

Wednesday, July 15, 2020

SEA GIRT PLANNING BOARD
WEDNESDAY, July 15, 2020

The virtual Regular Meeting of the Sea Girt Planning Board was held on Wednesday, July 15th, 2020 at 7:00 p.m. 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.

As this was a virtual meeting there was no Flag Salute; roll call was taken:

Present: Councilwoman Diane Anthony, Karen Brisben, Jake Casey,
Mayor Ken Farrell, Eileen Laszlo, Ray Petronko, Robert Walker,
John Ward, Norman Hall

Absent: Carla Abrahamson

Kevin Kennedy, Board Attorney was also present and Board member and Secretary Karen Brisben recorded the Minutes.

The Minutes of the June 17th, 2020 meeting were approved on a motion by Mr. Ward, seconded by Mr. Walker and then by a roll call vote:

Ayes: Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Mayor
Ken Farrell, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Noes: None

Abstained: Ray Petronko

Mr. Kennedy wanted it on the record that proper notice of this virtual meeting had been given to the newspaper and included log-in instructions; also plans for tonight's application had also been posted on the website. He then asked Mrs. Brisben to give her email in case anyone was having a problem logging on and she could address it; this was done.

OLD BUSINESS:

The first order of business was consideration of a Resolution of approval for Block 60, Lot 3, 405 Boston Boulevard, owned by Michael and Margaret Sullivan to allow additions to an existing dwelling. Mr. Kennedy summarized the improvements asked for and noted a slight change he wanted to make in the wording as well as Mrs. Brisben reminding him to add a clause regarding the need for revised plans. The following was then presented for approval:

WHEREAS, Michael and Margaret Sullivan have made Application to the Sea Girt Planning Board for the property designated as Block 60, Lot 3, commonly known as 405 Boston Boulevard, Sea Girt, New Jersey, within the Borough's District 1, East Single-Family Zone, for the following approval: Bulk Variances associated with an Application to construct a number of improvements to an existing single-family dwelling; and

PUBLIC HEARING

WHEREAS, the Board held a remote Public Hearing on June 17, 2020, Applicants having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE / EXHIBITS

WHEREAS, at the said Hearing, the Board reviewed, considered, and analyzed the following:

- *Application Materials / Application Addendum, introduced into Evidence as A-1;*
- *Plot Plan, prepared by KDA Engineering Services, LLC, dated December 3, 2019, last revised January 3, 2020,, introduced into Evidence as A-2;*
- *Architectural Plan, prepared by Virtuoso Architecture, dated December 20, 2019, introduced into Evidence as A-3;*
- *Survey, prepared by The Cannon Group, P.C., dated April 22, 2019,, introduced into Evidence as A-4;*
- *Review Memorandum from Leon S. Avakian, Inc., dated April 14, 2020, introduced into Evidence as A-5;*
- *Various pictures of the subject property, collectively, introduced into Evidence as A-6;*
- *Affidavit of Service; and*

- *Affidavit of Publication.*

WITNESSES

WHEREAS, sworn testimony in support of the Application was presented by the following:

- Margaret Sullivan, Applicant;
- Paul Grabowski, Architect;
- Joseph Kociuba, P.E., P.P.;
- Michael R. Rubino, Jr., Esq., appearing;

TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANTS

WHEREAS, testimony and other evidence presented on behalf of the Applicants revealed the following:

- The Applicants are the Owners of the subject property.
- The Applicants have owned the subject property for approximately 3 years.
- There is an existing single-family home at the site.
- The Applicants currently utilize the property as their 2nd home.
- As indicated, there is an existing single-family home located on the site.
- The existing rear addition (to the existing home) is not really functional. For instance, the same is not insulated, the same is not heated, and the same cannot be utilized for real functional or usable purposes.
- As such, the Applicants are proposing to remove the existing 1-story rear addition (and rear patio) and replace the same with a larger 2-story addition.

- In conjunction with the above, the Applicants also propose to remove an existing 5 ft. X 5 ft. front covered porch, and replace the same with a larger front covered porch.
- Details pertaining to the proposed improvements include the following:

Addition

Size:	Approximately 22 ft. wide by approximately 6 ft. deep
Location:	Center of property (behind the existing home) (per plans)
Number of stories:	2
Height:	35 ft.
Materials:	Per testimony and plans

Porch

Size:	22.5 ft X 5.9 ft
Location:	On western side of the existing dwelling (per plans)
Height:	Conforming (per plans)
Covered ?:	The porch will be covered.

- Upon completion of the renovation process, the home will include the following:

BASEMENT

Crawl space
Mechanical Room / Storage Room
Laundry Room
Bedroom
Mechanical Room
Play Area
Bathroom
Office

FIRST FLOOR

Great Room
Kitchen
Living Room

Master Bedroom
Master Bathroom
Bathroom
Covered Porch

SECOND FLOOR

Bedroom #2
Bedroom #3
Bedroom #4
Bathroom
Hallway
Attic

- The existing foundation can support the load of the proposed improvements.
- The Applicants anticipate moving to the site, on a full-time basis, once the renovation work is completed.
- It is anticipated that no trees will have to be removed in connection with the demolition / construction process.
- The Applicants anticipate having the work completed in the near future (preferably the Fall of 2020).
- The Applicants will be utilizing Licensed Contractors in connection with the demolition / construction process.

VARIANCES

WHEREAS, the Application as presented requires approval for the following

Variances:

*BUILDING COVERAGE: 20% allowed; whereas
21.8% proposed;*

*FRONT BUILDING SETBACK: 40 ft. required;
whereas 34.10 ft. proposed;*

PUBLIC COMMENTS

WHEREAS, the following members of the public expressed public statements
(i.e. support) for the Application:

- Laura DiPietro
- Derek Serpe

FINDINGS OF FACT

NOW, THEREFORE, BE IT RESOLVED, by the Sea Girt Planning Board, after having considered the aforementioned Application, plans, evidence, and testimony, that the Application is hereby **approved/granted with conditions**.

In support of its decision, the Planning Board makes the following Findings of Fact and Conclusions of Law:

1. The Sea Girt Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is located at 405 Boston Boulevard, Sea Girt, New Jersey, within the Borough's District 1, East Single-Family Zone.
3. The subject property contains an existing single-family home.
4. Single-family use is a permitted use in the subject Zone.
5. In order to improve the appearance of the home, and in order to improve the functionality of the existing home, the Applicants propose a number of improvements – including, the following:
 - Removal of an existing rear addition at the site;
 - Removal of an existing rear patio at the site;
 - Construction of a larger 2-story addition;

- Demolition of the existing front covered porch; and
- Construction of a larger replacement front covered porch.

6. Such a proposal requires Bulk Variance approval.

7. The Sea Girt Planning Board is statutorily authorized to grant such relief and therefore, the matter is properly before the said entity.

8. With regard to the Application, and the requested relief, the Board notes the following:

- There is an existing single-family home at the site which contains an existing rear addition which, per the testimony and evidence presented, is quite old, and not built / designed for the needs of a modern family. Specifically, per the testimony presented, the existing rear addition is not insulated, the same is not heated, and, as such, the same cannot really be utilized as a true / functional family room.
- The improvements approved herein will allow for the construction of an addition which is much more functional, much more modern, and much more usable.
- The proposed improvements will address the functional / space limitations associated with the existing addition, as it exists today.
- The subject property is a conforming 50 ft. X 150 ft. Lot.
- The Application as presented requires a Building Coverage Variance. Relevant calculations in the said regard include the following:

Allowable buildable coverage	20%
Existing building coverage	
17.97%	
Proposed Building coverage	21.8%

- As referenced above, the Application, as presented, requires approval for a 1.8% deviation (related to Building Coverage).
- Under the circumstances, the Board finds that the 1.8% deviation is de-minimus in nature.

- In conjunction with the Variance for the Building Coverage, the Board notes, positively, that because some of the existing paver patio will be removed, the overall Impervious Coverage at the site will be reduced.
- The porch approved herein requires a Variance for a Front Porch / Building Setback. Relevant calculations in the said regard include the following:

Required Front Yard Setback	40 ft.
Existing Front Yard Setback	35.8
ft.	
Proposed Front Yard Setback	34.10
ft.	

- The Board notes that the existing Front Setback is non-conforming – and approval of the within Application will slightly exacerbate the said condition (i.e. the Front Setback will be reduced from a non-conforming 35.8 ft. to a non-conforming 34.10 ft.
- In conjunction with the above point, the Board recognizes that the Front Setback deficiency will be exacerbated by approximately 1.7 ft.
- Under the circumstances, the Board finds that the said reduction is rather de-minimus in nature.
- There was a very meaningful on the record discussion regarding the requested Variances, and the proposed porch setback. Specifically, the Board Members discussed the possibility of having the Applicants eliminate the front porch so as to correspondingly eliminate the need for the Front Setback relief. (i.e. there was a discussion as to whether the existing non-conforming Front Setback should remain at 35.8 ft.)
- The Board Members whole-heartedly endorsed the idea, and the value, of having a covered front porch at the site, as proposed herein.
- The Board Members whole-heartedly endorsed the idea that the new / modern / larger porch would add significant charm, character, and architectural integrity to the property.
- The Board notes that the existing approximate 5 ft. X 5 ft. front porch is simply not built for the needs of a modern

family. That is, the excessively small porch can barely accommodate a chair with sufficient clearance for an individual to pass.

- Though the front porch approved herein is larger (than the existing porch), the proposed porch is very modest in nature (i.e. only 22.5 ft. X approximately 5.9 ft.).
- The Board finds that the absence of a front porch at the site will be detrimental to the overall aesthetic appeal of the home / property.
- The existing front porch (approximately 5 ft. X 5 ft.) is so small, that its functionality is, essentially, compromised.
- The front porch approved herein will receive southern exposure, and thus, given the amount of sunlight, etc., a covered porch is appropriate/necessary.
- Per the testimony and evidence presented, the Applicants' proposed porch will aesthetically enhance the property.
- The porch setback deviation approved herein is, under the circumstances, de-minimus in nature.
- The de-minimus reduction of the Front Setback (from a non-conforming 35.8 ft. to a non-conforming 34.10 ft.) is justified because of the significant architectural / aesthetic / functional improvements associated with the proposed porch.
- Per the testimony and evidence presented, the porch setback approved herein will be consistent with the porch setbacks of other homes / porches in the immediate area.
- Per the testimony and evidence presented, front porches are a prevailing architectural feature on many of the homes in the neighborhood – and the absence of the same herein would be detrimental to the overall aesthetic appeal of the property.
- Per the testimony and evidence presented, the Porch Setback Variance approved herein will not adversely affect the grading / drainage situation at the site.

- The approval of the Variances granted herein will not materially increase the overall height of the structure on the site.
- The Board is aware that the porch space approved herein will not be utilized as traditional interior living space (but rather, just as a porch).
- Several members of the Public (affected by the proposal) attended the Remote Hearing, and publicly supported / endorsed the Application.
- Per the architectural testimony and evidence presented, the front porch approved herein will add some architectural diversity to the existing street scape.
- The Borough's Master Plan essentially encourages, or otherwise recommends, approximate 8 ft. wide porches – and the porch approved herein in less than the same.
- The existence of so many trees at the site, coupled with the comparable setbacks of many other porches in the area help minimize any adverse impact otherwise associated with the within Application.
- Though there was a discussion that porches are essentially encouraged / recommended under the Master Plan, there did not appear to be any such similar recommendation for actual buildings to be constructed over porches. That notwithstanding, the Board Members critically reviewed the Application and determined that the benefits associated with the approval out-weigh the detriments associated therewith.
- Currently, there is no dry-well or other storm-water management mitigation systems in effect at the site. As a condition of the within approval, the Applicants will be required to install some type of dry-well or other similar type of improvement, which will be reviewed and approved by the Board Engineer. As such, the Board finds that the installation of the dry-well system (or other similar / comparable storm-water system as approved by the Borough Engineer) will be beneficial for the site, the neighborhood, and the community as a whole.
- Per the testimony and evidence presented, there is a need for a front porch and addition at the site.

- The proposed porch will aesthetically enhance the appearance of the existing home.
- The proposed porch addition will architecturally enhance the front of the existing home.
- The proposed porch will be functional, practical, and aesthetically pleasing.
- Per the testimony and evidence presented, there are other similarly situated porches in the area.
- Construction of the porch approved herein will not change the character of the neighborhood. In fact, as referenced, 2 members of the public attended the remote public hearing and publicly endorsed the Application.
- There were no public objections associated with the subject Application.
- The age of the home, the fact that approval will result in the continuation of the existing structure, the conforming size of the lot, and the overwhelmingly-compliant nature of the project suggest that the Application can be granted without causing substantial detriment to the public good.
- Under the circumstances, the front setback approved herein is not inconsistent with the front setback of some other porches in the area.
- The new porch and other improvements authorized herein will approve the overall aesthetic appeal of the site.
- The construction of the proposed improvements will not materially change the height of the existing home (i.e. upon completion of the renovation project, the height will still be conforming).
- The design of the addition / porch is attractive and will be architecturally/aesthetically compatible with the neighborhood development scheme.
- The improvements authorized herein are not unduly large, particularly given the conforming size of the lot and the size of the existing home.

- The Board is of the belief that the size of the proposed project is appropriate for the Site / Lot.
- The 6 ft. porch approved herein is quite modest in nature.
- The front porch approved herein has been fully integrated into the overall design of the home, thereby significantly improving the overall aesthetic appeal of the site.
- Currently, the site is non-conforming in terms of Combined Side Yard Setback Requirements. Specifically, a 15 ft. combined Side Yard Setback is required; whereas 12.9 ft. exists, which is an existing condition. The Board is aware that the said condition will not be exacerbated as a result of the within approval.
- The Board recognizes that there are other non-conforming conditions associated with the setback of the existing garage -and that the same will not be exacerbated as a result of the within approval.
- The Board is aware that other development options could have been sought to expand the home in ways which were much more impactful than what was presented herein – and the Board appreciates the Applicants' modest and reasonable proposal.
- Per the testimony and evidence presented, the subject site can physically accommodate the renovations approved herein.
- The Applicants' site / lot can physically accommodate the improvements proposed / approved herein.
- Approval of the within Application will not have an adverse aesthetic impact on the site or the neighborhood.
- Approval of the within Application will make the existing home more functional, and approval will also improve the quality of life for the homeowners.
- Subject to the conditions contained herein, the renovations approved herein will not over-power / over-whelm the subject Lot.

- Upon completion, the renovation approved herein will not over-power / dwarf other homes in the area.
- The renovations approved herein are attractive and upscale, in accordance with Prevailing Community Standards.
- Approval of the within Application will not detrimentally affect existing parking requirements at the site.
- As indicated, upon information and belief, the existing home is an older home. The Board appreciates the Applicants' willingness to renovate and improve an older home (as opposed to mere demolition).
- There is value in approving Applications which preserve older homes.
- There is a significant amount of demolition occurring within the Borough of Sea Girt – and it is refreshing that the Applicants herein have decided to preserve an existing / older structure.
- The Borough's Master Plan essentially encourages the preservation of older homes when the same is possible – and approval of the within Application will advance such a goal / objective.
- There is a functional, practical, architectural, and aesthetic value in preserving the existing structure.
- Preservation of older homes represents a legitimate development goal.
- Preserving an older home is appropriate under the circumstances.
- The benefits of preserving an older home will benefit the Sea Girt community, now and in the future.
- Per the testimony and evidence presented, the addition to be demolished, understandably, has some functional / practical limitations. For instance, the testimony indicated that the subject area is not insulated, there is no heat for the same, and the same just cannot be functionally utilized. The Board is aware that some others might utilize the said existing conditions / limitations as a basis for demolition of the entire

existing structure, and the reconstruction of a new building. Against the aforesaid backdrop, the Board applauds the Applicants' overall preservation efforts.

- The Board is also aware that sometimes, preservation efforts require the granting of Variance relief so as to essentially allow the retrofitting of an existing dwelling unit.
- The benefits of granting the Variances and preserving the existing older home out-weigh any detriments associated with the Application.
- The Board is aware that there are societal benefits associated with approving Applications which allow older structures to be preserved.
- Sufficiently detailed testimony / plans were presented to the Board.
- The proposed improvements / renovations should nicely complement the property and the neighborhood.
- Subject to the conditions contained herein, the proposal will not appreciably intensify the single-family nature of the lot.
- Additionally, the architectural/aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicants' inability to comply with all of the specified bulk standards.
- The architectural design of the renovated home approved herein will not be inconsistent with the architectural character of other single-family homes in the area (on similarly situated lots.)
- Subject to the conditions set forth herein, the overall benefits associated with approving the within Application outweigh any detriments associated with the same.
- Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and, thus, the Application can be granted without causing substantial detriment to the public good.

- The renovation approved herein will not be inconsistent with other single-family improvements located within the Borough.
- Subject to the conditions contained herein, approval of the within application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented satisfies the Statutory Requirements of N.J.S.A. 40:55D-70(c) (Bulk Variances).

Based upon the above, and for other reasons set forth during the Public Hearing Process, the Board is of the unanimous opinion that the requested relief can be granted without causing substantial detriment to the public good.

CONDITIONS

During the course of the Hearing, the Board has requested, and the Applicants have agreed, to comply with the following conditions:

- a. The Applicants shall comply with all promises, commitments, and representations made at or during the Public Hearing process.
- b. The Applicants shall comply with the terms and conditions of the Leon S. Avakian, Inc. Review Memorandum, dated April 14, 2020 (A-5).
- c. The Applicants shall comply with any Affordable Housing Contributions / Directives as required by the State of New Jersey, the Borough of Sea Girt, C.O.A.H., the Court System, and any other Agency having jurisdiction over the matter.
- d. The Applicants shall cause the Plans to be revised so as to portray and confirm the following:
 - The inclusion of a note confirming that the attic area shall not be utilized as living space.
 - The inclusion of a note confirming that there will be an addition overhang / soffit added to the

architectural plans, so as to create additional architectural detail.

- The inclusion of a note confirming that the existing 7 ft. wide non-conforming driveway is an existing condition.
 - The inclusion of a note confirming that, per the testimony and evidence presented, some of the existing patio paver material at the site will be removed.
 - The inclusion of a note confirming that the Applicants shall utilize good-faith efforts to avoid having to remove any trees.
 - The inclusion of a drywell, or some other type of stormwater management system, if determined necessary by the Board Engineer. (The details for the same shall be reviewed and approved by the Board Engineer.)
 - The inclusion of a note confirming that any installed drywell shall be installed and maintained in accordance with industry standards and other best practice requirements.
 - The inclusion of a note confirming that there can be no further expansion of the site, absent further / formal approval of the Planning Board.
- e. Unless otherwise waived by the Board Engineer, grading / drainage details shall be submitted to the Borough Engineer, for his review / approval, so as to confirm the absence of any adverse impacts associated with the within proposal.
- f. The Applicants shall manage stormwater run-off during and after construction (in addition to any other prevailing / applicable requirements / obligations.)
- g. The Applicants shall obtain any applicable permits/approvals as may be required by the Borough of Sea Girt - including, but not limited to the following:
- Building Permit
 - Plumbing Permit
 - Electric Permit

- Demolition Permit

- h. The Applicants shall comply with all Prevailing FEMA Rules and Regulations.
- i. If applicable, the proposed improvement shall comply with applicable Provisions of the Americans with Disabilities Act.
- j. The proposed structure shall comply with the Borough's Prevailing Height Regulations.
- k. The construction shall be strictly limited to the plans which are referenced herein, and which are incorporated herein at length. Additionally, the construction shall comply with Prevailing Provisions of the Uniform Construction Code.
- l. The Applicants shall comply with all terms and conditions of the Review Memoranda, if any, issued by the Board Engineer, Borough Engineer, Construction Office, the Department of Public Works, the Bureau of Fire Prevention and Investigation, and/or other agents of the Borough.
- m. The Applicants shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District.
- n. The Applicants shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.
- o. If required by the Board / Borough Engineer, the Applicants shall submit appropriate performance guarantees in favor of the Borough of Sea Girt.
- p. Unless otherwise agreed by the Planning Board, the approval shall be deemed abandoned, unless, within 24 months from adoption of the within Resolution, the Applicants obtain a Certificate of Occupancy (if required) for the construction / development approved herein.
- q. **The approval granted herein is specifically dependent upon the accuracy and correctness of the testimony and information presented, and the accuracy of the Plans submitted and approved by the Board. The Applicants are advised that there can be no deviation from the Plans approved herein, except those conditions specifically set**

forth or otherwise herein. In the event post-approval conditions at the site are different than what was presented to the Board, or different from what was otherwise known, or in the event post-approval conditions are not necessarily structurally sound, the Applicants and their representatives are not permitted to unilaterally deviate or build beyond the scope of the Board Approval. Thus, for instance, if the Board grants an Application for an existing building / structure to remain, the same cannot be unilaterally demolished (without formal Borough / Board consent), regardless of the many fine construction reasons which may exist for doing so. That is, the bases for the Board's decision to grant Zoning relief may be impacted by the aforesaid change of conditions. As a result, Applicants and their representatives are not to assume that post-approval deviations can be effectuated. To the contrary, post-approval deviations can and will cause problems. Specifically, any post-approval unilateral action, inconsistent with the testimony / plans presented / approved, which does not have advanced Borough / Board approval, will compromise the Applicants' approval, will compromise the Applicants' building process, will create uncertainty, will create stress, will delay construction, will potentially void the Board Approval, and the same will result in the Applicants incurring additional legal / engineering / architectural costs. Applicants are encouraged to be mindful of the within – and the Borough of Sea Girt, and the Sea Girt Planning Board, are not responsible for any such unilateral actions which are not referenced in the testimony presented to the Board, and / or the Plans approved by the Board. Moreover, Applicants are to be mindful that the Applicants are ultimately responsible for the actions of the Applicants, their Agents, their representatives, their employees, their contractors, their engineers, their architects, their builders, their lawyers, and other 3rd parties.

BE IT FURTHER RESOLVED, that all representations made under oath by the Applicants and/or their agents shall be deemed conditions of the approval granted herein, and any mis-representations or actions by the Applicant contrary to the representations made before the Board shall be deemed a violation of the within approval.

BE IT FURTHER RESOLVED, that the Application is granted only in conjunction with the conditions noted above - and but for the existence of the same, the within Application would not be approved.

BE IT FURTHER RESOLVED, that the granting of the within Application is expressly made subject to and dependent upon the Applicants' compliance with all other appropriate Rules, Regulations, and/or Ordinances of the Borough of Sea Girt, County of Monmouth, and State of New Jersey.

BE IT FURTHER RESOLVED, that the action of the Board in approving the within Application shall not relieve the Applicants of responsibility for any damage caused by the subject project, nor does the Planning Board of the Borough of Sea Girt, the Borough of Sea Girt, or its agents/representatives accept any responsibility for the structural design of the proposed improvement, or for any damage which may be caused by the development / renovation.

FOR THE APPLICATION: Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

AGAINST THE APPLICATION: None

ABSTENTIONS: None

ABSENT: Raymond Petronko

The foregoing Resolution was offered by Councilwoman Anthony, seconded by Mayor Farrell and adopted by Roll Call Vote:

IN FAVOR: Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

OPPOSED: None

INELIGIBLE TO VOTE: Raymond Petronko

Wednesday, July 15, 2020

ABSENT: Carla Abrahamson

NEW BUSINESS:

The Board then turned to an application for variance relief for Block 5, Lot 7, 2 Seaside Place, owned by Glenn & Dana Hughes, to allow construction of a new home, detached garage & inground pool. Lot Depth – 150 feet required, 130 feet existing. Dwelling Height – 35 feet maximum allowed, 38.38 feet proposed. Accessory Structure (garage) – 16 feet allowed, 19.15 feet proposed. Side Yard Setback – 30% of lot width, 6 feet minimum one side, total 18 feet; proposed – 5.17 feet one side, total 15.33 feet. Corner Property – principal dwelling encroaches into side yard setback – 15 feet minimum allowed, 10.16 feet proposed. Window Wells – not allowed in setback areas, 2 window wells proposed in west side setback area, 2 window wells proposed in east side setback area. Elevation & Grading changes – no more than two feet allowed, more than two feet proposed in areas of the property. Fire Pit – 15 feet from alleyway required, 10 feet proposed. Driveway Width – maximum allowed 14 feet, proposed 15.5 feet. Curb Cut Width maximum allowed, 18 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. Before starting, Mr. Kennedy asked if anyone had concerns over the notice, remarking this is for a C variance and not a D variance, he and the Board Secretary had reviewed the notice requirements and all was in order. Kathleen Melli of 1001 Ocean Avenue started to speak for approval of the application and was stopped as it was explained to her Mr. Kennedy was asking about problems with the notice, she will have a change to comment later.

At this point Mr. Kennedy marked the following exhibits:

- A-1. The application.
- A-2. Memo from Board Engineer Peter Avakian dated 7/1/20.
- A-3. Plot Plan done by WSB Engineering Group dated 12/23/19, revised 2/27/20.
- A-4. Architectural Plan done by Akertect Design dated 12/23/19.
- A-5. Survey done by WSB Engineering Group dated 7/17/19.
- A-6. Letter of Denial done by Zoning Officer Chris Willms.

Chairman Hall told Mr. Henderson the Board is trying its best to conduct these virtual meetings and asked that he bare with the Board on this type of meeting; Mr. Henderson appreciated this and told the Board he has the Hughes family at his office to partake of the meeting if there are any questions.

Mr. Ward noted that Mr. Willms had received information on the retaining wall and the Board did not. Mr. Aker, the Architect, said Mr. Willms had requested this information in his zoning review. Mr. Kennedy asked if he can forward a copy to Mrs. Brisben for the Planning Board file as it may need to be reviewed. Mrs. Brisben

confirmed it was sent to the Zoning Officer but was not included in the Planning Board application; when she receives it she will forward it to the Board Engineer.

At this time Mr. Glenn Hughes, the property owner, was sworn in. He said he was from northern New Jersey and grew up coming to the shore, he and his wife Dana were able to purchase the existing home in 2008; they now want to build a new home and become permanent residents of Sea Girt. Dana Hughes was then sworn in and told the Board they have 3 boys and are now empty nesters, they have worked with the Architect and Builder for a new home in Sea Girt; Wayne Dreyer will be building the home and commented he is a cousin of theirs. Mr. Hughes went on to say this is a quiet end of town, they have a problem with the topography here and need variances as they are on an alleyway and their property is only 130 feet deep, there are setback issues.

Chairman Hall asked if any Board members have questions and Mr. Ward asked how they made out during Hurricane Sandy. Mr. Hughes said the water came up and stopped about 4 feet from their garage, the Harms home on the oceanfront had water in their basement.

As there were no other questions from the Board or the audience, CJ Aker, the Architect, came forward and was sworn in. He had prepared the plans for this proposed home and there were significant challenges with the grade problems. The measurements for height come from the crown of the road which is 6 feet below the actual grade here. He referenced an exhibit and showed, at the bottom, that all the homes along with alleyway fall in line together and the Hughes home fills in the middle of this. If this proposed home was measured from the grade it would be 35 feet or less. The Lot is 130 feet deep and the driveway needs to be in the back line and this adds another problem as this has to be in the alleyway. Mr. Henderson commented this shows that grade changes need to be made. Mr. Aker said the grade will be modified to a more average slope, they are trying to ease the grade differential, it is a detached garage and there will be a pool and other features.

He then commented the Zoning Officer did not feel this is a corner lot as it is on the alleyway but the Board Engineer felt it was a corner lot. Chairman Hall asked where the measurement for the proposed home was taken and the answer was Seaside Place. Also, the garage is over by about 1 foot, 8 inches as taken from the intersection of Seaside Place and the alleyway. He then spoke of the side setbacks as explained this does not have the lot depth required and they can't do proper side-yard setbacks here. He then submitted Exhibit A-7, an architectural rendering done by his office dated 7/14/20 and he will get this Exhibit to the Board Secretary for the file. Exhibit A-8 was the front elevation detail, this done 7/14/20 and Exhibit A-8 was the rear elevation, also done 7/14/20.

Mr. Henderson then asked about the window wells and Mr. Aker said there are 2 window wells on the east side (which are not shown on the rendering), they will be 4 feet wide by 16 inches deep, they are not walk down ones and will have a metal grate

so no one will be able to fall in, they are being put in for a little light. Mr. Henderson added they are not only protected with a grate but protected also by the alleyway on the east. The front of the home does not restrict firefighters and the back is open as well so they do not have to go there for an emergency. He then said they redesigned the retaining wall to fix the grade to be better, because of the natural slope it will be beneficial to average out the property.

Mr. Aker also noted they do not have a deep driveway, it is close to the alleyway and does not have a huge turning radius so they are asking for a wider driveway and curb cut, no curbing is there now; he also commented there is no parking on the alleyway so they need this space.

Mrs. Brisben asked how high is the garage itself and Mr. Aker said it will be 16 feet and the neighbor's garage is higher. Mr. Walker wanted to know if the retaining wall will be replaced and Mr. Aker said they will leave that question to the Engineer. Mr. Ward asked about the depth of the basement and was told it will be 8 feet, 9 inches, 2 feet above the seasonal highwater line and will go to the top of the masonry foundation. Mr. Ward asked if there will be a basement under the garage and the answer was yes, it was not counted in building coverage. Mr. Ward felt this now counts as part of the 20% building coverage but Mr. Aker said he had a conversation with the Zoning Officer and was told it did not count. Mayor Farrell said Council had passed this Ordinance on this last year and Mr. Henderson then asked if this would mean they need another variance for building coverage? Chairman Hall answered yes.

Councilwoman Anthony asked them how long they have owned the property and the answer was 2008; she then commented they had to know the logistics of the property and driveway and Mr. Hughes answered yes. Councilwoman Anthony asked, considering all the variances including the side setbacks, did they consider making less of a home for this property? Mr. Hughes said yes, they have 3 boys and want them to be able to stay here for visits, they designed the house this way.

As there were no further questions from the Board and none from the audience, Frank Baer, Engineer & Planner, came forward and was sworn in. He was retained to do the plot and variance plan. He said there is no property available to add to this 130 foot deep lot, the topography here is unique, there is a two to three foot difference between the property and street and grading changes will eliminate the grading by 2.5 feet; he felt the retaining wall is unsightly. There is a gravel Right-of-Way that is 15 feet wide and varies slightly, this is needed as Ocean Avenue is only a paper street and access is needed for various lots.

Mr. Henderson said the town says this is a road but Mr. Baer did not feel it is. If this is not considered a corner lot the requirements change but the agreed the town feels it is a corner lot. He said they used Seaside Place to do the height measurement but if it were really a corner he could have used the alleyway and it would be less of a variance. He agreed with Mr. Henderson's earlier that this is not a D variance but is a C variance, the height is less than 10%, it is 9.5% so it qualifies as a C variance. He felt

all the variances could be granted because if this property were flat all would be compliant. He was for the light that the window wells would bring and putting the garage where it is to keep water out of the garage. He was for the larger driveway and said this size is not uncommon.

Mr. Henderson asked him about the negative criteria – Mr. Baer said they have to show the negatives can be rectified and here, because of the 130 foot deep lot, topography and alleyway he did not see any negative criteria and the property will be made lower. He then questioned if this is a normal lot or a corner lot.

At this time the Board asked questions. Mrs. Brisben noted the Engineer's report about pool lighting and Mr. Baer said they will comply. Mr. Ward asked about it being only 2 feet above the high-water mark and can they reconcile this. Mr. Baer said there will be an excavating depth of 6.5 feet for the dwelling and they are doing the same depth for the pool, it is only a 6-foot deep pool with no diving board. Mr. Ward said the pool is only 2.04 feet above the high-water mark, with the topography change does this comply? Mr. Baer said this depth is for the seasonal high-water table. Mr. Ward again said they are changing the topography, he was confused; he wanted to know if these measurements are accurate and Mr. Baer said soil tests were done and, based on the location of the structure, they came to the same high-water level information. The finished floor will be 3 feet above grade when done. Chairman Hall said it will be certified if it meets the requirements. Mr. Ward finished by commenting he felt this seems a little extreme here. Mr. Baer said most towns like to use 2 feet so there is no impact, a good level of accuracy.

Councilwoman Anthony asked Mr. Ward if he was concerned about the neighbors and he said he was concerned as they are starting at a 3-4 feet difference from the properties. Councilwoman Anthony then asked Mr. Baer if this is a concern, he answered that he looked at the lot grading and to the west and said there will be a trench drain and retaining wall at the rear of the property that is there now and will remain. They are also putting in two recharge systems which will not allow water to go the neighboring properties. Mr. Ward was concerned about the elevation here and that this area does have flooding.

Mr. Petronko asked about the figures he was looking at and asked about elevations, were they before the changes and the answer was yes. Mr. Petronko then asked why have a retaining wall in the first place, they are regrading and making a significant elevation change. Mr. Baer said there is an existing 3 foot retaining wall and when all is done there will be a retaining wall between the rear of the lot and the one next to that, as well as a recharge system. Mr. Petronko asked about curbing and Mr. Baer said there are no curbs there now, they are putting in French concrete curbing, a depressed curb for the garage and this will continue down the front to Seaside Place.

Chairman Hall noted on the plans the ½ story is to have 4 twin bunks as well the home having 4 bedrooms and wanted to know if this is okay with occupancy codes. Mr. Henderson said they will not be able to get a CO if this is a problem. Mr. Aker

commented this is a mistake, this is a sloped ceiling here and the beds were mistakenly put in, this was not intentional. Chairman Hall then addressed the basement under the garage and it may affect building coverage but Mr. Baer said they included the garage in the square footage and the coverage comes to 19.9% so it is ok. Mayor Farrell felt this puts the property over 20% and there was then a discussion on this issue of the basement under the garage being included in building coverage. The question now came up if this property is over on building coverage and Mr. Henderson said the Engineer said the property was conforming with building coverage. Chairman Hall asked Mr. Kennedy for his advice and he felt that the Board Engineer should weigh in on this, he felt this application should be carried and the Board can come back to it. Mayor Farrell said if there is a basement it can be 500 square feet and Mr. Hughes said they are not looking for a building coverage variance and will not go over, they want this area for storage and pool equipment. Mr. Henderson asked for a 10-minute recess to discuss this with his clients and it was granted, from 8:45 to 8:53 pm.

At this point Chairman Hall noted this application has gone beyond one hour. Mr. Henderson said he has spoken to his clients and they are withdrawing the variance for the fire pit, they do not want a building coverage problem, they are going to look into revising the plans.

Mr. Henderson then produced a number of Resolutions regarding height variances and he wanted to submit it as Exhibit A-10, these are variance relief granted for properties due to their grade not complying. He again commented this proposed home here itself is 35 feet high and he asked that this application be approved. Chairman Hall felt the basement under the garage issue has not yet been resolved and Mr. Henderson said if the Engineer says the property is over on building coverage they will revise their plans with no basement there.

At this time the hearing was opened for questions or comments from the audience and Kathleen Melli of 1001 Ocean Avenue was sworn in. She is a neighbor and is in agreement with the application, this property is higher than hers and she would love to see a change in the topography. The alleyway is very narrow and not used as a road, it is an alleyway. She said the Hughes are wonderful neighbors and this home will be in keeping with the neighborhood.

As there were no other comments, that portion of the hearing was closed and the Board went into discussion. Mayor Farrell was okay with the height difference for the home as well as the window wells. If there is no basement under the garage he was okay with that as well but he did have a problem with the side yard setbacks, they need 18 feet, 6 & 12. Mr. Ward did not support this application as proposed. He would prefer to see this changed and have a cleaner presentation. Mrs. Brisben agreed that further clarification is needed here, Mr. Walker as well. Mr. Petronko also felt the Board needs to see better plans and get the side yard into compliance, he would not be in favor at this time. Mrs. Laszlo appreciated the concerns of the Board members and agreed with the side yard issues. Mr. Casey agreed with what was said and did appreciate the changes on the fly, they need to see cleaner information on the grading and he

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commented this property did not have water damage with Hurricane Sandy. Councilwoman Anthony said the house design looks beautiful but she had the same concerns as the others and wanted more information on pervious coverage vs. impervious coverage on the lot. She was not in favor at this time.

Mr. Henderson felt, in light of what was said, he would ask that this application be carried to August 19th and it was agreed to do this; Mrs. Brisben asked that if revised plans are to be submitted to please get them to here as soon as possible. Mr. Henderson asked if this will be another virtual meeting and was told it will be a remote meeting such as this one was and the information will be on the website.

Mrs. Brisben asked to speak and she told all that she had questioned Mr. Willms, the Zoning Officer, on whether or not this is a corner lot. He said that, in the beginning, he felt it was not but after speaking with the Board Engineer he understood that this is considered a "road", so his position now is that this is a road and, therefore, this is a corner lot. Chairman Hall said he had spoken to Peter Avakian today and was told the same thing.

A motion was then made by Mayor Farrell to carry this hearing to the Wednesday, August 19th meeting of the Board, this was seconded by Councilwoman Anthony and then by the following roll call vote:

Ayes: Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Ray Petronko, Robert Walker, John Ward, Norman Hall

Noes: None

OTHER BUSINESS:

Mr. Ward was to give a presentation from the Downtown Committee but as it was so late he asked if it can be held off until the August 19th meeting. Chairman Hall said that can be done and it will be put on first, he asked if the Board can meet at 6:30 to accomplish this and Mrs. Brisben asked if there will be a problem with doing this, Mr. Kennedy felt it would be okay to do as his report will be on first.

Before adjourning Chairman Hall opened the meeting to any comments from the public and, hearing none, a motion to adjourn was made by Mr. Walker, seconded by Mr. Casey and unanimously approved, all aye. The meeting was adjourned at 9:22 p.m.

Approved: August 19, 2020

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