

APPROVED

**Minutes of the General Meeting of the
Ocean Beach Surf Club – Unit One
November 23, 2002**

The Special Meeting of the Ocean Beach Surf Club was held on November 23, 2002, at the Union Church, Lavallette, New Jersey.

Present: President David Finter, Robert Blair, James Pendergast, Betty Schreur, Lois Castronuovo, Frank Michenfelder, Greg Gere, Joe Zipp, Walter Poludin, and Walter Endler.

Absent: Lance Schley

The Pledge of Allegiance was given and followed by a moment of silence for deceased members.

Following that Richard Kadash, 109 West Spray Way, offered a motion to dispense with the reading of the minutes of the previous meeting (General Meeting of September 21, 2002). The motion was seconded by John Vernaleken, 26 East Surf Way and approved by the membership.

President Finter explained that the meeting is being held upon request of two petitions submitted by members of the Ocean Beach Surf Club requesting amendments to the By-Laws of the Club relating to building height restrictions. (Copies of Petitions attached to these minutes). He explained the procedure that would be followed and stated that we are considering three separate proposals for amendment and they will be voted on separately. The petitions, as presented, cannot be amended. Five minutes will be allowed for each person to present their position. Anyone who wishes to make a statement must come to the front of the room, state his/her name and address and may only speak once until everyone who wishes to speak on the matter has been heard. After everyone has been heard once, then a person may speak a second time for an additional five minutes. The limit will be twice per subject. He also instructed that when casting a ballot "for" or "against" must be circled. Do not use a check or an "x".

Maryellen Lavin, 11 East Barnegat Way, requested that the amendments be linked together, to be voted on together. President Finter informed her that she was out of order and would be recognized later.

President Finter asked for a motion to open discussion on paragraph "a" on the ballot, to change the height restriction on lots west of Route 35 South from 18 feet 6 inches to 20 feet 6 inches. Motion made by Henry Sutter, 15 East Spray Way, seconded by Richard Yerick, 12 East Channel Way, and approved. The meeting was opened for discussion on paragraph "a" on the ballot,

Richard Yerick, 12 East Channel Way addressed the Board in support of the 20'6" height restriction on lots west of Route 35 South.

Richard Davis, 221 Bay Beach Way, spoke in opposition to the amendment to provide the 20' 6" height restriction. He wanted it left the way it is.

Frank Michenfelder, 240 Bay Beach Way, explained that part of the reason that they want to increase the height to 20' 6" is due to the seven foot 7) flood plain level. The ordinance states that you must build at or above the seven foot elevation.

Dorothy Janosko 33 East Shore Way, questioned exactly what does it mean to raise the height. How is this accomplished. The Board explained the flood elevation concept to her and how and why the height must be raised.

Dean Bricolla, 206 Bay Beach Way, spoke in favor of the amendment and could not understand why there was so much back lash over 2 feet.

Lisa DellaTerza, 12 East Beach Way, questioned the flood elevation up near Ocean Road where her house is. The Board explained the difference because she is high above the flood elevation.

Richard Cimera, 16 East Beach Way, asked whether the new height in the amendment will be measured from grade. He was informed that it will be.

Cathy Scotti, 222 Bay Beach Way, spoke in favor of the amendment.

There was no further discussion on the question and a motion was called for to close the discussion. Steve Makoski, 21 East Shore Way, moved to close the discussion on paragraph "a" of the ballot. Charles Remishofski, 19 East Channel Way seconded the motion and the vote was taken on the motion to close the discussion on paragraph "a". The President announced its approval.

A motion was asked for to open discussion on paragraph "b" on the ballot, relating to height restrictions on lots on the east side of Route 35 South. Ellsbeth Rapolla moved that there be discussion on paragraph "b" of the ballot to increase the height restriction on the lots on the east side of Route 35 South to 30 feet and allow a third story. Motion was seconded by Paul Allen, 21 East Beach Way, and the vote taken. The President declared the motion carried and invited discussion..

Todd Steiner, 13 East Barnegat, questioned the Board in that his copy of the By-Laws does not provide that only 2 stories be permitted. However, it does provide for a loft or observation deck. President Finter responded to the question by informing him that it happened, by mistake, that the By-Laws were not updated at the last printing. However, the membership did vote and passed an amendment on September 26, 1992, to only allow two-story buildings and no lofts or observations decks above two stories. He read the amendment from a copy of the minutes of September 26, 1992.

Maryellen Lavin, 11 East Barnegat Way, addressed the Board and stated for the record:

(1) That it was her intent that "a". "b" and "c" be voted on as one item and not as separate items. She also stated that she informed the Board that she wished to amend her petition from 30 feet to a height of 28 feet unhindered.

(2) She told everyone who signed her petition that she would go around and measure the houses. Don Gemma measured the houses and much to her surprise, we have many houses that are 28 feet. She displayed pictures of the houses that were measured at 28 feet. She is not trying to expand on the height of what is already out there. She is not requesting anything more now than 28 feet. She stated that there are 2 three-story houses that are 28 feet. She wants the Board to give her side (east of Route 35 South) the 28 feet and let them do what they want and give the other side (west of Route 35 South) the 20'6" and let them do what they want.

(3) Her third point related to the By-Laws. She stated that she knew nothing about the By-Law

permitting only 2 stories. She has spoken to her legal friends and was told that since the change was not communicated to the membership it is not a valid By-Law. When she bought her house 9 years ago she got the By-Laws and the By-Laws were as the previous speaker read. If it does not appear in the By-Laws it is not a valid By-Law.

She also wants it noted for the record that there is a third step in adopting a By-Law change, and that is that a letter must go out to the membership within 30 days after adoption stating that the amendment has passed. She does not know if that was done. In light of all of this, the record that you give to the new homeowners must say that these are the restrictions that the Club has put in. President Finter responded that the petition cannot be changed to 28 feet without proper notification to the entire membership. It is not fair to the people who are not present. He reiterated that the petition with 25 signatures from people on the ocean side was for 30 feet and 3 stories. That is what we are here to consider. Item "b" on the ballot. He stated that it should be re-noticed to the membership for 28 feet if she wants to amend her petition.

A1 Cruse, 14 East Surf Way, questioned whether the heights as determined by Mr. Gemma were certified by a civil engineer or land surveyor. Mr. Gemma responded that he used a ruler. President Finter responded that he and Frank Michenfelder also measured those houses along the Ocean Road to get an idea of their heights.

Carolyn Wilson, 211 Bay Beach Way had a question regarding the By-Laws and the definition of "two-story" on the east side and one-story on the west side. She expressed a concern of a possible fire hazard in these several story structures with not enough exit stairs.

President Finter informed her that we rely on what the architect certifies. If the architect sends a letter stating that it is a one story building, the Board reviews it and sends it on to Mr. McDonough and he will not review any plans without that letter.

Dennis Lynch, 209 Bay Beach Way, stated that he does not understand the definition of two stories. Basically, it says to him that if you have a garage and living space over it, that's two stories. Mr. Lynch stated that he has been told that he was not allowed to have habitable space over habitable space, and he does not see that in the By-Laws. He questions where it comes from.

President Finter responded that it is the architect who makes the determination.

Dan Mercuri, 3016 Ocean Road, agreed with Mr. Lynch with regard to the difference between the Ocean side and the Bay side. He spoke in favor the height on Bay Beach Way due to the fact that those are larger lots and can easily accommodate a larger home. Whereas, the lots on the east side are smaller and if you start to increase the capacity of those houses, it will have a negative impact on the area with regard to parking, number of people occupying the house, number of people on the beach and so forth. He is not in favor of three stories being allowed on the east side of Route 35 South, nor the height of 30 feet.

James Pendergast, 103 West Bay Way, responded to Dan Mercuri in that he felt an increase would only provide more space for those already utilizing the house as is. He does not feel it would impact the area the way Mr. Mercuri explained.

Greg Gere, 117 West Bay Way, spoke in opposition to the amendment contained in paragraph "b" of the ballot. He stated that the rules may be a bit antiquated, but those who formulated them had a good idea - more space would add more people.

Richard Kadash, 109 West Spray Way, spoke on the fire safety issue.

Agnes Walters, 22 East Bay Way, stated that she feels that people should be able to do what they

want with their house within the 28 feet.

Don Gemma, 19 East Spray Way, stated that, "This Board makes up the rules as they go along, but we'll forget about that for a second." Bob Blair objected to his uncalled for derogatory remark and Don Gemma then apologized to him. He went on to speak about two story houses on Bay Beach Way and questioned how can the Board claim that they are not two story houses. You should be able to do what you want to within the 28 feet. It should not have an effect on anything. He told the Board that they are opening themselves up to a lawsuit

Phil Divuolo, 26 East Spray Way, stated that he has a problem with the height. The height is one thing, and the number of floors is another thing. You have to ask what is the impact on the neighbors. He said we could all use more room, but architecturally, you have to make it work for you. It should come from a design standpoint and not just something about basic need.

Ed Green, 23 East Shore Way, said that you have to think of the quality of life and not become closed in by higher buildings. You have to think of your neighbors.

Claudia Seresco, 18 East Surf Way, questioned what happens with the wires and electrical poles if we allow three-story buildings. How does that affect them. President Finter responded that the poles may have to be replaced, otherwise the wires may be too close. She spoke against going up three stories.

Frank Michenfelder, 240 Bay Beach Way, wanted to explain that the Board is elected to handle the rules and regulations. This Board did not create them. They are only following the rules that were handed down by members in the past. It is not a personal thing. It's just the rules.

Tony Valvano, 10 East Channel Way, stated that third-floor areas are not allowed for sleeping in new construction unless there are two sets of exit stairs. Third-floor areas can be used more for recreation rooms or storage. He spoke in support, however, of raising the height of the foundations in order to relieve the flooding situation.

Maryellen Lavin, 11 East Barnegat Way, addressed the Board again and set forth her argument for the granting of her petition. She rebutted all of the arguments presented by various members against the 30 feet, three-story proposal. She reiterated that her house is no taller than those two-story houses already in the unit and she wants to put a third floor on and keep it within the 28 feet. She stated that when she bought her house in the Club; she was concerned about the Club having control over her investment and was told by her lawyer that if there is anything in the Club that exists already that she would want to do, the Club cannot stop her. The pictures that she displayed show that there are three stories already. Her final request is to maintain the 28 feet height unhindered and do what you want with it (allowing three stories).

Dennis Lynch, 209 Bay Beach Way, questioned just what we are voting for- 20'6", 30', 28'?

Dave Finter explained the ballot.

Agnes Walters, 22 East Bay Way, again asked why Maryellen could not have the 28 feet and do what she wants. It was explained to her that Maryellen's petition is for 30 feet with a third story.

Dan Mercuri, 3016 Ocean Road spoke again and emphasized that the spirit of the community should be a consideration. He does not support the amendment to three stories on the East side.

Walter Poludin, 17 East Channel Way, spoke regarding the house inspections by Dover Township when you rent your home and the fact that they certify as to how many people are allowed as legal occupancy for the house, based on its size and number of bedrooms.

Bob Miscelli moved to close the discussion on paragraph "b" and Charles Remishofski seconded the motion. Vote was taken and the President declared the motion to close the discussion on

paragraph "b" of the ballot approved.

Discussion was then opened on paragraph "c" and the President asked if anyone would like to speak on paragraph "c" which states that all other restrictions remain the same.

Carolyn Wilson, 211 Bay Beach Way, raised a question regarding outside showers East of Route 35 South. She stated that the By-Laws state that there are to be no outside showers East of Route 35 South. The President answered her that outside showers are allowed East of Route 35 South as long as they are not enclosed.

Richard Kadash, 109 West Spray Way, had a question regarding the voting and the President responded to his question.

Richard Peronne made a motion to close the discussion on paragraph "c" and vote on all the amendments at this time. The motion was seconded by Eileen Vayda, and a vote was taken to close the discussion and vote all issues. The President declared the motion carried

A short recess was called for tallying the votes.

During the recess, however before the results were announced, Maryellen Lavin raised an objection because she was not allowed to amend her petition from 30 feet to 28 feet. There was a difference of opinion in the interpretation of Roberts Rules between her and the President. She then read a section of Roberts Rules to the membership and gave her interpretation. President Finter stated that he might have made a mistake and would attempt to rectify it.

Maryellen Lavin then made a motion to amend her petition to lower the height request from 30 feet to 28 feet and allow the third story. The motion was seconded by Kathy Savacool, 12 East Channel Way. The President called for a vote on the motion to accept Maryellen Lavin's request to allow her to amend her petition at this time to lower the building height from 30 feet to 28 feet, with a third story.

The vote was taken and the motion to allow Maryellen Lavin to amend her petition from 30 feet to 28 feet was denied by a majority vote of the members present.

The President then announced the results of the vote on the balloting for all three proposed amendments to Article XII, Section 6 of the By-Laws as follows:

Paragraph "a" to increase the height restriction on lots west of Route 35 South to 20 feet, six inches, was approved by a 2/3rds majority vote, there being 63 for and 31 against;

Paragraph "b" to increase the height restriction from 28 feet to 30 feet and to permit a third story on lots east of Route 35 South was defeated by a 2/3rds majority vote; there being 17 for and 77 against;

Paragraph "c" providing that all other restrictions remain in effect was approved by a 2/3rds majority vote there being 84 for and 8 against.

Dan Mercuri, 3016 Ocean Road, made a motion to adjourn the meeting which was seconded by Mary Calvano, and unanimously approved.

Respectfully submitted,
Secretary