The Manasquan Planning Board held a Regular meeting at 7PM on Tuesday, March 3, 2015 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, NJ.

The Chairman Neil B. Hamilton greeted everyone and asked all present to please stand and salute the Flag.

ROLL CALL:
Board Members Present:
Mayor George Dempsey, Chairman Neil B. Hamilton, John Muly, Paul Rabenda, Councilman McCarthy, John Burke, Peter Ragan, Mark Apostolou
Board Members Absent:
Joan Harriman, Greg Love, Leonard Sullivan, Kevin Thompson, Robert Young
Professionals Present:
Geoffrey S. Cramer – Planning Board Attorney
Albert D. Yodakis – BORO Engineering – Planning Board Engineer/Planner

15-MINUTE PRESENTATION – Bennett, Catherine – Baldwin, MaryEllen – 131 Beachfront, 130 First Avenue – Neil Hamilton told the audience if anyone was here tonight for this presentation it will be carried to May 5, 2015 due to the weather.

Mr. Cramer read the Rules of the meeting.

Approval of minutes – January 23, 2015 – Special Meeting – Mark Apostolou made a motion to approve the minutes, seconded by Councilman McCarthy, all in favor none opposed.

Approval of minutes – February 3, 2015 – Regular Meeting – Mark Apostolou made a motion to approve the minutes, seconded by Councilman McCarthy, all in favor none opposed.

RESOLUTION #24-2014 – Warjanka, Steve & Dara – 221 Third Avenue – Councilman McCarthy made a motion to memorialize the Resolution, Board members voting yes: Mark Apostolou, Neil Hamilton, Councilman McCarthy, John Burke, and Mark Apostolou.

RESOLUTION #45-2014 – Cresitello, Donald – 362 First Avenue – Councilman McCarthy made a motion to memorialize the Resolution, Board members voting yes:
Paul Rabenda and Councilman McCarthy

<u>RESOLUTION #12-2015</u> – Hingston, Walter – Bravo Builders – 53 N Potter Avenue – Mark Apostolou made a motion to memorialize the Resolution, Board members voting yes: Neil Hamilton, Councilman McCarthy, Mark Apostolou

<u>RE-STATED RESOLUTION #14-2014</u> – 125 Main Street, LLC – Mark Apostolou voted to memorialize, seconded by Councilman McCarthy, all in favor none opposed.

<u>15-MINUTE PRESENTATION</u> – 125 Main Street, LLC – the applicant along with their attorney, Dennis Collins and Architect, Brendan McHugh. Neil Hamilton said other than the Re-stated Resolution is there anything different other than they are now doing a total demo. Dennis Collins said when they brought in their construction manager he advised that it would be more appropriate not to maintain the rear of the building wall and Brendon will go over some changes from the rehabilitation Code to a new Construction Code. What you approved is unchanged other than its 10-inches shorter. There will not be any changes to the exterior. The building will be barrier free, which is a plus; we are eliminating the one step in the front. Brendan can present this in about 3 minutes, but we are not proposing any changes. Brendan McHugh who was still under Oath from the previous hearing explained the changes to the Board. Now they fall under IBC 2009, which requires the building to be barrier free, so they have to drop the building 10-inches. The depth of the crawl space changed to be 6-foot 9-inches from the ceiling to the floor, but it's all within the engineering aspects, it's above the seasonal high water table. The only other thing would be the previous structure had actually two separate floor levels from the front to the back, we had accommodated that with a small ramp, now it's all one level. It's improved as he sees it. There is a crawl space beneath the building of about 6-feet. Mr. Collins said Mr. Furey passed it through Zoning pending Planning Board approval, his client is obviously very anxious to get this project going. The Construction manager has met with officials from the Borough. We are anxious to proceed with these very minor changes. Councilman McCarthy made a motion to approve, second by Mayor Dempsey, all in favor none opposed. George asked them if they had a start time. Dennis Collins said the most difficult is the demo, they have to meet with the Town. George said with Memorial Day the whole complexion of Main Street changes with traffic. Dennis Collins said they are aware of that and they are pushing to get the work done.

<u>APPLICATION #14-2015</u> – Higgins, Brian – 493 Long Avenue – Block: 175 – Lot: 66 – Zone: R-3 – Brian Higgins and Paul G. Amelchenko his Architect whose office is at 917 Main Street, Belmar, NJ., were sworn in by Mr. Cramer. The Board accepted Paul Amelchenko's credentials as he has testified before this Board before. Mr. Amelchenko had additional information that he believes will clarify their application tonight. Geoff marked two photographs, A-1, A-2 and A-3 a scribble of Mr. Amelchenko's as-built drawings. Exhibit A-1 is a photograph of the Easterly front stairs, Exhibit A-2 is a close-up photograph of the previously existing staircase that has been removed prior to the Survey being prepared. It also indicates a storage shed on the rear Easterly property line which the Higgins have removed. A-3 is Mr. Amelchenko's original as-built drawings; the yellow highlight indicates the field measurement of the pre-existing staircase from the Easterly front door. Mr. Amelchenko said he was engaged by the Higgins in assisting them in elevating their home on Long Avenue. The purpose is to eliminate some flooding; we also

elevated the garage floor above the grade and then re-built the staircases that were necessary to access the home. One of the issues this evening is that the original deck on the rear of the property had a staircase that continued from the center of the deck down into the rear yard. When the deck was 6-feet lower it was not really a problem with access to the rear yard or with the amount of space it took up from their living area in that rear yard. They are on a lagoon. Our proposal this evening is that we are removing a pre-existing storage shed from the Easterly side of the property, thereby reducing that non-conformity. We are requesting Board permission to create a 4-foot wide stair from the Easterly side of the deck within that setback line, thereby creating more livable area in the rear yard. Once the building was raised we all realized it was rather large and rather monolithic so we did some evaluation of some of the other properties along the Street. We evaluated their setbacks, and we attempted to create a cosmetic porch and balcony if you will, extending 6-feet from the front of the building that would give the Higgins family a little bit of coverage when they get out of the car but more importantly it would give a cosmetic advantage to the front of the building. Next, Mr. Higgins explained the need for the staircase and the purpose of that. Mr. Higgins explained the staircase prior to elevating the house, he stated they are trying to eliminate the dividing of the property in the rear to have a more open yard area. Board members asking questions were George Dempsey, Neil Hamilton, Owen McCarthy, and John Muly. George felt very strong that there was not emergency access to the rear yard on the West side. He said he would love to have 3-feet on one side or the other. Neil stated the TRC report did address the access to emergency personnel. Mr. Higgins said if I kept the steps in the middle of the deck you are saying it would be better than on the side? Neil said yes, the left side is where you have the greatest capability of having more open access. Neil said in your request to this Board it would be prudent for us to make sure all the safety aspects are covered, we probably have these encroachments all over that we are not aware of and the emergency personal have to deal with that when they run up against it. But, when we have an opportunity to correct it and make it more accessible for them and a quicker response time for you as a homeowner then we have a responsibility to do that. Mr. Amelchenko said being on the fire department for 10 years he fully understands that, he just doesn't know physically how to access the home on both sides. George said one side would make him happy if he had a minimum of 3-feet straight back. Mr. Higgins said where the shed was taken down it is more open than it's ever been before. Mr. Almechenko said if he could talk to Zoning and Building to allow the Higgins to have a 2-foot 8-inch wide staircase to access that, which would give you folks the 3-foot that you are requesting. Neil said Sandy requires one legally accessible entrance in and out of the structure. Neil asked Paul Rabenda if that was so. Paul said he needs one means of egress that is conforming, but in the Residential Code he doesn't believe there is a minimum width. Al said as long as Sandy is ok with that. Paul said if he absolutely had to he could always grant a variation for the stairs. John Muly said he sees three different set of stairs. Mr. Amelchenko said that is correct. Mr. Higgins said they actually use the western staircase as their main door, to eliminate it altogether would be hurtful to them. Al went back to his report, he said the front setback is still considered a Variance. He asked about the east setback, there is a little discrepancy is it 1.29 as opposed to 1.5. Mr. Amelchenko said with the narrower stairs yes. Al asked what the building and lot coverage will go down to by eliminating the shed. Mr. Amelchenko said that was already calculated in. Neil asked about lot coverage and the concrete pad in front of the garage. You could

convert that to pavers to pick up a little slack there. Mr. Amelchenko said his proposed balcony in the front negates the concept of the lot coverage to some respect. George said you are still at 66% lot coverage and I would like to see that shrunk down. Mr. Higgins stated that they presently have pavers in the rear yard which was calculated in this lot coverage and they are replacing that with stone. Mr. Amelchenko asked if the Board would be in favor of a passable condition contingent upon revised calculations being submitted to Dick Furey. Neil said that would be helpful. It might be reduced by as much as 7%. Neil asked the Board if they could get that down to 60% would they be agreeable and they said yes. Mark Apostolou made a motion to open to the public, seconded by Councilman McCarthy, all in favor none opposed. There was no public participation. Mark Apostolou made a motion to close the public portion, seconded by Councilman McCarthy, all in favor none opposed. Councilman Owen McCarthy made a motion to approve the application as amended with the stipulations so stated, seconded by John Burke.
<u>Board Members Voting Yes</u>:
Mayor George Dempsey, Chairman Neil Hamilton, John Muly, Paul Rabenda, Councilman McCarthy, John Burke, Peter Ragan, Mark Apostolou.
APPLICATION APPROVED

<u>APPLICATION #15-2015</u> – DaCruz, Janet – 32 Rogers Avenue – Block: 157 – Lot: 39.03 – Zone: R-2 – Geoff Cramer swore in Janet DaCruz, owner/applicant and Paul Amelchenko the architect representing the applicant, and Al Yodakis, Board Engineer. This application is to seek a height Variance to allow for a garage below her home and add an additional curb cut. Mr. Amelchenko opened stating the home was built in 2009, during the past two years Ms. DaCruz was diagnosed with a rather severe debiltory ambulatory problem. She presently has an elevator in the home by purpose of our application we would be able to provide her direct access from the garage directly into the lower section of the home by her elevator. Our proposal is to elevate the home to a height of 7.8-feet for the purpose of creating a garage door and the motorized operator that creates a Variance situation for us by a foot and one-half above the 38-feet allowed by your Town. We are seeking 39-foot six-inch height Variance and the additional curb cut for the purpose of the drive access. Regarding the TRC report, they are willing to work with pavers or even pervious pavers to alleviate any of those increases in the non-conformity. Janet DaCruz gave her statement to the Board stating that everything else in the house remains the same. It's hard for her to get up and down the stairs and without the extra height the elevator can't come down to the bottom floor and that was one of the reasons why she put it in there originally. Neil said so he understands, you could raise this house its current elevation to the maximum of 38-feet which is permitted for the Zone and be above the required BFE for FEMA. You want to exceed that to accommodate a garage for a handicapped situation. Mr. Amelchenko said also the loft level is used by Ms. DaCruz so eliminating any area up there would also be a hardship for Ms. DaCruz. George said she has two full levels of living, plus the third floor room. She said she has extended family that comes to visit. Neil said there is a substantial deck on the back of that house, what is the option of moving that garage up to attach it to the back of the house. Mr. Amelchenko said she doesn't really have the turning radius to be able to access the garage from that position and still connect it. The garage would also impede views from the rear of the house. Neil said this is a unique request to this Board, he doesn't know that the Board is charged to look into situations as

unique as this. If you were going before the Borough Council and you were asking for a handicapped parking spot in front of your house, they could grant that knowing at some point in time it was for health reasons and it could be removed when no longer needed, but to ask this Board to go to this extent its difficult. Janet DaCruz said for her to climb up the stairs from the parking spot in front of her house won't work because she would still have to get up the stairs without the elevator down to the first floor. Neil asked where the access is to the elevator and she said from the interior of the house, it's right in the center of the house and with the way Paul put the garage it would be right next to the garage where she would get out of her car and get right into the elevator. Mr. Cramer said it seems to him there is really no use for the garage that currently exists on the property, or the driveway, nor the curb cut that accesses that garage. Mr. Amelchenko told Ms. DaCruz that the gentleman is suggesting that you really don't need two garages on site. What they may be asking is to use it as a storage unit or something like that. Geoff said from a design standpoint, I just don't see a need for that second garage nor the curb cut nor the driveway to get to that garage on your property. Geoff said the Ordinance only allows you to have one curb cut and one driveway, you are asking the Board to bless things you really don't need. Janet said that's a hardship for her, when she has company in the summer she needs that parking. She has to call the police to get people to move cars that are blocking her driveway every year. The Street is to narrow with the parking across the Street too, it's very difficult on that Street, very. Mr. Almechenko asked if the Town allows parking in the front of a home. Neil Hamilton said there is criteria for parking pads, one garage 12-foot parking pad that's it. Janet said so you don't allow the two car garage and two curb cuts, down the Street has it. George said it's a double wide driveway. John Burke asked what is the distance between the two proposed driveways, answer 40-feet. Neil said the issue right now is we going to allow her to exceed the height of 38-feet. If we don't do that then the garage is a moot point. Mr. Amelchenko asked the reverse question, if the Board would entertain the height Variance and how we are able to re-design the access to the garage or the location of the garage for the home and utilize the same curb cut, eliminating the second driveway entrance. He is thinking if they could snake in under the porch and request an extension of the existing curb cut by maybe 5-feet or something like that. The Architect told Ms. DaCruz there are bigger issues here. John Muly asked what is the minimum curb cut they would need and Mr. Almechencko said 16-feet. George said he has a problem with the height. There was a lot of discussion regarding the height request. Mr. Amelchenko told Ms. DaCruz he believes they are going to have to re-consider this design. The applicant withdrew the application without prejudice.
APPLICATION WITHDREW

George Dempsey and Owen McCarthy left the meeting at 8:15PM as the next two applications are Use Variances.

<u>APPLICATION #47-2014</u> – Prior, Donald – 54 ½ Ocean Avenue – Block: 162 – Lot: 14 – Zone: R-2 – Mr. Cramer swore in Donald Prior, owner/applicant and Paul S. Moore, Architect – 4702 Spring St., Wall, NJ and the Board Engineer, Al Yodakis. Mr. Moore's credentials were accepted by the Board. Mr. Moore said there are two dwellings on the property which is why they are here tonight, they are elevating the house on the water side so they are expanding a non-conforming use. The rest of the Variances are pre-existing.

They will also be putting a small addition on the rear of the structure on the existing footprint. They are trying to get up about a foot higher, so the lower level stays dry. There was living area on the first floor that got flooded out due to Hurricane Sandy, and that will be eliminated. There are no height Variances with this application, existing is 23-feet and they are going up to 26-feet. Neil stated this is a fairly simple application. Al Yodakis said his only issue is with the filling of the property, on the north side there is a low area where drainage might be an issue so they might want to address that. He showed Mr., Moore where he believes the land needs to be graded. Mr. Moore said he would address that issue, Al said it's a grading issue and he would like to see a grading plan. Mark Apostolou made a motion to open the meeting to the public, seconded by John Burke, all in favor none opposed. There was no public participation. Mark Apostolou made a motion to close the public portion of the meeting, seconded by John Burke, all in favor none opposed. Paul Rabenda made a motion to approve the application, seconded by John Burke.
<u>Board Members Voting Yes</u>:
John Muly, Paul Rabenda, John Burke, Peter Ragan, Mark Apostolou and Neil Hamilton.
APPLICATION APPROVED

<u>APPLICATION #13-2015</u> – Molyneaux, George and Kathleen – 83 N Main Street – Block: 43 – Lot: 18 – Zone: R-2 – Mark Apostolou wanted it to be known that about 30-years ago Mr. Molyneaux built a deck for him and he asked the Board attorney if this would be considered a conflict, the answer was no. Geoff Cramer swore in George and Kathleen Molyneaux, owners/applicants and Al Yodakis, Planning Board Engineer. They stated they wanted to add a Master Suite to their house on the second floor and because there are two houses on this property that generated a Use Variance. The are also proposing to put a porch on the Northeast corner of the house, which would face the pond and square off the house. They are also proposing a 12 X 20-foot pool in the rear yard with a handicapped lift chair. The main issue is they have a garage apartment on the property. Neil said the TRC report did not state any issues with the application. He then asked the Board Engineer Al Yodakis to address his report. Al said most of the Variances are existing on the property, there is a slight increase in lot coverage and he asked what was being put around the pool, the applicant stated pavers. He asked how deep the pool would be and the answer was 4-feet to 6-feet. Al said there is an Ordinance in Town relating to ground water, he recommends getting a test to verify the depth of the ground water. Mr. Molyneaux said they have a basement and it is dry. The mechanical equipment will be in the rear. The front door will be off the proposed deck. Mark Apostolou made a motion to open the meeting to the public, seconded by John Burke, all in favor none opposed. There was no public participation. Mark Apostolou made a motion to close the public portion, seconded by John Burke. Mark Apostolou made a motion to approve the application as proposed, seconded by John Burke.
<u>Board Members Voting Yes</u>:
John Muly, Paul Rabenda, John Burke, Peter Ragan, Mark Apostolou, and Neil Hamilton.
APPLICATION APPROVED

Mark Apostolou made a motion to approve the Vouchers.
<u>Board Members Voting Yes</u>:
Neil Hamilton, John Muly, Paul Rabenda, John Burke, Peter Ragan and Mark Apostolou.
VOUCHERS APPROVED FOR PAYMENT

Neil told the Board members there will be a Second Meeting on March 17th.

Mary said Mark Apostolou will be having surgery on March 19 so everyone say a prayer for him.

Mark Apostolou made a motion to adjourn the meeting, seconded by John Burke, all in favor none opposed.
MEETING ADJOURNED AT 8:40PM

Respectfully Submitted,

Mary C. Salerno
Planning Board Secretary