The Manasquan Planning Board held a regular meeting on November 4, 2015 at 7PM in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, NJ. Chairman Neil Hamilton asked everyone present to please stand and salute the Flag.

ROLL CALL:
Board Members Present:
Mayor George Dempsey, Chairman Neil Hamilton, John Muly, Barbara Ilaria, John Burke, and Robert Young.
Professionals Present:
Geoffrey S. Cramer – Planning Board Attorney
Board Members Absent:
Joan Harriman, Councilman Owen McCarthy, Greg Love, Leonard Sullivan, Peter Ragan, Mark Apostolou, and Kevin Thompson.

Geoff Cramer, Board Attorney read the Sunshine Law Meeting Act Statement.

Geoff swore in the new Board member Barbara Ilaria, Municipal Clerk as Class II member upon the retirement of Paul Rabenda.

Robert Young made a motion to approve the minutes of October 6, 2015, seconded by John Burke, all in favor none opposed.

John Muly made a motion to approve the vouchers, seconded by Robert Young.
Board Members Voting Yes:
Mayor Dempsey, Neil Hamilton, John Muly, Barbara Ilaria, John Burke, and Robert Young.

RESOLUTION #29-2015 – Vidreiro, Jorge – 109 McLean Avenue – John Burke made a motion to memorialize, seconded by Robert Young.
Board Members Voting Yes: Neil Hamilton, John Muly, John Burke and Robert Young

RESOLUTION #26-2015 – Hawryluk, Raymond & Kathleen – 484 Long Avenue – There has been a lot of contact with the Board Attorney and the objectors attorney and the applicant's attorney with regard to this Resolution, this will be re-written and voted on at the December 1, 2015 meeting.

15-Minute Presentation – 177 Main Street – Eileen Lazlo, owner/applicant, she and her husband are the principals of 177 Main St., LLC – they received their permits and started demolition and excavation in September. Unfortunately, the builder uncovered conditions that made it impossible to continue as planned. Those conditions included that there were no footings in the existing structure and plenty of rotten wood in areas where they had planned to use the existing structure. They immediately stopped de-construction, met with

the Zoning Officer, he suggested that they have their Architect re-draw and they are replacing like for like. The footprint of the building remains exactly the same, the building will look exactly the same, and the good news is that it will now be on proper footers. Mr. Furey asked her to come to tonight's meeting, she has her project manager with her, he is the one who uncovered the existing conditions of the building, his name is Craig Olsen, he has plenty of photographs should anyone wish to see them. The decision was made with Mr. Furey to take what was not safe, down. Neil Hamilton said you are here this evening just to advise the Board what is taking place, we thought the old structure would remain on its footing and that's hard to do. The Board and the Public is advised, now you are going to have a safe structure, everything is going back. The building will look identical exactly as it was presented and approved by this Board. George asked if Mr. Furey and the Construction Official approved the plans. Mrs. Lazlo said yes and the Architect has resubmitted and they have the basement approved so far. There were some quirks about the old building that will not exist now. Craig Olsen gave his testimony stating that the further they dug the worse it got. There was a lot of rot on the base plates of the framing which will hold most of the weight of the structure, with the footing not there, there was no choice. Neil said it makes sense to do what you are doing, we have a similar situation at the western part of Town, he doesn't get it why Architects just don't say this building has a lot of age, let's get to the root of this thing and start anew, let's not waste a lot of money for the applicant's and don't waste the Borough's time. Mrs. Lazlo said she has tried not to beat herself up over this. Al said he realizes the levels will be evened out the levels on the first floor, but wanted assurance the interior will stay the same, egress points, access. Mr. Olsen said the only changes they made will be small step ups and such, they got rid of those. John Muly said they are doing the right thing. The Board thanked them for their presentation.

<u>APPLICATION #20-2015</u> – Morris, Frank – 50 Ocean Avenue – Keith Henderson said he represents the applicant, not the owner. The applicant was a contract purchaser; the seller opted not to give them an extension of time. His client is completely out of it. He suggested to Mr. Rubino that he might want to be here or write a letter, so that the Board knew what was going on. If you carry it without prejudice for a month so he could come in and tell you what his client's position is, it is fair to the seller.

<u>APPLICATION #30-2015</u> – Griffin, Sandra – 309 E Virginia Avenue – Block: 129 – Lot: 19.01 – Zone: R-2 – Mr. Cramer swore in Sandra Griffin and Alex Oche her son, 309 E Virginia Avenue. Ms. Griffin gave her testimony as to why she is requesting a porch that needs Variance relief. Her house had been hit by Storm Sandy she has had to move out twice. Geoff said she needs a couple of Variances, building coverage and front yard setback. Required is 25-feet and she is at 21.6-feet. Neil asked if the Board had a chance to look at the other houses on the Street. George Dempsey said the houses seem pretty much even without the porch on it. This will be further out than the rest of them except the one to the West. Mr. Oche said it won't be much further out, maybe a couple of feet, but there are still houses that are getting raised that you will notice will need a porch too. We just want a functioning porch the way it was, we just want to have chairs so we can sit out there. Ms. Griffin said she did two different surveys, one was to show her house as compared to other houses on the Street. Al Yodakis said they submitted the front yard averaging plan that brought them out to 22.2-feet. They are asking for 21.6, your house is

also catty corner slightly, you are not perfectly square. Ms. Griffin said it is what it is. Mr. Yodakis said the northwestern corner is out, the northeastern corner as you are looking at the plan meets the setback. Neil said Al is right and the deck is not that wide. John Muly addressed the TRC report. They felt that the front yard average was within reason as well as the building coverage which is diminimus request. The other concern they did have is about delineating the driveway. You have a two car garage that entitles you to a 20-foot curb cut, the area on the right there was a car parked on the old pavers. Ms. Griffin said that's where we park a lot of times. The house when she bought it 24 years ago that's how it was constructed. The garage that's there right now you drove back and then there was an addition put on that attached the garage with an upstairs and it's always been like that. John Muly said he understands but according to the Code in Town, you are entitled to a 20-foot curb cut when you have a two-car garage that would be coming into the garage. That other driveway would have to be eliminated as a driveway, you could use it as a walkway or something like that, and you can't park on it. George said if you look at the Survey where the garage is, they have dotted lines for a wide parking area into the garage, what he is saying is these pavers where you have them now have to be picked up, you have to eliminate that. Ms. Griffin said ok. George said this in fact would give you a larger area. But, you can't have both. Mr. Oche said he is confused why this is an issue now and it's been there for 30-years. It's always been two driveways one on each side. Mr. Hamilton said the Ordinance states you can only have one curb cut, you cannot have two curb cuts. The fact that you are here for Variance relief we have the option to put conditions on properties, so one is that secondary curb cut to the west has got to be eliminated. It will be grass or whatever you choose to make it it's not going to be a parking area. Ms. Griffin said she will do her best to clean it up. Neil said it will be a condition in her Resolution that they cannot park there. George suggested she take the pavers up and where the stairs come down make the walkway straight out, use the same pavers, just relocate them. John Burke questioned the Ordinance. Neil said Council just put that into effect, they eliminated two curb cuts on any property whether they are corner or not. Mayor Dempsey made a motion to open the meeting to the public, seconded by Robert Young, all in favor none opposed. There was no public participation. Mayor Dempsey made a motion to close the public portion of the meeting, seconded by John Burke, all in favor none opposed. John Burke made a motion to approve the application, seconded by John Muly, with the elimination of the second curb cut. Ms. Griffin asked if there was a time frame for her to complete the removal of the driveway. Neil asked what the time frame for a C/O for the house would be. She said until the spring. Neil said by the time she gets her occupancy C/O from the Construction Official and the Zoning Officer says she is in Resolution Compliance, they would all fall within the same time frame.

<u>Board Members Voting Yes</u>:
Mayor George Dempsey, Neil Hamilton, John Muly, Barbara Ilaria, John Burke, and Robert Young.
No negative votes.

<u>APPLICATION #31-2015</u> – Magi, Richard and Pamela – 269 First Avenue – Block: 182.01 – Lot: 13 – Zone: R-5 – Keith Henderson is the attorney representing the applicants. The Board accepted jurisdiction. Mr. Magi is not present as he is hospitalized. Mrs. Magi will be sworn in as well as the contractor. Mr. Cramer swore in Pamela Magi, co-

owner/applicant, and Concetta Alvarez, part of the building team. Pamela was the first to testify. They appeared before this Board in 2007 when they built the house. Keith gave Geoff a copy of Resolution #39-2001. They built the house in accordance with the Resolution complying with all FEMA requirements that were in effect at that time. They moved into the house after it was built and it is their primary residence. Since Storm Sandy they were out of the house for seven (7) months and then back in and now out again since September '15. Next, Mr. Henderson called Concetta Alvarez. She is a general contractor for ERS which stands for Environmental Remediation Solutions. Her husband Caesar Alvarez is in the business with her and they were contracted by the owners to work on this site. They are in charge of the lifting of the home, etc. The process started and then they learned that they needed a variance. The explanation from Mr. Furey, Zoning Officer was because there was a previous Variance on file in regards to the existing home that was built. She is aware that the allowable height for a non-conforming lot is 33-feet. They are asking that the house be at 35-feet. She took photographs of the property which show the flood lines. She had copies to hand out to the Board which were marked as Exhibit A-1a, A-1b, A-1c. She explained the photographs to the Board, the first picture is from the ground level of the front stairs to the platform landing, and it hits right at 28-inches. The second picture depicts the platform of the front stairs landing to the entranceway of the doorway which is a little bit over 6-inches. The last picture depicts the front door area where you can see that it's at 17 ¾ is where the flood line shows. The reason she showed all three pictures is to depict the flow of the water that started from the ground level and came into the home all the way up to that point. George said you are saying 49-inches. Keith said the interior of the house as it is now built with the then FEMA standards you have over 17 3/8-inches of water in the house. The existing height of the building is 32-feet. They are asking for an extra feet to a total of 35-feet, 2-foot Variance, 3-foot total. If you went throughout the entire house it would have fluctuated from 17 ¾ to approximately 23-feet, so this is actually the lowest point. This would allow them to have the duct work and the floor joists and the insulation out of the water that is a very crucial point. George said he looked today and the house on your south side is approximately the same height as you are currently, then you have a one-story house to the north that's very low. But, the green house appears to be almost 3-feet higher than what they are currently so I don't see a problem with coming up to the height of that green house which is probably the 35-feet. Keith said virtually everybody in that neighborhood has gone up to bring the first floor out of that problem some put garages under their houses. On the other side of the Street, they have changed that to velocity zone, so if you were on the east side of that same road, 50-feet away, you've got to be at 14-feet, plus the 3-feet over the top of that. I'm not quite sure how FEMA thinks; maybe Moses is coming to part the Sea in the middle of First Avenue. The Architect is here too, he can follow up on what's been said. This Board approved another application on the same block on a narrower lot for more of a Variance than this. It was an existing house, if that was approved I can't imagine why this wouldn't be. Neil said we probably don't need the Architect. Geoff asked if Keith knew the applicant's name that was approved and he said Campagna and 293 First Avenue. Al said it is pretty straight forward. Mayor Dempsey opened the meeting to the public, seconded by Robert Young, all in favor none opposed. There was no public participation. Mayor Dempsey made a motion to close the public portion, seconded by John Burke, all in favor none opposed.

Keith Henderson made his closing statement. They are only seeking one Variance to get up to 35-feet maximum.
John Muly made a motion to approve the application, seconded by John Burke.
<u>Board Members Voting Yes</u>:
Mayor George Dempsey, John Muly, Barbara Ilaria, John Burke, Robert Young and Neil Hamilton.

Neil addressed the correspondence in his folder. First, was a letter from Richard Graham – 35 Deep Creek Drive requesting an extension of time to comply with the terms of his Resolution. The Board concluded that he should be granted a 9-month extension. Mary will send a letter to Mr. Graham advising him of the Board's decision.

There was a letter from Immersberger/Hochschild's attorney; they are looking to return to the Board on December 1, 2015. Neil said if the site is not cleaned up they cannot return or if they come in here and the site is not ready and comfortable with it, they will not be able to be heard. Mary will send them a letter stating the Board's concerns.

Next he said the Hawryluk Resolution will be memorialized.

The November 17th meeting, should be cancelled as there are no applicants. Barbara Ilaria made a motion to cancel, seconded by John Muly, all in favor none opposed.

Greg Love is the Chairman of the Nominating Committee by unanimous approval.

No comments from Board members. There is no public present so the meeting did not have to be opened to the public.

Barbara Ilaria made a motion to adjourn, seconded by John Burke, all in favor none opposed.
Meeting adjourned at 7:55PM

Respectfully Submitted,

Mary C. Salerno
Planning Board Secretary