

SEA GIRT PLANNING BOARD  
JUNE 20, 2018

The Regular Meeting of the Sea Girt Planning Board was held on Wednesday, June 20, 2018 at 7:00 p.m. at the Sea Girt Elementary School, Bell Place, Sea Girt. In compliance with the Open Public Meetings Act, notice of this Body's meeting had been sent to the official newspapers of the Board and the Borough Clerk, fixing the time and place of all hearings. After a Salute to the Flag, roll call was taken:

Present: Larry Benson, Karen Brisben, Jake Casey, Eileen Laszlo,  
Councilman Michael Meixsell, Raymond Petronko, John Ward,  
Norman Hall

Absent: Carla Abrahamson, Mayor Ken Farrell, Robert Walker

Also present was Board Attorney Kevin Kennedy, as well as Jennifer Beahm from Leon A. Avakian Engineering; Board Secretary Karen Brisben recorded the Minutes and there were 25 people in the audience. The Minutes of April 18, 2018 were approved on a motion by Mr. Ward, seconded by Mr. Petronko and then by voice vote, all aye with Mrs. Brisben abstaining. The Minutes of May 16, 2018 were approved on a motion by Mrs. Laszlo, seconded by Mr. Casey and then by voice vote, all aye with Councilman Meixsell abstaining.

OTHER BUSINESS:

It was time for the Public Hearing and adoption of the Master Plan Update and Chairman Hall explained that the Board has been working on this for 6 months and have had several meetings with public input, tonight is the formal hearing and adoption. The Planning Board members will be able to have a discussion on this and then there will be time for comments from the audience. He told the audience that all the public meetings they have had on this are not required by law but the Board wanted to do it this way for town input. This is a report from the Planning Board, they cannot act on it and will give it to Council for them to act on it, they are the ones to take action if they choose. If anyone has an opinion on this Master Plan Update they are encouraged to go to a Council meeting to voice their thoughts. There was a subcommittee that worked on this and, in the past, the Board has looked at changes for variances and submitted their findings to Council; the Board does try to do a routine maintenance.

At this time Ms. Jennifer Beahm of Avakian Engineering, the expert who put this Master Plan Update together, was sworn in. She said the towns need to do this every 10 years and agreed with Chairman Hall that there does not have to be a Public Hearing, but this Board wanted public input. This is a Planning Board document that will be forwarded to Council, the Planning Board creates this and notices the surrounding towns about the Public Hearing and adoption. Mr. Kennedy marked, as Exhibit B-1, the June 2018 Master Plan Update report.

Mr. Ward spoke up and asked for a change on page 18 where it says there were -0- demolitions in 2016; there were 24. Ms. Beahm said they used statistical sources and the DCA gave them these figures, she has never tampered with DCA data. This is just a point of recommendation but she can add a footnote if the Board feels that is appropriate. Chairman Hall felt it should stay as it is and not put in a footnote but asked if someone wanted to make a motion pertaining to this change and Mr. Ward made this motion, this seconded by Mr. Casey. Ms. Beahm did not think it is a big change but it can be done, they usually work with the DCA figures. At this time the following roll call vote was taken for approval on the motion to add the footnote:

Ayes: Larry Benson, Karen Brisben, Jake Casey, Eileen Laszlo, Councilman Michael Meixsell, Ray Petronko, John Ward

Noes: Norman Hall

Mr. Casey had a question on page 27, paragraph 2 on overdevelopment and bulk and Ms. Beahm there was an issue on basements and garages and basements under garages. The concern was about how the Ordinance reads, there is a need for definition changes and how to define habitable space below grade. Chairman Hall noted that some of this is general, if the Governing Body wants to take up the issue they can and work out the details. Mr. Casey then asked about the average setback for a porch and is that clear for the Zoning Officer and, again, Chairman Hall said this is just a concept and Council can work out the details if they want to enact it.

As there were no other comments by the Board the hearing was opened to the public for general comments and, as there were none, that portion was closed. Ms. Beahm said they have had two other public meetings on this and she recommended the Board approve this Update. If it is approved, the Board can vote on it; Mr. Casey made this motion, this was seconded by Mrs. Laszlo and then by the following roll call vote:

Ayes: Larry Benson, Karen Brisben, Jake Casey, Eileen Laszlo, Councilman Michael Meixsell, Ray Petronko, John Ward, Norman Hall

Noes: None

Before approve the adoption Resolution, Chairman Hall told the audience he will be making a presentation before Council in the near future and he thanked the people that came and wrote letters with their opinions and comments. At this time Mr. Kennedy read the following Resolution into the record:

**WHEREAS**, the Sea Girt Planning Board is a duly organized Land Use Board, organized and existing in accordance with the Rules and Regulations of the United States of America, the State of New Jersey, and the Borough of Sea Girt; and

**WHEREAS**, pursuant to New Jersey Law, (including N.J.S.A. 40:55D-89), a Municipal Planning Board is required to re-examine the Master Plan at least every 10 years; and

**WHEREAS**, the failure to timely re-examine a Master Plan could potentially result in the Borough / Board losing the presumption of validity otherwise associated with the Prevailing Zoning Ordinances; and

**WHEREAS**, the Sea Girt Planning Board undertook a Master Plan Re-Examination process; and

**WHEREAS**, the Master Plan Re-Examination Procedure was effectuated in accordance with Prevailing Provisions of New Jersey Law; and

**WHEREAS**, out of an abundance of caution, in order to promote transparency, and without any legal obligation to do so, the Planning Board conducted a number of public information sessions (during regularly scheduled / advertised Board Meetings) to advise the public as to developments associated with the Master Plan Re-Examination Process; and

**WHEREAS**, many members of the public did attend the various Public Information Sessions and did, in fact, make statements and / or ask questions in connection therewith; and

**WHEREAS**, the Sea Girt Planning Board commissioned the preparation of the Master Plan Re-Examination Report, dated June 2018, prepared by Leon S. Avakian, Inc.; and

**WHEREAS**, the Sea Girt Planning Board conducted a Public Hearing on the Master Plan Re-Examination Report on June 20, 2018; and

**WHEREAS**, formal notice of the Master Plan Re-Examination Hearing was timely provided to the Borough's Official Newspapers; and

**WHEREAS**, notice of the Master Plan Re-Examination Hearing was also presented to the adjacent Municipal Offices; and

**WHEREAS**, a copy of the Master Plan Re-Examination Report was also forwarded to the Monmouth County Planning Board; and

**WHEREAS**, at the June 20, 2018 Public Hearing, the following item was officially marked into the Record as Evidence:

- Master Plan Re-Examination Report, dated June 2018, prepared by Leon S. Avakian, Inc., introduced into Evidence as B-1;

**WHEREAS**, at the Master Plan Re-Examination Hearing, sworn public testimony was presented by Jennifer Beahm, P.P., A.I.C.P., the Board Planner; and

**WHEREAS**, during the Public Hearing process, the Board Planner advised as to the contents of the Master Plan Re-Examination Report, as well as findings and conclusions associated therewith; and

**WHEREAS**, no public questions / comments / statements were issued in connection with the Master Plan Re-Examination Hearing; and

**WHEREAS**, Board Members actively discussed the content of the Master Plan Re-Examination Report;

**NOW, THEREFORE, BE IT RESOLVED** by the Members of the Sea Girt Planning Board as follows:

1. That the Sea Girt Planning Board hereby authorizes, approves, and adopts the Sea Girt Master Plan Re-Examination Report, dated June 2018, prepared by Leon S. Avakian, Inc. (as amended).
2. That notice of the within action / authorization shall be published in the Borough's Official Newspapers.

3. That the Board Chair, Board Secretary, Board Planner, Board Attorney, and other Board Representatives are hereby authorized to sign any and all documents necessary to effectuate the intentions of the within Resolution.
4. That the within Resolution shall take effect immediately.

A motion to approve the above Resolution was made by Mr. Ward, seconded by Mr. Casey and then by the following roll call vote:

Ayes: Larry Benson, Karen Brisben, Jake Casey, Eileen Laszlo, Councilman Michael Meixsell, Ray Petronko, John Ward, Norman Hall

Noes: None

#### NEW BUSINESS:

The Board then considered an application for variance relief for Block 84, Lot 4, 609 Beacon Boulevard, owned by Anne Semanik, to allow renovation of an existing home including a rear addition. Side Yard Setback – 5 feet minimum required, west side 2 feet existing & proposed. Lot coverage – 20% maximum allowed, 15.7% existing & 21.4% proposed. Air Conditioner Placement – Permitted rear yard only, existing is over property line and on side of property. Lot size – 50x150 feet required, 50x145 feet existing. Impervious Coverage – 35% maximum allowed, 41.2% proposed. Front Setback – 40 feet required, 25.9 feet existing & proposed. Garage – 500 square feet maximum allowed, 507 square feet existing & proposed. Side Setback for existing Slate Patio – 5 feet required, 3 feet existing & proposed; Rear Setback – 3 feet required, 2.5 feet existing & proposed. Side Setback for proposed Paver Patio – 5 feet required, 2 feet proposed.

Before starting this hearing, Mr. Petronko and Mrs. Brisben had to recuse themselves from hearing this application, Mr. Petronko lives at this address with his fiancé, Ms. Semanik, and Mrs. Brisben lives within 200 feet of 609 Beacon Boulevard.

The correct fees were paid, taxes are paid to date and the property owners within 200 and newspaper were properly notified. Before starting hearing the application, Mr. Kennedy wanted to address the matter of a Board member's property coming before the Board. There is always a concern that if a Board member appears it may be a conflict of interest due to him being on the Board, it is unique but this is not the first time this has happened. Mr. Kennedy did research on this and found that the law does not want to punish a member due to his being a member, he does have a right to appear. This application should be presented by a spouse or attorney and not the member and that is what is happening this evening, it does not get transferred to another place to be heard. Is this a conflict if one member knows the others and the answer is no.

There are 4 conflict standards: 1) if there is a direct financial interest, 2) if this financially benefits someone close to a member, 3) if this benefits a relative, 4) is his or her vote affected by an association (like a church where one is a member). So this is not a conflict if you know the member but the Board has to treat this the same as any application and be impartial. He then asked if any Board member has an issue with this application and the answer was no; Mr. Kennedy then said the application can be heard.

He first marked the exhibits:

A-1. The application

A-2. The Zoning Officer's Letter of Denial dated 12/2017.

A-3. The Architectural plans of 7 sheets, dated 12/5/17, revised 4/27/18.

A-4. Survey dated 12/21/2015.

A-5. Leon S. Avakian memo dated 6/1/2018.

Mr. Kennedy also said he and Mrs. Brisben had reviewed the notice to property owners within 200 feet as well as the newspaper and all was in order. Mr. John Brennan, Esq. then came forward and had Exhibit A-6 marked, a packet of photos and copy of the zoning map. Exhibit A-7 was a letter, dated 6/14/28, from Architect Paul Damiano in response to the Avakian report of 6/1/18 and commented Mr. Damiano had a graduation to attend and could not be here tonight. The other exhibits he had were addressed in the Exhibits marked by Mr. Kennedy. He also wanted to submit Exhibit A-8 which was a photo board, zoning map and a satellite view of the area as well as a cross street view.

At this time the owner, Anne Semanik, came forward and was sworn in, she lives at 609 Beacon Boulevard with Mr. Petronko. Mr. Brennan noted she was seeking bulk variances and she said she has lived at this property since 2015; she identified Exhibit A-6 and the photos and her area highlighted on the tax map. The photos consisted of her driveway, which is composed of Delaware river rock, the west side of her home, the west side of her home view from the street, a front view of the home, a view of her home from the neighbor west of her and the last photo was another view from the neighbor's home. She then addressed Exhibit A-8 and showed where, on the tax map, the work will be on her home, it is marked in yellow. She said most lots are 50 feet wide and have irregular depths to Wreck Pond; Mr. Brennan added this lot is only 45 feet wide. Ms. Semanik said that apparently the original owner made a cart path, 5 feet wide, over 100 years ago; they are the 12<sup>th</sup> owner of this property and now have utilities in this area and she also commented there is another 45 foot wide lot farther down on Beacon Boulevard. In the upper right corner of Exhibit A-8 is an aerial view and said that most homes here are two stories and theirs is 1 ½ stories. The lower photo on Exhibit A-8 shows the frontage of her home. She

went on to say there will only be minor changes in the front, all alterations will be done in the back, they may change the front window a little.

They had done a Title Search on this 5 foot pathway and this is when they discovered this was a cart path, the whole lineage has been fractured with no heirs to the original lot owner and they can't locate all the previous owners; if the original owner had not put in this 5 foot cart path she would not have to be here this evening and said that all would conform if this was a 50 foot wide lot; she considered this a hardship and is in need of variance relief. This property was purchased as a summer home but they love Sea Girt so much they decided to live here year around, but there are no closets and they need this room to hang their clothes in the bedrooms, now they have to use the basement for this.

They want to add an eat in kitchen area along with a washer/dryer on the first floor as well as redoing the bathroom and first floor bedroom, they now have a galley kitchen and there will be no changes to the cellar. Mr. Brennan then addressed the architectural plans; page A-2, the floor plans which shows the additional 5 feet on the first floor, there will be walk-in closets and a bigger bathroom on the second floor, page A-3 shows the outside of the home. Ms. Semanik said there will be no change to the front outside other than windows and the shaded area on the plan is the proposed extension and the dotted line is what is now existing.

Mr. Brennan added that there are 3 new variances requested, the others are pre-existing: 1) maximum building coverage is 20%, existing is 15.7% and they are requesting 21.4% (if the lot were 50 feet wide, this would be below 20%); 2) 35% impervious coverage is allowed, 41.1 is existing and 41.2 is requested, however, Ms. Semanik again said the driveway is made up of 1 ½ to 2 inches of Delaware river rock and she did not feel this should be included in impervious coverage as there are no puddles and all the water recharges on site, she felt this was pervious coverage; 3) the requirement for side yard setback is 5 and 10 feet for a total of 15 feet and this is an issue on the one side – Ms. Semanik said that, due to the 5 foot pathway, the home side setback is at 2 feet existing and the building goes straight back.

Mr. Brennan asked Ms. Semanik about the neighbor to the west and what he sees and she said his home is set back towards Wreck Pond, so they are not infringing on his view, light, air or open space. Mr. Brennan also noted they are asking for a paver patio which also will be 2 feet from the side yard line. He then asked Ms. Semanik if she felt all this can be granted without a detriment to the public good and she said yes, there is no detriment here and there is space between her home and the home to the west, owned by Dan Beckmann. Mr. Brennan added there will be no damage to the Zoning law, this will advance the purpose of the Municipal Land Use Law, other homes in the area are larger and if this project is approved the home will be more in line with the other dwellings, the benefits outweigh the detriments.

Mr. Ward asked about who is paying the taxes on this small parcel and Ms. Semanik said no one is; Mr. Brennan explained the Borough is doing an In Rem Foreclosure on this and, if the town does obtain this property, they could keep it as part of Edgemere Park as it goes to those woods, or they could sell it to Ms. Semanik or Mr. Beckmann but it can't be sold to anyone else. Mr. Ward asked about a possession claim but Mr. Brennan said they can't do this, the Borough might have but they have not, the original owner did this. When it was realized this now is Borough property, it was taxed and then went into a Municipal Lien, now going to In Rem Foreclosure; this is now up to Council.

Mrs. Laszlo asked about any other information on the cart path and Mr. Brennan felt that, way back when, one could hire a surveyor and create lots; perhaps Beacon Boulevard was a main street and people wanted a cart path there. Mr. Ward asked about the driveway coverage and if there was more information on this; Mr. Brennan said Exhibit A-8 speaks about this. Mr. Ward then asked about moving the air conditioning unit that is in Borough property. Ms. Semanik said they do not have plans to move this, it has been there for a very long time.

As there were no other Board questions, the hearing was opened to the public for questions and, hearing none, that portion was closed. Mr. Brennan summed up the application by stating this is a classic "C" variance situation, it is an irregular lot and there has been testimony that the variances requested will enhance the neighborhood and zone; it will not be a visual enlargement and will not affect the neighbor to the west as this home is set back from his house. Councilman Meixsell asked if that neighbor was here to support this application and the answer was yes.

At this time the hearing was opened to the public for general comments and Daniel Beckmann of 611 Beacon Boulevard, came forward and was sworn in. He is the neighbor to the west, his grandparents bought 611 Beacon Boulevard in 1944 and that 5-foot cart path has always been there. He has a fence on his property line and this path is on the other side; he felt having this pathway property will help them, it will not affect anyone and the additions will improve the neighborhood.

Candace Cadimik of 104 Beacon Boulevard, came forward and was sworn in, she is the owner of the Beacon House. She was concerned they may be renting out this home in the future and Ms. Semanik said when they first bought it they did rent it out but they now live there permanently, no more renters.

As there were no more public comments, that portion was closed and the Board went into discussion. Councilman Meixsell felt that relief should be provided here and was in favor of the application, there are a lot of tear-downs being done and these people want to keep their home, he would be in support. Mr. Ward was concerned with the air conditioning unit and if they need to be replaced they should be moved, other than that he would also be for approval.



Mr. Benson thought the improvement will be very nice and it will be in the rear of the home; he was in favor of this. Mr. Casey was also concerned about the air conditioning unit not being on the property and there is no plan to move it. He heard a lot about coverage and the cart path is not yet owned by the applicant; if new calculations are to be used, do it when they own the property. There are existing non-conformities and they are asking for more, he was not in support of this application. Mrs. Laszlo felt this was a unique situation and she appreciated Mr. Casey's concerns but asked Ms. Semanik if her intention was to acquire the 5 feet and the answer was yes.

Mr. Brennan said if the air conditioning unit fails and a new one needs to be put in it will be put in the rear yard. Mr. Casey asked Mr. Kennedy if a plan can be approved with equipment not on their property? Mr. Kennedy said this is unique as the air conditioning is located on the pathway and is existing this way. The Planning Board has no jurisdiction to allow something to be put on someone else's property and he did not want to see this become an issue in the future. At a minimum, the Board has to recognize they cannot give approval for this, the applicants will have to get permission from the "unknown owner" or go to the Borough Governing Body. If they get the In Rem Foreclosure they can allow this to continue, they will have to look to the Borough for guidance and the Board recognizes this.

Chairman Hall felt it was nice to see a renovation instead of being torn down and, as far as the air conditioning goes, the reason they had them on the side in the past is because that is where people kept them back in the day, they also were noisy. He did not think this issue affected this application and it is not in the Board's jurisdiction. He felt they should be applauded that they are trying to work this out, this is time to give relief and he was for approval.

Mr. Brennan felt excellent comments were made by Mr. Kennedy on the air conditioning and he would like to see this addressed in the Resolution for future reference. If the Borough does take possession they can figure this out then, right now it would be impossible to find the previous owners, who are deceased and they can't track any remaining heirs.

Mr. Kennedy then went over the conditions for the Resolution of approval, including holding the Planning Board harmless and approval of the air conditioning from a third party or the Borough and the applicant will continue to pursue ownership of the 5-foot wide parcel. Also, if the air conditioning unit need to be replaced it will be in a compliant location, he commented clarification is needed on this; the Board either says they can't have them there, give them right to this or say they have to move them now or move in the future if replaced. Chairman Hall felt this did not have to be addressed but Mr. Ward said the applicant did offer this; Mr. Brennan again said the applicant will comply and relocate the air conditioning if it fails. They did not want the air conditioning in the back yard as this will be closer to the neighbor's home, but this is up to the Board; they did not install it.

A motion was then made for approval with the condition of moving the air conditioning unit if it needs to be replaced as well as the other conditions Mr. Kennedy referred to. This motion was seconded by Mrs. Laszlo and then by the following roll call vote:

Ayes: Larry Benson, Eileen Laszlo, Councilman Michael Meixsell, John Ward, Norman Hall

Noes: Jake Casey

Before starting the next hearing, Councilman Meixsell left the dais as the next application was for a Use Variance; Mr. Petronko and Mrs. Brisben returned to the Board.

The next application was for Use Variance relief for Block 19, Lot 12, 110 Beacon Boulevard, owned by 110 Beacon, LLC, to allow demolition of an existing dwelling and construct a new dwelling. Dwellings – 1 per lot permitted, 2 existing & proposed. Garage – 1 required, none existing & proposed. Rear Setback – 30 feet required, 4.2 feet existing & proposed (rear dwelling). Front Setback – 40 feet required, 16.32 feet existing & proposed for new home (street average 16.22 feet). Building Coverage – 20% maximum permitted, 30.73% proposed. Open Landing & Stairs not allowed in Side Setback, variance required. Air Conditioner Unit – side yard (rear dwelling), 5 feet required, 4.64 feet existing & proposed. Pool Equipment Side Setback – 5 feet required, 4.64 feet proposed.

The correct fees were paid, taxes are paid to date and the property owners within 200 feet as well as the newspaper were properly notified. However, before starting, Candace Cadimik of 104 Beacon Boulevard, had a question about the notice; she did receive it but there was no green card to be signed, she never signed for it. Mrs. Brisben found the Affidavit of Service and showed her the green card that was signed by an “agent”. Ms. Cadimik said she never saw this but Mr. Kennedy said this shows the certified letter was sent to the right place so all is in order.

Mr. Kennedy proceeded to mark the following Exhibits:

A-1. The application package and addendum.

A-2. Zoning Letter of Denial dated 3/14/18.

A-3. The checklist.

A-4. Plot plan dated 2/1/ 17, revised 4/25/18.

A-5. The architectural plan dated 1/29/18.

A-6. The survey dated 2/15/17.

A-7. Engineer's report from Leon S. Avakian Engineering dated 6/1/18.

Mr. Kennedy went on to say the applicant is 110 Beacon, LLC and is owned 50% by Peter Elfers and 50% by Jane Elfers. He then asked the Board is any of them had a conflict with this LLC and no one did.

Mr. Mark Aikins, Esq. then came forward to present this application. He said it is not often he has to appear to take two rental properties and make a one-family use. The Elfers want to take down the front home and construct a new one and allow the property to be used only for a single-family use, this includes the dwelling in the rear which will be lived in by their daughter.

At this time Mr. Christopher Rice, Architect and Ray Carpenter, Engineer & Planner came forward and were sworn in. As they are both very familiar to the Board they were accepted as expert witnesses.

Mr. Rice started the testimony by referring to Exhibit A-4, the plot plan that shows two homes on the property. The Elfers will live in the front home and the daughter will live in the back house. He had photos to submit of the main home, taken two days ago by himself. He went on to say one photo shows that you are able to look back to the rear and that structure is in great condition, the front home has problems as it was built in the 1950s and the previous owner did not do anything for upgrades. This home needs a lot of work, it cannot be renovated and it does not conform to the front yard setback as well as the side setbacks. They want to work with the square footage that now exists and will push the home back a foot; the home is long and narrow and the proposed home will be wider and shorter.

He then presented Exhibit A-9, a colored rendering of the northeast side of the proposed home, also the front and left side. There will be a gambrel roof line, open front porch and a 2 ½ story look. If the back structure were not there the home would only be a little over 18% coverage and the new home will not overpower the lot. Exhibit A-10 was a colored rendering showing the rear of the property.

As the Board had no questions to Mr. Rice the hearing was opened to the public for questions and Robert Kregg of 515 Boston Boulevard came forward and asked how many bedrooms are there in the back house. Mr. Rice said the Planner, Mr. Carpenter, can answer that. Mary Beth Killea of Beacon Boulevard came forward and asked if this is the house that had an issue with the garage becoming part of the rear home and Chairman Hall answered yes. She said the garage did become part of a residence and there is no garage there now. Her question was, the coverage of that affects the building coverage and was that issue resolved? Mrs. Brisben explained that this came before the Board back in 2007 for relief and the Board did grant it at that time, that issue was resolved.

Mr. Rice said there are two homes that can be rented but the Elfers want to use it as a one-family home and that can be a deed restriction, that it can't be rented and stays with the family. Chairman Hall commented that we do not have a definition of "family" if it gets to that.

At this time Mr. Raymond Carpenter came forward and told the Board the lot conforms in size but they do need bulk variances. They do have two structures on the property that are now rented independently of one another and this will change. This property does not have a garage and the driveway stops at the back; he did not know if a Use Variance was granted back in 2007 but he felt this application is straightforward, they want to remove the front home and build a new home as well as put in a pool. They are asking for a side yard setback variance due to the side entry.

Mr. Carpenter then went through the Avakian report, Exhibit A-7. This application is for a Use Variance as there are two dwellings on one lot, they are asking for 30.7% coverage, now there is 30.4%; they do meet the impervious coverage requirement. The side setback is 4.2 feet where 5 feet is required, and air conditioning and pool equipment on the west side of the structure will now be 4.6 feet as there is no room in the rear to put the air conditioning unit and pool filter. Under Item N, the outdoor kitchen will have a 5-foot setback and the pool will be fully compliant and landscaped; Mr. Carpenter had a photo of a Google Earth map of this location and this was marked as Exhibit A-11. He explained that what you see from this are arborvitae on both the east and west side with trees to the rear, the arborvitae are 8-10 feet tall and provide screening to the property.

Mr. Carpenter referred to the Municipal Land Use Law and what is there now are two independent homes which is not allowed in this zone, this will change and will be a one-family home and not a two-family home. The renovation of the front house will be a step up and will be compliant with all building codes. If the front home is removed and not replaced, this will affect the look of the area and the average setback here will be changed; there will be no negative impact if this is occupied by the same family. The town is now seeing huge homes on small lots, this will have two smaller homes on the lot. Mr. Ward asked for an explanation of how this will change the front yard setback and Mr. Carpenter said it will change the average setback for this side of the block. Mr. Casey asked if it would hurt to take down the back home and the answer was no. Mr. Ward asked if the pool is part of the application and was told yes, but it compliant. Mr. Ward thought putting in a pool had to be a separate application and Chairman Hall said this was addressed in the Engineer's report; Mr. Aikens read that part of Mr. Avakian's report. Mr. Carpenter said the pool depth was not mentioned but it will conform.

Mr. Aikins affirmed that there will be a deed restriction on the property for rentals. Mr. Kennedy said the Board addressed deed restrictions on another property that came before the Board and, if all the neighbors agree it can be

changed. In this case it would be up to the Board to do this. Mr. Aikins noted this intensity is not accepted usually so this deed restriction helps. Mr. Ward asked about the driveway and was told it can accommodate 3 cars. Mr. Casey asked about side setback variance and Mr. Carpenter said the encroachment in the landing is on the left side of the proposed structure, this creates a variance. This is an open landing and the property to the left has 10-foot arborvitaes so this open landing will not be seen.

There was then a discussion on total square footage here, Mr. Rice finally saying there is a total of 3,000 square feet here, including the second floor.

As there were no more questions from the Board the hearing was opened to the public for questions to Mr. Carpenter and Mary Beth Killea of 111 Beacon Boulevard ask what is the total coverage as it exists now and was told another 600 square feet will be added. Mr. Carpenter explained that the Elfers' intention is not to build a larger home in the front, theirs is small as there are two structures here; they have done the best they could. They can leave it as it is and can keep up the group rentals which is not good.

As there were no more questions from the public that portion of the hearing was closed and Mr. Aikins summarized the application. This is modest for this zone, the special reasons have been shown and this will benefit the area with no detriment to the public good.

The hearing was now opened to the public for general comments and Cathryn Haugh of 106 Beacon Boulevard came forward and was sworn in. She said they moved here in 1992 and there was a garage here. Once it was made into a home everyone went up in arms and they did not know how this happened; the Elfers are a nice couple and she felt a new home will be great, the yellow home there now is a disaster, she has been in it, and it would be nice to see a new home. She can't imagine a pool in the back and noted there are other cottages in this area, she thought a new home will be nice.

Candance Cadimik of 104 Beacon Boulevard, the Beacon House, came forward and was sworn in. She was in favor of the intent here, two rentals is a disaster, but she felt this was setting a bad precedent if this is approved; if it is others will do it, and multiple variances have been requested. She, too, remembered the garage as well as the group rentals and felt the Board has the opportunity to correct this as there should be a garage there. She felt the Board should deny this application. Mr. Aikin asked if there are other properties with rear dwellings here and Ms. Cadimik said yes. He then asked her if they became one family usage, as proposed here, would that not be better? Ms. Cadimik said there is a parking problem and intensity here. Mr. Aikins pursued this thought and asked her, if there are 3 other properties, and there are 6 tenants, would it be better with 3 tenants? Ms. Cadimik said in this case this is a large dwelling, not a small cottage. Parking is an issue and now they want to put in a pool. Mr. Aikins noted that 3 cars can be parked in the driveway.

Tess Manley of Ocean Avenue came forward and was sworn in. She said this is one lot and that equals one home, that is the crux here and there should be one home on one lot. Mr. Aikins asked her if it were kept as two separate rentals would that be better? Ms. Manley said the Elfers did not buy this for this and if he does group rentals the neighbors will react.

Mary Beth Killea of 111 Beacon Boulevard came forward again and was sworn in. She explained that she has the same house as the yellow one that they want to take down and she had hers rebuilt/renovated and it is now beautiful. She wishes there was a garage and she was annoyed that it was eliminated, the back home was overbuilt and the other homes mentioned all have small cottages in their rear. The new home proposed is great but she would like to see the original home there now renovated.

Robert Kregg of 515 Boston Boulevard came forward and was sworn in. His opinion was to turn it into a single family home and asked who is going to police who is in the rear home, Mr. Aikins answered Code Enforcement. Mr. Kregg commented Code Enforcement can't keep watch on this one home and offered that no one will keep watch; he felt this was a problem. Mr. Aikins said a home cannot be rented without an inspection and Certificate of Occupancy. Mr. Kregg felt the Ordinance has to be observed, we have non-conforming issues in this town and they should be eliminated. Mr. Aikins said this will have two dwellings on it, there is no change from what is there now, the only issue is what do they look like and who occupies them. Mr. Kregg felt this can be changed.

Mary Ellen Keane of 413 Brooklyn Boulevard came forward and was sworn in, she said her home had to come down and she had to come before the Planning Board but ended complying to the rules, they had to adjust their plans to conform. She said she would not want to have to live next to an active living place that will be here, with a pool and an outside kitchen added on. She had to change her building plans to comply and they should as well.

Board member Mr. Casey asked if 110 Beacon, LLC has made any improvements to the back home and Mr. Peter Elfers came forward and was sworn in to answer this. He said they have painted, carpeted and replaced some appliances.

Diane Anthony came forward and was sworn in. She did have one question, was the term "family" defined and Chairman Hall said no. She then asked to what extent is the LLC, who will be living in these homes, is this a family or something else? Chairman Hall said that will all be in a deed restriction and that will define the "family". He felt this was a good point she made. Mr. Aikins answered and said the LLC means a limited liability company which is a business under NJ Law and the only owners are the Elfers. Mr. Kennedy added that sometimes people do it for tax reasons or liability reasons, etc., it is not uncommon.

As there were no other public comments, that portion was closed and the Board went into discussion. Mrs. Brisben did not like hearing what she felt was a threat, if you don't give us what we want, we will just have group rentals, she didn't think this was a good thing to say to the Board; she also felt there was overkill on this lot, it is already at over 30% coverage and they want to make it more, she would not be in favor. Mrs. Laszlo agreed with the woman who spoke about having to make her home comply with the Ordinance. People are trying to keep Sea Girt this way, however, this is a unique situation and her kids have spent a lot of time in that back home. They have made an offer of a deed restriction and she is in favor of this application. Mr. Casey felt the back building should be taken out, this property has had multiple owners; it is nice but it is nonconforming and illegal. The town just reviewed the Master Plan and wants one residence on a property and not two. New structures should have no variances and be to code. He also noted that Use Variances are hard to get. The Elfers are increasing the lot coverage over what is allowed by 50% and this is extraordinary as well as other variances being added in. He would love to see a new home and a new garage and would not support this application as presented.

Mr. Petronko said that, after listening to the neighbors, it is tough to support this, another bite has to be taken and the proposed structure reduced; at this time he would not be in favor. Mr. Benson agreed with what has been said and also would not be in favor. Mr. Ward felt it was too much on one piece of property and would not be for it either. Chairman Hall said the bottom line is one property, one residence. If you want a new structure it has to be built in compliance and he, too, would not be in favor.

At this point Mr. Aikins asked for a 5-minute break to confer with his clients. After returning he said the Elfers want to speak to Chris Rice to see if there are alternatives to his design. Chairman Hall felt that was fine and Mr. Kennedy asked for a consent to extend the time frame for approval and Mr. Aikins said yes. Mr. Kennedy then announced that this hearing will continue at the July 18<sup>th</sup> meeting with no further notice being given.

As there was no other business to come before the Board, a motion to adjourn was made by Chairman Hall, seconded by Mr. Casey and by unanimous voice vote, all aye. The meeting was adjourned at 10:00 p.m.

Approved: July 18, 2018

