

The Manasquan Planning Board held a Second meeting on Tuesday, June 18, 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, Councilman Owen McCarthy, Neil Hamilton, John Burke, Leonard Sullivan, Mark Apostolou, Peter Ragan

**Board Members Absent:**

Patrick Callahan, Joan Harriman, Greg Love, Jay Price and Robert Young

**Professionals Present:**

Geoffrey S. Cramer – Planning Board Attorney

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

**APPLICATION #31-2013** – Brubaker, Nancy - 291 First Avenue – Block: 182 – Lot: 4 – Zone: R-5 – Keith Henderson is the attorney representing the applicant. Geoff Cramer found the file to be in good order and accepted jurisdiction. Mr. Cramer swore in Nancy Brubaker – owner/applicant, Tom Peterson – architect, and Al Yodakis, Board Engineer/Planner. Ms. Brubaker was the first to testify, she gave the background of the property. Next, Tom Peterson whose credentials were accepted by the Board testified to the Variances requested. Because of the condition of the dwelling structurally it is not able to be lifted. The property is slightly undersized. It has frontage on First Avenue as well as Timber Lane. He addressed the Variances which are minimum lot area, minimum lot frontage, minimum side yard setback, building height, building coverage curb cut and driveway width. The house was substantially damaged by Super Storm Sandy and it is to be demolished and re-built to comply with current building codes. They are requesting to go to a height of 34-feet. The mechanicals will be located in the third story, they had considered putting them in the rear yard but as they would have to be raised they would be eye level with the neighbors and they felt that would not be neighborly. They did stipulate they would comply with the maximum height requirement which is 33-feet as the new BFE has been reduced to 9-feet where when they filed with the Zoning Officer it was 11-feet. The dwelling will be centered more appropriately on the lot with the side yard setbacks at approximately 3-feet on each side. The 80-foot storage area will not be visible and will be screened by the decking proposed. They will have two on-site parking spaces. All the issues in the T & M Engineering report were addressed. Al Yodakis said he did not see a survey that showed grading, the Zoning Officer's report showed 36.6-feet, another 2-feet seems high to him. He had a boundary survey but nothing that showed elevations. If you are going to be meeting the Ordinance requirement then that's acceptable. Leonard

Sullivan made a motion to open the meeting to the public, the motion was seconded by Peter Ragan, all in favor none opposed. There was no public participation. Mark Apostolou made a motion to close the public portion the motion was seconded by Peter Ragan, all in favor none opposed. Councilman McCarthy made a motion to approve the application with the stipulations that were agreed to; the motion was seconded by Mark Apostolou.

**Board Members Voting Yes:**

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

***APPLICATION APPROVED***

**APPLICATION #25-2013 – Cresitello, Don – 361 Beachfront – Block: 185 – Lot: 25 – Zone: R-4 – This application is carried from the May 21, 2013 Planning Board meeting. Keith Henderson is the attorney representing the applicant. Let the record show that Mark Apostolou went to the Secretary’s office and listened to the recording of the application from May 21 and there is a signed affidavit in the file. The Board retained jurisdiction on this without notice and there is one witness to be called who was sworn in originally. First to testify was the Architect, Anthony Gianforcaro who is a licensed Architect and Engineer. He took the Board through the design of the house as it was designed to comply with FEMA requirements. He said the house was destroyed during the Storm and the rear house is to be demolished as well as the front structure. They are proposing to construct two new dwellings on the property. He reviewed the plans and explained the design and elevations. The mechanicals will go in the eave space. The architect submitted a set of plans which consist of seven separate sheets. Sheet A-1 is a floor plan with respect to a ground floor garage, first floor, second floor and attic plan. Sheet A-3 consists of east, south, west and north elevations of the proposed Beachfront house. Sheet A-3 consists of garage and first and second floor plans for the First Avenue garage apartment together with east, west, northerly and southern elevations. He addressed the variances requested. Variances requested are minimum lot frontage, lot area, building coverage. The applicant will comply with the maximum lot coverage. They will also comply with the building separation between the two structures on the property between the Beachfront and First Avenue dwellings. For both structures variances requested were for front yard setback, minimum side yard setback. For the Beachfront additional variances requested were for height, vertical plane, and dormers. There were Exhibits marked into evidence. Exhibit A-1 is a Coastal Vulnerability and Risk Report prepared by Ocean Engineer Donald A. Cresitello, Exhibit A-2 is a detailed version of Exhibit A-1 with graphics and pictures for 361 Beachfront and Exhibit A-3 consists of a Planning Report for 361 Beachfront, also prepared by Nicholas Poruchynsky. The height they requested is 36-feet, 4-inches. They believe another Storm could occur. Owen said the Board has to be cognizant of the fact the only peril is not water there is also the issue of fire and not just to your house but to other properties. Keith argued that other homes on a conforming lot could go to 38-feet. This lot is 10% off on width. Keith said this house has been shrunk every way it could be, the problem here is the erosion faction. From Pompano down to the north jetty is a problem, it’s been a problem. FEMA is recommending the consideration of elevation of residential structures to the 500-year flood elevation. Or Bulletin 2405, whichever is higher. George said so they are recommending. The key word**

is recommended. He said any of the new modern homes that were built, we only had one damaged, and therefore I think you could really come down to 34-feet. Mr. Gianforcaro said as a professional he said he has a duty to the public to design something that is going to withstand a certain storm. It would be malpractice of him to design a roof structure that he thought the Code says 32-inches of snow, but I know in 1996 we got 36-inches. And, if at 36-inches if the roof collapsed oh well it's above the Code, I don't have anything to worry about. We have to design to what we believe is going to happen. I like to put my head on the pillow at night and know that what I design isn't going to collapse. You just had a storm that destroyed a good part of your Town, there were he thinks 70 houses destroyed and now here we are today, we are trying to make sure that this house is going to stand for a lot longer than 20 or 30-years from now. He thinks anything lower than coming down a foot is putting the structure at risk. Mayor Dempsey said that's your opinion, my opinion is 34-feet. Peter Ragan asked the architect to describe from the top of the house down. He proceeded to do that. Keith Henderson said this Board has been notorious for granting height Variances in the past, what has happened post-Sandy which has happened changed your mind on these issues when in fact you have to start at a higher level now than you did pre-Sandy? I don't understand the epiphany that has taken place here. He thinks there is a general feeling you don't want to see houses built on pilings, I think that's what it is. Keith said he thinks the Reid is one of the most beautiful houses on the Beach, he doesn't see anything unsightly about that house at all, you gave that house a Variance for height. The architect said we have to be concerned about the force of the water, not just the elevation of the water, because of erosion. Being right on the Ocean you have a much greater force. Keith feels the Board is really being unfair. John Burke took a poll of the Board. It was the consensus that the height should be kept no higher than 34-feet, a few would have agreed to 35-feet or under. Mr. Henderson argued the height and said it is not unreasonable to allow the applicant to go to 34.8-feet, he cited a Supreme Court case. Mr. Henderson then said the applicant would stipulate to 34-feet. Neil Hamilton made a motion to open the meeting to the public, the motion was seconded by Mark Apostolou, all in favor none opposed. There was no public participation. Leonard Sullivan moved to close the public portion, the motion was seconded by Mark Apostolou, all in favor none opposed. Neil Hamilton made a motion to approve the application, the motion was seconded by Mayor Dempsey.

**Board Members Voting Yes:**

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

**Board Members Voting No:**

Mark Apostolou

***APPLICATION APPROVED***

Councilman Mike Sinneck addressed the Board as Chairman of the Law and Code Department, he asked the Board about feedback regarding a property on Highway 71, the Tsong property where there are issues a few times each year. He said he has read all the Resolutions on this property, and complaints received from property owners that about the property in question. They have complained about garbage and debris, the property not being well-kept and odors from trash bins, etc. The buffer which Mr. Tsang agreed to install to block the property owners from his commercial property which due to Super

Storm Sandy have either been removed or died. There are vehicles parked at the rear of the property for over a year. It turns out the trees aren't dead but stressed from the salt, there is new green growth and will recover. The proposal to the Board members was to put a 3-foot lattice above the fence that is in existence there. None of the Board members would agree to a fence that was 8-feet in height. After much discussion it was the consensus of the Board that this is a Code issue and summonses should be issued.

George Dempsey left the meeting at 5:45PM

**RESOLUTION #24-2013** – Rufolo, Joseph and Mary – 2 Riddle Way – Councilman McCarthy made a motion to memorialize the Resolution, the motion was seconded by Mark Apostolou – **Board Members Voting Yes:** John Muly, Councilman McCarthy, John Burke, Leonard Sullivan, Mark Apostolou, and Peter Ragan  
***RESOLUTION MEMORIALIZED***

**RESOLUTION #28-2013** – McCaffrey, Bernard and Denise – 73 Second Avenue – Councilman McCarthy made a motion to memorialize the Resolution, the motion was seconded by Mark Apostolou – **Board Members Voting Yes:** John Muly, Councilman McCarthy, John Burke, Leonard Sullivan, Mark Apostolou and Peter Ragan  
***RESOLUTION MEMORIALIZED***

**RESOLUTION #29-2013** – Hohenstein, Robert – 63 Beachfront – Mark Apostolou made a motion to memorialize the Resolution, the motion was seconded by Councilman McCarthy – **Board Members Voting Yes:** John Muly, Councilman McCarthy, John Burke, Leonard Sullivan, Mark Apostolou, and Peter Ragan  
***RESOLUTION MEMORIALIZED***

**RESOLUTION #19-2013** – Kehoe, Aaron – 272 First Avenue, 273 Beachfront – John Muly made a motion to memorialize the Resolution, the motion was seconded by Peter Ragan – **Board Members Voting Yes:** John Muly, John Burke, Leonard Sullivan, and Peter Ragan  
***RESOLUTION MEMORIALIZED***

Mark Apostolou made a motion to adjourn the meeting, the motion was seconded by Leonard Sullivan, all in favor none opposed.  
***MEETING ADJOURNED AT 5:51PM***

Respectfully Submitted,

Mary C. Salerno  
Planning Board Secretary