

BOROUGH HALL,
201 EAST MAIN STREET

GEORGE R. DEMPSEY, JR.
Mayor

JOSEPH R. DeIORIO
Municipal Administrator/
Chief Financial Officer

Incorporated December 30, 1887

CONSTRUCTION DEPARTMENT
BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH
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Supervisor of Code Enforcement

ALBERT "SANDY" RATZ
Construction Official

September 16, 2014

The Manasquan Planning Board held a Second meeting at 4PM on Tuesday, September 16, 2014 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey.

Everyone present stood and saluted the Flag.

Attorney, Geoffrey S. Cramer read the Open Public meetings statement.

ROLL CALL:

Board Members Present:

Neil B. Hamilton, Paul Rabenda, Leonard Sullivan, Mark Apostolou, Kevin Thompson, and Robert Young (Mayor's Alternate)

Board Members Absent:

Joan Harriman, Councilman McCarthy, John Muly, Mayor George Dempsey, John Burke, Greg Love and Peter Ragan

Professionals Present:

Geoffrey S. Cramer – Planning Board Attorney
Raymond W. Savacool – T & M Engineering

APPLICATION #29-2014 – Schmitz, Roger – 338 First Avenue, 339 Beachfront – Block: 185 – Lot: 15 – Zone: R-4 – Keith Henderson is the attorney representing the applicant. Geoff Cramer found the file to be in good order and accepted jurisdiction. Mr. Henderson had three witnesses to be sworn in, and Mr. Cramer proceeded to swear in, Katie Schmitz, owner/applicant, Joseph Kociuba, Engineer, and Paul Grabowski, Architect for the project. Katie Schmitz was the first witness, she said she and her husband purchased the property in March 2014. To her knowledge the property was damaged in Storm Sandy. She had a home inspection where it was found the foundation had some damage. She plans to demolish the two existing dwellings and construct a one-story single family dwelling. She has summered in Manasquan since she was a baby and wishes to continue to provide that opportunity for her children. She is aware she is allowed to have two dwellings on this lot but they choose not to as they would like more off-street parking. The next witness called is Paul Grabowski, the Board accepted his credentials. He gave an overview of the design of the house. He said the house would be reverse living in that the living space would be on the floor above the bedrooms. The ground floor will hold a garage, storage

area, vestibule and elevator. The second floor is where there will be four bedrooms as well as a gym, two bathrooms, an elevator and a deck. The next floor will house a kitchen, eating area and a great room; there is a covered area and an open deck on this floor. The third floor will basically have an office and a bedroom, bathroom and another deck. He said the house is almost a terrace effect that occurs from the Beachfront back to the main body of the house. This will open things up; you will get a lot more natural light and air for the neighbors. The front setback from the Boardwalk is 16-feet to the main body of the house, 6-feet to the deck. The allowable is 10-feet. The rear setback on First Avenue is 52-feet to the main body of the house, allowable is 10-feet. There is a difference in building coverage, he said that because the decks will be built for water to flow through them and not be covered they do not count as building coverage. They also requested side yard setback Variances of 3.25, where 5 is required. There is also a Variance required with the Option B proposal. With that you are measuring from grade whereas with FEMA standards you measure from the BFE. Board members asking questions were, Mark Apostolou, Geoff Cramer, Neil Hamilton, and Leonard Sullivan. Next, Mr. Kociuba testified, the Board accepted his credentials. He amended the impervious coverage which is now 45.1% proposed where 50% is permitted. 57% is shown on our plans but as pavers are not considered lot coverage in Manasquan that was incorrect. So, we no longer require a Variance for that. He believes this is a Flexible C Variance, whereby the granting of relief would create a benefit to Planning and without having negative impact on the Zone Plan or the Zoning Ordinance. He believes this application satisfied that Variance request. The setback on First Avenue is 52-feet to the main part of the structure. They are 36-feet from any extension of those decks on the First Avenue side of the house. They are providing seven onsite parking spaces. Most houses on First Avenue have a minimal setback from the Street, this house will be setback far enough to provide light and air to the neighbors around them. The tiered deck on the front will have an aesthetically pleasing view from the Beachfront and allow for a significant amount of open air, the neighbors to the left and right will have a much wider view angle as a result of this particular application. They are requesting 3.25-foot side yard setback on each side. The property to their south has an existing side yard setback of .67-feet. Many of the properties along the Beachfront maintain side yard Variances. Lenny Sullivan read the Technical Review Committee's report. Mr. Henderson in responding to the report said the applicant has traded off a lot, he has reduced the dwellings on the property to one single-family dwelling, where two are there now. They have increased the front and rear yard setbacks. We are not asking for a height Variance. We have increased the parking on site to seven spaces. We feel that the things we are giving up to achieve a little bit wider house that was a reasonable Zoning alternative. Neil Hamilton said when TRC looked at this application they felt that they would like to see the side yard setbacks brought into conformity. Mr. Henderson said if they did that they would then want to go up the max and may also design a longer house to make up the difference. Keith said the house on the south side as you saw on the Tax Report there was an encroachment agreement, but ultimately if that house is ever re-built it can't be re-built without replacing the foundation, because of the FEMA rules and then that encroachment agreement disappears. We don't think we should be penalized because there is a house encroaching on our property is the bottom line. The structure doesn't encroach but there is a roof overhang. Keith said he just spoke to the applicant and we would agree to go to 3.5-feet on both sides, we will stay at the same

height, we won't change anything else. Mark Apostolou made a motion to open the meeting to the public, the motion was seconded by Robert Young all in favor none opposed.

Audience Members Coming Forward:

Steve Dardanello – 342 First Avenue, 343 Beachfront – He said his house is directly south of the property they are talking about. It's a 32-foot lot, it's a buildable lot, and he doesn't understand why they can't make it what it's supposed to be at 5-feet. The issue of pushing the house back only hurts the people that are on both sides of the house, because the only open air we have is between the Beach house and the Street house. By having this house in the middle of the lot, the open air that we do have off the back decks and our backyards, is now a building. That he sees as a problem. He passed a picture out to the Board members because Mr. Henderson got the approval on this January 7, and he thinks we all know what right and wrong is and this is wrong. The gas company has the high pressure gas line on top of the ground because they can't even get in to bury the pipe. He thinks 3.2-feet is looking for problems down the road. He asked what side the walk way is on. Mr. Henderson said the south side. Mr. Dardanello said so it's going to be right next to me so it's going to be 3.5-feet. He is asking the Board for a little consideration on a 32-foot lot. He thinks there is room; tell them to use 2 X 2's instead of 2 X 4's. Why they are giving us seven parking spots on a one-family house, he doesn't know if we need that. Make the house a little bit smaller, making the walkway up to Code will eliminate things like this. Mr. Henderson cross examined Mr. Dardanello – he asked him how wide his lot was and the answer was 21-feet, and Mr. Henderson asked if he was aware that if the 5-foot side setbacks were enforced on his property he would have an 11-foot wide house. Mr. Dardanello said if that's the math he guesses so. Mr. Henderson asked if he would be in here applying for Variance if that was the case and Mr. Dardanello said no, he wouldn't he would sell it for parking for his neighbors.

There were no other audience members speaking. Mark Apostolou made a motion to close the public portion of the meeting, the motion was seconded by Robert Young all in favor none opposed.

Mr. Hamilton asked if they could get to a 4-foot side yard setback on the South side. Mr. Henderson after consulting with the applicant stated they would keep the side yard setback on the north side at 3.2-feet and increase the south side yard setback to 4-feet.

Mr. Henderson gave his closing statement. Paul Rabenda made a motion to approve the application with the stipulations, the motion was seconded by Robert Young.

Board members voting yes:

Paul Rabenda, Leonard Sullivan, Mark Apostolou, Kevin Thompson, Robert Young and Neil Hamilton.

APPLICATION APPROVED

APPLICATION #30-2014 – Romano, Lori and James – 59 Rogers Avenue – Block: 152 – Lot: 5 – Zone: R-3 – Mr. Cramer swore in Lori and James Romano – owners/applicant, and their contractor David Kohl. Mr. Cramer found the file to be in good order and accepted jurisdiction. Lori Romano testified that because of Super Storm Sandy they need to elevate their house to 34.1-feet. During the Storm they had 19-inches of water in their home. They are in Flood Zone R-3. They lost everything during the Storm including floors, furniture, appliances. Their house was built in 2007 and the existing height is 31-feet. She had pictures of the water line in her house but the Board chose not to see them.

Board members asking questions were Apostolou, Sullivan, Rabenda and Engineer Ray Savacool. Mark Apostolou made a motion to open the meeting to the public, motion seconded by Young, 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 Robert Young, all in favor none opposed.

Kevin Thompson made a motion to approve the application, motion seconded by Young.

Board Members Voting Yes:

Chairman Neil Hamilton, Paul Rabenda, Leonard Sullivan, Mark Apostolou, Kevin Thompson, and Robert Young.

APPLICATION APPROVED

RESOLUTION #27-2014 – Pietrucha, Vincent – 20 Pershing Avenue – Block: 153 – Lot: 14 – Zone: R-3 – There was some discussion regarding this Resolution. In an Ordinance that was adopted and is still in effect following Super Storm Sandy states that the stairs on Mr. Pietrucha’s house that were proposed to the new deck can in fact remain. This is so stated in Ordinance #2130-13. It was decided that the Board Secretary will send a copy of the memorialized Resolution and the letter from the Zoning Officer that was sent to Mr. Pietrucha stating that he is allowed to have the stairs to the objectors that had attended the meeting where the application was heard. Mark Apostolou made a motion to memorialize the Resolution after Geoff read the revision to the Board members and based upon a legal opinion the Board received from Borough Attorney, Mark Kitrick, the motion was seconded by Leonard Sullivan.

Board members voting yes:

Paul Rabenda, Leonard Sullivan, and Mark Apostolou

RESOLUTION MEMORIALIZED

Approval of Vouchers – Lenny Sullivan in reviewing the vouchers found that the Warjanka’s don’t have enough money in their Escrow account and they are on the agenda for the next meeting. How should this be handled? Geoff Cramer will reach out to the Warjanka’s attorney. Mark Apostolou made a motion to authorize Geoff to take action on the Escrow owed by the Warjanka’s, motion seconded by Robert Young, all in favor none opposed. Paul Rabenda made a motion to approve the vouchers, seconded by Leonard Sullivan, all in favor none opposed.

VOUCHERS APPROVED

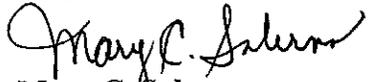
Approval of Minutes – Mark Apostolou made a motion to approve the minutes of September 3, 2014; Leonard Sullivan seconded the motion, all in favor none opposed.

MINUTES OF SEPTEMBER 3, 2014 REGULAR MEETING APPROVED

Elaine Noone, 544 Brielle Road, Block: 176 – Lot: 1 – Zone: R-3 applied for an extension of time – granted a 9-month extension which runs 9-months from the date of the Resolution which is September 16, 2014 which would bring them to June.

There were no comments from Board members. No correspondence, no audience present, Mark Apostolou made a motion to close the meeting at 5:32PM, seconded by Kevin Thompson, all in favor none opposed.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Mary C. Salerno".

**Mary C. Salerno
Planning Board Secretary**