

Laurence Rosoff.txt

From: Laurence Rosoff
Sent: Monday, October 19, 2015 7:50 PM
To: Luoma, Jennifer L. (DNREC)
Cc: Vest, Lisa A. (DNREC)
Subject: Questions to regarding the proposed amendments to the Regulations Governing Beach Protection and the Use of Beaches

Importance: High

Dear Jennifer,

In reference to our conversation earlier today, I would like to submit some official questions to the Department regarding the proposed amendments to the Regulations Governing Beach Protection and the Use of Beaches.

1. what is the definition of Footprint as used in section 3.5 of the proposed amendments? Since many homes are built on columns or piers, is it the building envelope at or above base flood elevation projected downward? Are decks and porches included in Footprint?
2. with regard to dune crossovers, the maximum width is defined in section 4.5.3.1 but what about the type of dune crossover? Presently there are numerous types including permanent structural elevated walkways, temporary board walks rolled out on the surface of the dune that are removed in off season, and just pathways over the dunes which may be delineated by dune fencing. wouldn't this be a good time to define the accepted type of dune crossover, regardless if it is for a private residence or part of a larger residential beach community?
3. The following questions regard how these amendments will affect Townhouses, residential structures that share common sidewalls, which are located partially or wholly on the seaward side of the Building Line. Please take into account that the Townhouse owners hold title to their units and the land beneath them.
 - 3.1. How will the definition of Substantial Damage affect Townhouses on the seaward side of the build line? Please consider that the Substantial Damage may only apply to one Townhouse within the structure versus the entire residential structure of multiple townhouses.
 - 3.2. How will Restoration and Reconstruction apply to townhouses that following Substantial Damage?
 - 3.3. How would Siting Requirements be applied to Townhouses? would they have to go through the 4 step process outlined in sections 3.1.1.2.1 through 3.1.1.2.4? How would the 4 step process apply? Please consider that the Substantial Damage may only apply to one Townhouse within the structure versus the entire residential structure of multiple townhouses itself.
 - 3.4. How will the definition of Substantial Improvement affect Townhouses on the seaward side of the build line? would they have to go through the 4 step process? How would the 4 step process apply? How would Market Value of the structure be determined?
 - 3.5. For a Townhouse, how will the Smallest Subset of Lots be determined?
 - 3.6. I am asking if there any other sections that need to be amended to cover the

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unique design
of residential structures that share walls such as Townhouses that are located
partially or
wholly on the seaward side of the Building Line? It's easier to do it now all at
once than
piecemeal later.

Thank you for considering these questions. By the way, I would think that some of
these questions may
apply to semi-detached houses, duplexes, and condominium units as well. If there is
any clarification or
additional information that you require, please do not hesitate to contact me. For
your information, I
have copied Lisa Vest, the DNREC Hearing Officer.

Thank you and kindest regards,

Laurence Rosoff