared the two Exhibits which were entered into evidence. He gave testimony stating that in his opinion Manasquan's shoreline is vulnerable to future erosion of the shoreline making it a historic erosion hot spot. He also prepared a slide show which addressed the criteria that was addressed in the reports he presented. He believes the hardest hit area is between Pompano Avenue and the Inlet, the beach there is extremely narrow. Mayor Dempsey asked numerous questions of Mr. Cresitello, Jr. Next, Mr. Henderson called the Planner, Nicholas Poruchynsky to testify. The Board accepted his qualifications as a professional planner. He gave his testimony referencing Exhibit A-3 which was prepared for him for the applicant and is a Planning Report for 361 Beachfront. He went through the booklet basically page by page. John Burke reminded Mr. Poruchynsky that there is a time limit on this application and the fact that the Board members lived through this Storm. Mr. Poruchynsky said he is trying to establish a record and make sure all the information is established and put on record. He said he is trying to get through it as quickly as he can but we need to establish a record. John Burke told Mr. Henderson we are going to run into a problem if we go through this whole report page by page, he wanted him to know in advance. Owen McCarthy said that is their right but they do have a 40-minute time period, so if you don't get through and there are other applicants here. Use your time wisely, that's your time, but no one's denying you the opportunity to present your case, this may have to be carried. Mr. Henderson took a minute to speak to his client. Mr. Henderson said the Variances that are being requested here are the norm but the issue is the building height. He can go directly to that and if looks like that's going to be an issue for the Board then we can ask to be carried. John Burke said why don't you go to that, because you are right that is the issue. Mr. Henderson proceeded to give testimony as to why the height requested should be granted. Mr. Poruchynsky proceeded to give his testimony. Mayor Dempsey said times

up. Neil Hamilton said Mr. Chairman, he wants to make a motion that we have this case continued. We have given enough time to this, there are questions the Board is going to have, we still need to hear from the Architect involved here, and the public portion. This case has exceeded the time limit and we'll continue it to another date. Leonard Sullivan seconded the motion. Owen said he agrees plus we were given a couple of new reports tonight from the applicant and it will give Al Yodakis the opportunity to review those and give us any input. They are lengthy documents and obviously a lot of time and effort went into them, 40 page documents.

Board Members Voting to Carry the Application:

Mayor Dempsey, John Muly, Neil Hamilton, John Burke, Leonard Sullivan, Peter Ragan y
APPLICATION CARRIED TO THE JUNE 18, 2013 SECOND MEETING AT 4PM

John Muly made a motion for a 5-minute recess; the motion was seconded by Mayor Dempsey all in favor none opposed.

ROLL CALL FOLLOWING RECESS:

Mayor George Dempsey, John Muly, Councilman Owen McCarthy, Neil Hamilton, John Burke, Leonard Sullivan and Peter Ragan

APPLICATION #23-2013 – Manetto, Carlo – 261 First Avenue – Block: 182.01 – Lot: 16 – Zone: R-5 – Geoff Cramer swore in Carlo Manetto and Giselle Manetto, owner/applicants, and Al Yodakis, Board Engineer. The Manetto's live at 16 Pioneer Court, Freehold, NJ. Geoff found the file to be in good order and accepted jurisdiction. Mr. Manetto explained the application and Variance requests to the Board. He also explained that this is a peculiar piece of property and it has an existing Deed between lots 16 and 17, the lot to his north that will not allow for any further encroachment. It allows access to lot 17 to be able to take a vehicle and drive in between the lots to get to the rear of the lot to park that vehicle. There used to be a garage back there that actually blew away in the storm of '92. They propose to build on the existing footprint. Three cars could be parked underneath the house entering from Timber Lane in the rear. They could potentially get seven cars on their property. The air conditioning unit will be located in the rear of the property. The half-story will be accessed by steps through the Master Bedroom, their goal is not to make that a bonus room up there but they are simply trying to gain access to the half-story. His wife likes the breeze that comes off the water and pictures herself sipping margaritas and espressos up on the roof. They had looked at other properties but they chose First Avenue because of the Ocean breezes. He then addressed the Zoning requirements as noted on the denial letter. Variances requested are for lot frontage, front setback, side setback, and building height where 33-feet is permitted on a non-conforming lot and the applicant is proposing 34-feet. The building height allowed is 2 ½-stories at 33-feet, the existing is 1.5 at 24-feet and the proposed is 2 ½-stories at 34-feet. He said he has been a groupie of the Boards since January, he sits in the back and has been to every one of your meetings and he has been watching diligently. His ABFE is 11-feet. Mr. Manetto had a cross section of the home prepared by his architect which he submitted into evidence, he had copies for the entire Board. Mr. Cramer marked it as Exhibit A-1. They are at 5 top of curb; they propose to be 7-feet from grade to the lowest horizontal point. That would give them 12-feet and they will be at 11 + 1, one foot above the recommended FEMA ABFE of 11-feet. They are going with 8-foot ceilings on the first floor, he has seen many come before him

and not do their homework and request 36-feet, and wanting 9-foot ceilings on the first floor, so we are 8-feet on the first floor. The second floor is another 8-feet, when we get to the half-story our average ceiling height up there is 6-feet, 2 ¾-feet. We are actually 9-inches and ¼ shy to have Code egress. We need 7-feet of ceiling average height up in that half-story to be able to egress it and that's where we are short. We asked for 1-foot because his architect doesn't want to be held to the fire, anything could happen with site conditions, technically we need 9 ¼-inches to be able to get the half-story up on the top floor. Code requires for egress purposes he needs 7-feet average ceiling height to be able to egress and be able to use that to get to the deck. He can't have a deck above a finished floor so this half-story would be the finished floor. Mr. Sullivan asked if he could put stairs on the outside of the house to the deck. He intends to just have a pull-down attic staircase. John Burke took a poll of the Board as to their feelings of an outside staircase leading to the deck as opposed to accessing it from inside the house. Mr. Manetto said if the Board wants him to go with the outside steps he will do that. Neil Hamilton made a motion to open the meeting to the public, the motion was seconded by John Muly, all in favor none opposed.

Audience Member Coming Forward:

Chris McIntyre – 265 First Avenue – he wants to support the application, he lives next door, he has no objection to the application as planned. He had a question about the outside steps and where are they going to begin and where will they end on the deck up top. Mr. Manetto said they won't be on Mr. McIntyre's side. Mr. McIntyre said the beauty of the shore is he doesn't want a row house next to him. He likes the plan as proposed without the outside steps.

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

Neil said he suggests that there not be a depressed curb in the rear on Timber Lane as it has no other use except to get the vehicles off the Street. He thinks he should get a rear yard Variance for that. He thinks this case should be given a height Variance; aesthetically it would be a better looking structure.

Mayor George Dempsey made a motion to approve the application as presented; the motion was seconded by John Muly.

Board Members Voting Yes:

Mayor Dempsey, John Muly, Councilman McCarthy, Neil Hamilton, John Burke, Leonard Sullivan and Peter Ragan.

APPLICATION APPROVED

APPLICATION #26-2013 – Feigley, Kathleen – 463 Long Avenue – Block: 175 – Lot: 51, 52 – Zone: R-3 – Mr. Cramer swore in witnesses Kathleen Feigley, owner/applicant, Herbert Lauterwald, architect for the applicant, Edward Cross, and Al Yodakis, Board Engineer/Planner. First Mrs. Feigley gave her testimony, they were hit by Sandy also and wanted to move their furnace and hot water heater up to the second floor so they are requesting to add an addition to the second floor. Her architect will explain those details. Mr. Lauterwald gave his credentials and they were accepted by the Board. He testified as to the size of the lot and the fact that they don't intend to increase the footprint of the building but they propose to add a second floor and an attic. They are encroaching on the side yard. The lot size is 4000-square feet. The variances requested are front yard setback,

and right yard setback. The Technical Review committee recommended approval of the variance relief as the front and side yard setback variances are existing and no changes are proposed with respect to those non-conformities. The house was built in four parts and to raise it up would be difficult. It is not economically feasible to knock the house down and re-build. Mayor Dempsey made a motion to open the meeting to the public, motion seconded by Councilman McCarthy, all in favor none opposed. There was no audience participation. Councilman McCarthy made a motion to close the public portion of the meeting; motion was seconded by Mayor Dempsey, all in favor none opposed. Councilman Owen McCarthy made a motion to approve the application as proposed; the motion was seconded by Leonard Sullivan.

Board Members Voting Yes:

Mayor George Dempsey, John Muly, Councilman Owen McCarthy, Neil Hamilton, John Burke, Leonard Sullivan and Peter Ragan

APPLICATION APPROVED

RESOLUTION #18-2013 – Sauer, James – 110 Second Avenue - Councilman McCarthy made a motion to memorialize the Resolution, the motion was seconded by Mayor Dempsey.

Board Members Voting Yes to Memorialize:

Mayor Dempsey, John Muly, Councilman McCarthy, Neil Hamilton, John Burke and Leonard Sullivan

RESOLUTION MEMORIALIZED

RESOLUTION #17-2013 – Gee, LLC – 201, 203 Beachfront – Mr. Cramer said he has been in contact with Gee LLC's attorney Dennis Collins for input from their professional engineer and architect with suggestions, the building has been taken down. We will table this to the next meeting.

Old/New Business:

Mayor Dempsey said let's not take this many applications for a 4 o'clock meeting again. It was decided that three would be more than enough.

Leonard Sullivan made a motion to open the meeting to the public, the motion was seconded by Mayor Dempsey, all in favor none opposed. There was no public participation. Mayor Dempsey made a motion to close the public portion of the meeting; the motion was seconded by Councilman Owen McCarthy, all in favor none opposed.

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

MEETING ADJOURNED AT 6:46PM

Respectfully Submitted,

Mary C. Salerno
Planning Board Secretary

