

SEA GIRT PLANNING/ZONING BOARD  
REGULAR MEETING  
WEDNESDAY, MARCH 16, 2022

The Regular Meeting of the Sea Girt Planning Board was held on Wednesday, March 16, 2022 at 7:00 p.m. virtually. 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. A Salute to the Flag was done, roll call was done about 10 Minutes into the meeting (all members were present for Mr. Rubino's testimony for the subdivision for 210 Washington Boulevard):

Present: Councilwoman Diane Anthony, Karen Brisben, Tom Britt, Jake Casey, Mayor Don Fetzer, Stan Koreyva, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Absent: Carla Abrahamson

Kevin Kennedy, Board Attorney, Peter Avakian, Board Engineer were also present and Board Secretary Karen Brisben recorded the Minutes. Mr. Kennedy made the announcement that the notice for this Board meeting did have the login information posted and, therefore, this is a lawfully held meeting where the public can participate. Mrs. Brisben gave her email, [kbrisben@seagirtboro.com](mailto:kbrisben@seagirtboro.com) if someone was having a problem logging on.

Before starting the meeting, Chairman Hall asked the public if anyone in the audience had any questions or comments other than about what is on the agenda; as no virtual hands went up, that portion of the meeting was closed. He then stated the Board is going to try to keep the application to an hour and one rule is to be respectful of each other while discussing things.

In regards to the Minutes, Mrs. Brisben had made changes as per Mr. Ward's review of finding minor errors, and said that Councilwoman Anthony had one more change, she asked that the word Commission be taken out of one part of the Minutes and the word Committee be put in and this was done. A motion was then made by Mrs. Laszlo to approve the amended Minutes, this seconded by Councilwoman Anthony and then by voice vote, all aye.

**NEW BUSINESS:**

The first item was an application for a Minor Subdivision for Block 33, Lot 13, 210 Washington Boulevard, owned by RJD Custom Homes, LLC, to create two conforming lots. 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. Mr. Kennedy asked if anyone in the audience had an issue with the notice they received and there was no response.

Mr. Kennedy then marked the following exhibits:

- A-1. The application package.
- A-2. Subdivision Plan done by R.C. Associates Consulting, Inc., dated 1/10/22.
- A-3. Survey done by Charles Surmonte, P.E. & P.L.S., dated 12/13/21.
- A-4. Report from Leon S. Avakian, Inc. Consulting Engineers, dated 2/10/22.
- A-5. Assessor's report stating new lot numbers and addresses.
- A-6. Subdivision Committee report dated 2/16/22.

At this time Mr. Peter Avakian, Board Engineer, was sworn in for this hearing. Mr. Michael Rubino, Esq. came forward to represent the applicants, RJD Custom Homes, LLC & 316 Trenton Blvd., LLC; Robert Davey is the owner of RJD Custom Homes and Wayne Dreyer is the owner of 316 Trenton Blvd., LLC. Mr. Kennedy asked if any Board members had a conflict with either of these businesses and none did.

Mr. Rubino stated this is an oversized lot of 16,000 square feet; they are going to take down the existing home and create two new buildable lots with each lot having 10 more feet in depth than what is required which is 150 feet, these lots will be 160 feet deep. The applicants are either going to develop the lots themselves or sell them and someone else can develop them. As the lots are not an odd shape two new homes will fit into the building envelope of each new lot.

He then went over the Board Engineer's report and commented on paragraph 3A where the Engineer asks for a plot plan for each of the proposed lots, he asked that this be done through the permitting process and not the approval process. As far as paragraph 3B they have received the new lot numbers from the Assessor. In regards to paragraph 3C they are asking for new curbing/sidewalk/driveway apron be done during the CO process as trucks will be driving over these areas and they want to wait until the end to do this work. Paragraph 3D speaks of receiving County approval, Mr. Rubino said they have applied to the County and they are hoping to get their approval. He said the subdivision will be perfected by deed. All other comments in the Engineer's reports will be adhered to.

Mr. Rubino then referred to the Subdivision Committee report and spoke of the trees on the property. There is a tree in the right-of-way which will not be touched, other trees will be coming down, anything within 15 feet of construction; the other trees in the rear will stay.

Mr. Rubino then said he will take any Board questions and had Mr. Dreyer here to help, Mr. Koreyva asked about there being two owners and Mr. Rubino said both own the property. Mr. Ward asked about the driveway width mentioned in the Engineer's report and Mr. Rubino said the driveways will be 13 feet wide, if the builder wants a wider driveway they will have to come back to the Board to ask for variance relief. Mr. Ward said the nuance was that the applicants wanted to wait for the building process for curbs, sidewalks & curb cuts but there was no mention of driveways. Mr. Rubino said

when the revised plans are made they will show driveway widths of no more than 13 feet. Mr. Rubino again repeated that they are asking for curb & sidewalk approval during the building as trucks will be going back and forth.

At this time Mr. William Merunka, Engineer & Planner whose address is 2517 Route 35, Building J, Suite 102, Manasquan, was sworn in. He works for R.C. Associates Consulting and is at this meeting in his capacity as Engineer. Mr. Rubino asked him if the underground utilities are shown on the subdivision plans and Mr. Merunka said they are not shown as they do not know where the proposed homes are going to be in the building envelope, there is a note on the plan, #10, that says they will be on the plans for the building permits for the proposed homes, part of the permitting process.

Mr. Ward had another question, Mr. Rubino spoke of preserving the trees in the rear of the property, that only holds for the present owners, not for future developers. Mr. Rubino said they would be subject to this, he would hate to add a deed restriction, but he felt that a note can be added to the plan that the trees in the rear are to be saved. Councilwoman Anthony asked if the driveways will be side by side, she felt this may be better for possible saving of trees on the easterly portion of the property. Mr. Rubino did not know if the County would approve this and Mr. Merunka said the County would not be favorable to side-by-side driveways, they want them to be as far away from each as possible. Sea Girt does not have any specific requirements on this but Monmouth County does and Washington Boulevard is a County road. Councilwoman Anthony also questioned the trees on the apron but Chairman Hall felt this was not in the Planning Board's jurisdiction, to dictate what trees to be saved. Mrs. Laszlo felt it would be in order to ask the developers to do their level best and possibly donate any trees they may take down to the town. Mr. Casey felt the trees in the apron would belong to the County and Mr. Merunka said they are not planning on taking these trees down, they are not in the way of any building. Mayor Fetzer questioned item 3D on Mr. Avakian's letter that County approval has to be received, is the applicant going to do this and Mr. Rubino said yes, they had already agreed to this and there are discussions going on with the County on this.

At this time Mr. Avakian spoke and wanted to comment on the administrative process that Mr. Rubino is requesting. Normally, when he reviews an application, conditions of approval have to be met, such as receiving a plot plan, replacing curbs & sidewalks. What this means is that, if this Board approves this Minor Subdivision and a plat comes to his office with a deed perfecting the subdivision, he wouldn't recommend approving this until all those conditions have been met. Mr. Rubino correctly says that, in this instance, this should be done in the development of the property as it is not known about the resolution of all these items until a plot plan of a home is done. His recommendation is that the Board consider, as a condition of approval, that these items are provided to the construction official for approval so that nothing gets lost in the process. Mr. Kennedy agreed and felt it will give another protection of approval.

Mayor Fetzer asked if, on new homes, are new utility services put in or do they use existing services, he would like to see new. Chairman Hall said the rules now are that everything has to be underground so it would have to be new. Mr. Kennedy said he will note this as well in the Resolution.

The hearing was now opened to the public for questions only and there was no response. Mr. Rubino then summarized the application and again said this is an oversized lot which will be divided down the middle to create two conforming lots; he understood there could be issues with the County and if they need to come back due to this they will. He asked the Board to look favorable on the application.

Chairman Hall then opened the meeting for general comments and, again, there was no response and the Board went into discussion. Mr. Ward had no issues other than the caveats that were suggested, he was in favor of it. Mr. Walker had no problem and Mrs. Brisben felt there may be a problem with the County but as far as the Board goes it is a conforming subdivision and should be approved. Mr. Britt agreed it was pretty straight forward and was in support, as well as Mrs. Laszlo, Councilwoman Anthony, Mr. Casey, Mr. Koreyva, Mayor Fetzer and Chairman Hall.

Mr. Kennedy went over the conditions: compliance with the Engineer's report, subdivision to be perfected by deed, County approval to be obtained before finalizing the subdivision and, if there is a problem with the County, they may have to come back before this Board, demolition of the existing home has to be completed before the subdivision can be finalized, preserve as many trees as possible under good faith, put in underground utilities, driveways not to exceed 13 feet wide, compliance with outside approvals, revised plans to show proper driveway width details, curb, sidewalk, new underground utility details to be submitted to the Construction Official as part of the CO approval. Mr. Rubino was agreeable to these conditions of approval. At this time Mr. Wayne Dreyer of 212 Trenton Boulevard was sworn in, he is one of the owners and a builder and told the Board he always replaces the utilities, the gas line can go under Washington Boulevard and the water/sewer lines are on their side so he felt they were in good shape. Also, as this is a 160-foot deep lot any building will not affect the trees in the rear and he noted they make a perfect buffer.

Mrs. Laszlo then made a motion to approve the application, with the conditions noted, this seconded by Mr. Walker and approved by the following roll call vote:

Ayes: Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Mayor Don Fetzer, Stan Koreyva, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Noes: None

Not Eligible to Vote: Tom Britt (Alternate Member)

The Board then turned to an application for variance relief for Block 12, Lot 11, 4 Brooklyn Boulevard, owned by Richard & Kerry Shaughnessy, to allow removal and replacement of patio, convert part of garage to cabana, in-ground pool, outdoor kitchen. Building Coverage – 20% maximum allowed, 19.98% existing, 23.63% proposed. Accessory Building other than Garage (portion of garage to be converted into a cabana) 120 square feet maximum allowed, 195.3 square feet proposed. Mechanical Equipment located in rear yard or top of structure allowed, side yard proposed. Existing Nonconformities: Side Yard Setback – 30% of lot width or 25.5 feet combined, existing & proposed, 25.0 feet. Garage – 500 square feet maximum allowed, 620.09 square feet existing and 474.73 square feet proposed (converting 195.3 square feet of garage into a cabana). Garage Height - not more than 16 feet, 17.6 feet existing from crown of road.

The correct fees were paid and the property owners within 200 feet as well as the newspapers were properly notified. Before this started, Councilwoman Anthony recused herself as she lives within 200 feet of the property and knows the applicants. Mr. Kennedy asked if anyone in the audience had any issues with the notice they received and there was no response other than Mr. Douglas Blagdon who wanted to make a comment, he was told that portion will be later on in the testimony. Mr. Avakian was then sworn in again and Mr. Kennedy then marked the following exhibits:

- A-1. The application package.
- A-2. Plot Plan of 2 sheets from InSite Engineering, LLC, 12/14/21, revised 1/26/22.
- A-3. Architectural Plan of 3 sheets from Akertect Design, 8/6/21, revised 12/20/21.
- A-4. Boundary & Topographic survey of 1 sheet from InSite Engineering, LLC, dated 4/5/21, revised 11/12/21.
- A-5. Report from Board Engineer Peter Avakian dated 2/10/22.
- A-6. Architectural Renderings
- A-7. Series of photographs.
- A-8. Memorandum from Insite Engineering, dated 1/26/22.

Mr. C.J. Aker of Akertect Design, the Architect, spoke and said he had exhibits to share, Mr. Rubino felt they can be shown when he gives his testimony. Mr. Rubino told the Board he has three witnesses, C.J. Aker of 1725 Bay Avenue, Point Pleasant Beach, Douglas Clelland of 1955 Route 34, Wall and Andrew Janew of 315 Route 34, Suite 129, Colts Neck which were all sworn in; Mr. Aker is the Architect, Mr. Clelland is the Engineer and Mr. Janew is the Planner.

Mr. Michael Rubino was the attorney representing the clients and said this house has been in the family since 1995, the old home was taken down and a new home built in 2001-2002 by Mrs. Shaughnessy's parents who are now deceased. The Shaughnessy family now resides in Spring Lake but want to do renovations to this home, basically to the rear of the home. There will be pictures shown by Mr. Aker showing a fairly oversized deck that will be taken down and replaced with a tiled area; this is legal but because of the southern exposure they would like to put a roof over the

tiled area which adds to the building coverage and brings it up to 23.63%. They also want to add a pool, which is legal and does not need any variances. They want to put in a cabana to go with the pool and want to take western bay of their three-car garage to use for this, it would be a 195 square foot cabana; rather than just add a cabana, they want to use the extra garage space.

Mr. Rubino went on to reference Mr. Avakian's report where it says variances were needed for mechanicals, Mr. and Mrs. Shaughnessy have spoken to the neighbors and they have agreed to move the mechanicals off the property line and recess them into the garage roof, or rear yard, so no variances are needed any more for this; the variances tonight are for coverage and cabana use. Mr. Casey asked if this includes the generator and Mr. Rubino said the air conditioner units and generator will be moved to a legal spot.

Mr. Rubino then asked to have Kerry & Richard Shaughnessy sworn in, they reside at 308 Washington Avenue, Spring Lake. Mrs. Shaughnessy said there is a lot of history with this home, it was purchased in 1995 by her parents for a future retirement home. This home was used as a vacation home and, in 1999, her mother decided to add on to the home but they ended up knocking it down and rebuilding it to what it is still there today. Her mother passed away in 2005 and they moved in to help with her father and help maintain the home, they started a family in Sea Girt, then purchased a home in Spring Lake and lived there for a few years, her Dad ended up in a nursing home and the house was vacant, after Hurricane Sandy they moved back and forth with 4 children. Her Dad passed away in 2020 and they inherited the home in 2021 and now want to fix the home, nothing has been done to the home since 2001 and they want to add a cover to the back patio for more shade and to watch the kids in the pool. They can have a patio with a canvas awning but they have had problems with canvass with fading & wind, a roof will withstand the elements better, especially their location near the beach, it will not be enclosed.

Mrs. Shaughnessy went on to say they did a lot of research to make sure they stayed with the architectural style. They could put another structure up for the cabana but, with a 3-bay garage, as well as the size of the home, they did not want another structure on the property; she also noted there will be more green space as they are removing the existing deck. On a question on the pool, there will be no bright pool lights and there will be a 4-foot fence around the pool.

As Mrs. Shaughnessy was finished, Chairman Hall suggested having all the professionals testify and then open the hearing for questions as some questions may be answered in the commentary. Mr. Rubino agreed and asked that C.J. Aker, Architect, come forward. Mr. Aker said he has been licensed for 4 ½ years and has his own company, he has testified before this Board several times as well as other area Boards. The Board accepted him as an expert witness.

Mr. Aker said this home needs more space as there are a lot of kids & entertaining so there is a need for shade over the patio area. The existing kitchen is

outdated and the home needs a better flow from the mud room and living room to the back yard but still maintaining roof lines and the Nantucket style seashore design. It was decided a new cabana would take up too much of the yard which is why they want to use part of the garage. He then asked to share his screen and showed, on the map, an awkward turn to the garage, another reason to use a part of it for a cabana. There is not a lot of shade in the rear yard and they are replacing the existing raised patio and putting in a smaller one which will reduce the impervious coverage and he showed this on the map and commented on the light, air and open space that will help with the flow as there will be more usable space. He described the roof and, on the map, showed the back patio of 11 feet 6 inches which will fit a dining table and a small sitting area. The materials will be brick to match the foundation, maintenance free Aztec columns, classic & conservative overhang and roof to tie back into the existing house. Their goal is to create a living space with shade and to keep an eye on the kids and will be efficient and functional.

Mr. Aker then addressed the turning the garage portion into a cabana and showed this on the screen. On the bottom left of the screen was the detached garage, which will have the third bay used for a cabana. They are not changing the square footage of the area at all, converting the right side for the cabana, wet bar & shower. He recognized this is over the coverage allowed for a cabana but they are not adding to the garage space, just re-using it and is structurally in the right place to use for this.

Mr. Rubino asked Mr. Aker to speak on the mechanicals and Mr. Aker went back to that slide to show the Board; he said they decided, after making sure everything was in order with the Ordinance to do it, they are going to put them on the garage roof, hidden. There also are other areas on the lot that they can be put. Mr. Rubino asked Mr. Aker if you look at this property from the front none of this will be seen and Mr. Aker said it will not be seen and added there is landscaping all around the rear yard.

As Mr. Aker was done with his testimony, the N.J. licensed Professional Engineer came forward to speak, Douglas Clelland from Insite Engineering; he is the project manager and has been employed there for 8 years, he was licensed in 2016. He has not been before the Sea Girt Planning/Zoning Board but has been before other area Boards. He was accepted as an expert witness. He explained again what the applicants want and shared his screen and zoomed in on the existing conditions plan and what is being changed by the proposed plan, patio, pool, garage changes into a cabana. He said by doing this they are making the garage conforming by reducing it to under 600 square feet, all utilities will remain and be utilized.

Mr. Clelland then spoke of the grading design to be directed to run off from neighboring properties and into the public right-of-way, the roof leaders now run off at grade and a drywell will be located in the front yard which complies with the requirements. The garage, part of the structure and patio will drain to the drywell and the drywell has an overflow which will flow into the public right-of-way. They are reducing the impervious coverage from 33.05% to 25.68% which is worth noting and the proposed drainage improvement is a vast improvement over what is existing. He

showed the garage roof leaders and the gutter over the patio that will drain to the drywell. In regards to the swimming pool, the light will be compliant and in line with the applicable codes, a notation can be added to the plans to solidify this.

The last professional to come forward was Andrew Janew, Professional Planner with Beacon Planning, a Licensed Professional Planner in N.J. He has a Bachelor's & Master Degree in Civil Engineering, he serves as the Planner for two other towns in N.J. and is an advisor to several other towns. As he is known to the Board he was accepted as an expert witness. He started his testimony by stating this is a unique situation, the purpose of this project is to create a livable outdoor space for this family and to update some of the interior of the home; he then went over what they want to do and pretty much repeated what was covered by the two previous professionals.

Mr. Janew then went over the proofs necessary to show variance relief. He visited the neighborhood and the elements they are proposing are not foreign to this area, patios, pools, & outdoor kitchens are common here. The Master Plan was reviewed in conjunction with this project and is on point with protecting the character of the neighborhood and its development patterns and maintain the scale of buildings and keep the streetscape elements of the neighborhood. This entire project is to the rear of the property and will not be visible from the street so the streetscape is being preserved. Municipal Land Use #40:55d: A) "to encourage appropriate use and development of the land in a manner that is in keeping with the health, safety and general welfare". Mr. Janew spoke of the reduced impervious coverage and drywell/drainage that will be put in to minimize any runoff from the property and this will promote item A); E) "to promote the establishment of proper population density for the wellbeing of the neighborhood." This is a single-family home that is being talked about and there is no increase in the intensity of the use of this property. G) "this is an appropriate location for this use". This is consistent with what is happening in the neighborhood and the property can handle this, adding a roof but offsetting that with a decrease in impervious coverage, as well as recreational features with no intrusion on anyone's light, air and open space.

Mr. Janew felt all the proofs have been met and went on to the balance test. They are seeking approval under the C2 Criteria in that the benefits outweigh the detriments. They have to satisfy the positive criteria, it is a unique situation for a unique lot, they are advancing the purposes of the Municipal Land Use Law and that the benefits outweigh the detriments. He then went over again what they are doing on the property with the patio & garage repurposing and the reason for the building coverage overage with no impact to the neighbors. The negative criteria says they have to prove that there is no detriment to the public good and they are not creating any additional noise or traffic and they are putting in a drywell, no nuisances are being created. This plan also will not impair the intent of the Zone Plan; Mr. Janew summarized up the home & how this will be a benefit and asked that relief be granted.

At this time the Board had questions and Mr. Ward asked about the garage that is nonconforming and wanted to know how this happened. Mrs. Shaughnessy said the garage was there in 1995 when her parents purchased the home and when they rebuilt



in 2001 the garage was not knocked down. Mr. Ward then commented that it was stated that by making part of the garage a cabana it will be a conforming garage but at 17.5 feet high it is not a conforming garage. Mr. Janew said he spoke of the size of the garage, it will become 420 square feet in size. Mr. Ward then asked if the mechanicals will be put on the roof of the 17.5-foot high garage and Mr. Aker said they will be lower, they are about 30 inches tall and the roof pitch is around 48-52 inches. Mr. Aker also noted that the 17.5 feet in height is as measured from the crown of the road and there is over a two-foot difference from the crown of the road to where the garage is, the garage itself is not 17.5 feet high. Mr. Ward then asked if there was any thought as to taking the garage down and Mr. Aker said the garage is in a stable condition and very well built, he did not know about the costs of demolishing a good garage. Mr. Ward then commented on the building percentage that was testified to, this is an oversized lot and he wanted to know why they are going over the 20% allowed. Mr. Aker said they wanted to create a shaded area in the rear yard, if this was done from scratch they probably could have incorporated this in the design, but in this case they worked with what they had.

Mr. Walker asked about the rear patio steps, is it a single step down to grade and Mr. Clelland said there is about a one-foot difference which is one or two steps. Mr. Walker then asked if they had looked at any alternatives like an awning for the back patio. Mrs. Shaughnessy said this has been a long process and they have looked at other homes and, aesthetically this design goes with the architectural style of the house and they want to be able to be outside in 3 seasons, not just the summer; the elements are a lot stronger here than a couple of blocks back. Mr. Walker asked what the roof will be made of and was told it will be a metal roof.

Mr. Casey asked if the Zoning Officer had seen the revised plans and Mr. Avakian told him the typical procedure is the original Letter of Denial, that allows the application to come to them for a report, it does not go back to the Zoning Officer if there are changes after the Letter of Denial, it is not required in our Ordinance or statutory requirements to go back to him for another review, the Board Engineer does that. Mr. Casey felt he would like to hear from the Zoning Officer if there are changes. Mr. Rubino added that, in certain Site Plans and in subdivisions there is no Letter of Denial, the applicant files directly with the Board. However, he personally felt it was important to file with the Zoning Officer and get a Letter of Denial.

Mr. Casey then asked about the Zoning Officer's Letter of Denial of 9/24 where he says the garage is 688 square feet? He couldn't come up with that number and Mr. Aker said the garage is 620.1 square feet. Mr. Casey referred again to the 9/24 report and noted the comments on pool structural detail not being given; Mr. Avakian said his report referenced Ordinance compliance in his report and no variances were identified for the pool and Mr. Willms may not have had pool information at the time of his Letter of Denial, it was part of the Planning/Zoning Board submission. Mr. Casey said it was not in the report from Insite Engineering either and Mr. Clelland said in #5 of that report there was a clarification and details are shown on the plot plan. Mr. Casey asked where is the seasonal high-water calculations and was told to look on page 2 of the plot plan, it

is in a couple of locations, in the pool structure information and in the drywell information. Mr. Clelland said this is pool elevation as compared to distance below grade and there then was a discussion on this to explain it better to Mr. Casey, there was no seasonal high water detected in the test pit. Mr. Casey then asked about the impervious coverage, the rear deck is not included because it is not covered, he asked about the outdoor shower and Mr. Clelland pointed him to where the location of the shower is and explained this is part of the building coverage for the cabana and is included in that. Mr. Casey then asked where the accessory building is and Mr. Clelland said that is the garage/cabana. Mr. Casey then asked why the pool deck was not included in the impervious cover calculations and Mr. Clelland said the Ordinance permits decks that are going to be built are built to allow stormwater go through the deck boards and down to the surface below where it is pervious material, so this excludes the deck from impervious coverage.

Mayor Fetzer wanted information on the pool fencing and Mr. Rubino said it has to be at least 4 feet high and will be made of black aluminum, they will comply with whatever the Ordinance says. Mayor Fetzer then asked if the shower was included in the existing coverage and Mr. Aker said it is part of the building coverage as it has a roof over it. Mayor Fetzer then asked if the only change is the roof over the patio and the answer was yes. Mr. Rubino said they are asking for coverage of 3.5% more and Mayor Fetzer equated that to 18% more in coverage; Mr. Rubino agreed and noted it depends on how you figure it. Mayor Fetzer then asked about the structural integrity of a metal roof over the patio and Mr. Aker said they had studied this and they will be fully compliant with all wind zones and construction codes. Mayor Fetzer then asked about the outdoor kitchen and how was that figured into the impervious coverage? Mr. Aker felt it was included in the figure for impervious coverage and Mr. Clelland agreed. Mayor Fetzer then had a question for Mr. Janew and commented on the term "unique situation" that was mentioned and asked him to elaborate on this. Mr. Janew said one of the tests for variance proof is that this is unique to the lot and not a common feature; here is an existing structure that will be partly made into a cabana, this is unique. With regarding the existing patio, they are replacing it with a smaller one that is unique to this property as opposed to building on a vacant lot. The building coverage variance is for the roof over the open patio.

Mrs. Brisben asked if any revised plans will show the location of the fencing for the pool and mechanicals? Mr. Rubino Said the items mentioned in Peter's letter as far as the fence and moving of the mechanicals would have to be shown on the plans.

As there were no more questions from the Board, the hearing was opened to the public for questions only and there was no response. The hearing was then opened for general comments and Douglas Blagdon of 6 Brooklyn Boulevard was sworn in; he has known the Shaughnessy family and Lynch family for over 20 years and lives right next door. He had nothing but favorable experiences with them; there have been lots of discussions on making their properties look good and they have done a fabulous job with landscaping, he commented they all used the same landscaper so the lots look seamless. What was important to him was that they reached out to him for feedback

and comments for this project, that is what a neighbor does. He felt it was a fabulous plan and loves seeing the kids and friends running around, all the activity in the neighborhood. The coverage over the deck is aesthetically pleasing, is a good thing and an excellent look. They are in full support of this project.

Anthony Malanga of 3 Brooklyn Boulevard was next to be sworn in, he lives across the street. He reiterated what Mr. Blagdon had said, he was friendly with Mrs. Shaughnessy's Mother and Father and they built that house with a tremendous amount of pride, a jaw dropping design. Mr. and Mrs. Shaughnessy have done an amazing job of maintaining this house on a day-to-day basis and there was nothing to say but great things about them. He felt the block between Brooklyn and Ocean was the best block in town and was for approval of this.

Next to come forward was Korinne Pongrac of 2 Brooklyn Boulevard, directly next to the applicants' home, who was sworn in. Her husband's family have been friends with these families for over 25 years, they live behind the Shaughnessy family. Mr. & Mrs. Pongrac have just built a home next door to Mr. and Mrs. Shaughnessy and they have been wonderful neighbors; she can't wait for the construction to be done. They have seen the plans and what they are designing is going to stay true to Sea Girt, no views will be obstructed and they were excited for them, she hoped everything goes as planned.

As there were no other comments Mr. Rubino summarized the application. He said there are two variances, making a cabana from part of the existing garage and using this instead of new construction, and then there is lot coverage; he knew the Board takes coverage very seriously and he went back and forth with the applicants on this but took this case as he was comfortable with what they were asking for and felt it was reasonable under the circumstances and they had already spoken to the neighbors before he was even retained. It is in the back of the home and will be an open patio that will not be enclosed or screened, the patio is allowed without a roof but they want a roof due to the southern exposure. They are reducing the impervious coverage and if the Board takes all the aspects of the application they can act favorably on it.

Mr. Rubino was done so the Board went into discussion. Mr. Koreyva had no issue with the cabana/garage, it is existing and was in favor of using this facility. In respect to the additional roof to the back he understood what has been said and, even it is over the 20%, it is not a detriment to any of the neighbors and no one is complaining about it, he was okay with the two variances. Mayor Fetzer said the garage does not comply today and the cabana should only 120 square feet and will be 195 square feet, he was less bothered by this as it is existing then by covering the patio, he was troubled by this as it goes over the 20% rule. He was not in favor of this at all, but the patio was fine but not covered over, there are plenty of homes in town that have sun in their back yards. He felt the 3% overage was massive and could not support the application. He also commented this is an open-air roof and felt the wind will get under there, he was concerned about this.

Mr. Britt then spoke and felt the garage and cabana usage was a great solution as well as moving the mechanicals. In looking at the home and the 20% coverage he felt any other home with a southern facing part would have the same problem and it was challenging for him to go over the coverage; there is always a concern about sacrificing interior space for exterior space, etc. but the code defines building coverage and he did not feel he can go against the code. He also commented on the impervious coverage and drainage that was spoken about and said this is not due to the roof, he could not tie those benefits to the covered patio.

Mr. Ward thanked the neighbors for their comments and the respect of the family history but there are codes or no codes and the coverage issue for him was a show stopper. He did not agree that taking a pre-existing garage and transforming it into a cabana as a trade-off was agreeable and he was not for this application. Mr. Walker had no problem with the garage/cabana; on the coverage issue the Board has seen it on porches and he agreed with Mr. Ward, there are codes and he was against the covered patio.

Mrs. Laszlo said this has always been one of her favorite homes in town, she felt the decision to taking part of the garage to make a cabana was reasonable, the covered patio is in the rear and neighbors are in support, the important is the decrease in the impervious coverage and the addition of the drywell, all professionals and neighbors did a great job in presenting this. She felt this does meet the Municipal Land Use Law and was in favor of the application.

Mr. Casey wanted to compliment the Shaughnessys and making the neighbors part of the solution, the design does look good. However, he spoke of a family on Trenton Boulevard that just tore down a less than 3-year old garage to make it into a one bay garage to put in a pool and an accessory structure, with an outdoor kitchen, this was all done to stay within code. He felt that perhaps something can be done to eliminate a variance need here to do the same. He felt this application was an expansion of an accessory use and he struggled with this a little bit as well as the building coverage issue.

Mrs. Brisben said a lot has been covered that she was going to say and agreed that perhaps there is a way to stay within the 20% coverage, there are a lot of great awnings out there that can do the job for them; however, this is all in a rear yard and does not affect any streetscape and will not be seen, is on the end of Brooklyn Boulevard which is not a main Thorofare and she was in favor of this. Chairman Hall felt the garage should never have been allowed stay and he said it was an existing violation, it slipped through the cracks. However, he didn't have a real problem with the cabana as they are staying within the existing building envelope but he did have a problem with the roof over the patio and going over the 20% building coverage. Their application was commendable but 3% was a large amount of overage and he could not approve it.

At this time Mr. Rubino asked for a few minutes to speak to his clients and time was given. First, Mr. Avakian gave his comments. He said that testimony was given in support of two variances, coverage is 19.98% now and they are asking for 23.68% coverage, this solely due to the roof structure over the rear yard patio. The second variance is for the garage/cabana, the cabana will exceed the 120 square feet maximum by 75 square feet. The third variance mentioned in his report had to do with the location of the mechanical equipment and he felt this still needed qualification on for the Board to consider this. They have to conform to the Ordinance by putting the mechanicals on the top story of either the principal or accessory building and has to be screened behind a buffer such as a screen or a short wall to dampen the visual effect on neighboring properties. Also, the swimming pool fencing as to height, location and materials should be provided. He felt the Board did a terrific job in providing questions and comments and did not have anything else to add. Mr. Rubino then took the time to speak to his clients.

Mr. Koreyva then asked Mr. Avakian if they put up a pergola, would that count for coverage and Mr. Avakian said that would be open so it would not be part of coverage. When a pergola is not specifically identified as an accessory structure he has seen it approved by Boards as an ancillary use.

Mr. Aker asked about comments of the percentage over the maximum allowance, comments made about an excessive amount of overage, he could not figure how this was 18% over and Mr. Britt said if this is figured by square footage allowed, this comes to 18% over. Mr. Aker was wondering about them trying to achieve their plan and he asked what percentage they could work for, he wanted to help them in this. Mrs. Laszlo did not feel this should be asked as, in the past, applicants have revised plans due to Board recommendations and they still were denied, there are those on the Board who will say no to anything over 20%. Mr. Aker wanted to make one comment as to the accessory structure, he has done a decent amount of projects and it seems like the 120 square foot allowance is written for a 50x150 foot lot, their lot is over this and they took the larger lot into consideration and came up with about 204 square feet. He noted the plan shows a cutout out of the accessory structure that shows this and said this was thought out.

At this time Mr. Rubino was back and asked Mr. Aker if he was comfortable with the roof structure being so close to the ocean and the Mayor said he was the one that brought that up. Mr. Aker said he had calculations on this, snow load, solid foundation, anchors into the foundation, the design would be appropriate including posts & beams.

Mr. Rubino said they would agree to take off 125 square feet from the patio and go to 22.5% if that would help sway the Board members. He reminded them that there is a benefit to the extra drainage that will be put in and they can build the patio smaller. They can leave the three-car garage there and put up a 120 square foot cabana, he again said this is an open-air patio with a roof over it, the town will benefit by the drywell and roof leaders. None of this has to be done if they remove the variance request for the roof. He asked the Board to look at this change.

Chairman Hall asked him if he wanted to carry this as he felt it was too late to take a vote this evening and there were questions as to when it could be carried to, Mrs. Brisben said the April meeting is booked with the Sitar Realty hearing but she could put this on if the Board wishes. Mr. Rubino asked for an April hearing so they could make some changes to the plan but Mrs. Brisben did not feel there would be enough time given for another engineer's report and she asked Mr. Avakian. Mr. Avakian said he could do it to get this done; Mr. Rubino then said the applicants would like to wait until the May meeting as that is Easter week and they will be away and Chairman Hall agreed May would be better. Mr. Avakian felt it may also be good to have time to perhaps go over this with the applicants & Mr. Rubino to address any changes, the patio covers three areas and they may reduce it by 1%; he didn't want to have the applicants come back and hear the same concerns about coverage. Chairman Hall also asked about the nonconforming garage and should that be granted approval to continue, Mr. Avakian said they really are asking for this through this application. Mr. Walker commented this would apply to the driveway width as well.

Mr. Rubino said he has to go over all this with Mr. Kennedy before agreeing that a pre-existing nonconforming condition is something that requires a variance. Mrs. Laszlo didn't want the applicant to waste any more time and money as there are some Board members who will not move off the 20%, she said the Board has to be fair to the applicants and used the D'Agostino application as an example where an applicant came back with revised plans and was still denied. She did not think the Board was being fair in not letting the applicant know how they feel about anything over 20%; Mr. Koreyva agreed with Mrs. Laszlo's comments.

Mr. Kennedy was asked for comments and he stated Mr. Rubino is a learned individual and very savvy and he can proceed tonight with a vote; Mr. Rubino suggested tabling it for tonight and they will be back in May, they may come back and ask for a vote or make some changes, they will look it over and take it from there. He wanted time to be able to speak to his clients and his professionals and appreciated Mrs. Laszlo's comments.

The application was then adjourned to the Wednesday, May 18<sup>th</sup> meeting of the Board with no further notice. Mr. Rubino did not want to rush into judgement and they may come back with no changes, he also did consent to waive the time frame for approval. Mr. Kennedy then announced to all, including those in the audience, that this application will be heard again on May 18<sup>th</sup> and this was their notice. A motion was made by Mrs. Laszlo to carry this hearing, this seconded by Mrs. Brisben and approved by unanimous voice vote, all aye.

#### OTHER BUSINESS:

Chairman Hall wanted to speak on the sub-committee for Ordinance review that was going to be formed but, in light of the late hour, he asked Mayor Fetzer if he could just do this at the next Council meeting instead and that was agreeable to the Mayor.

Wednesday, March 16, 2022

As there was no other business to come before the Board a motion to adjourn was made by Mr. Casey, seconded by Mrs. Laszlo and approved by unanimous voice vote, all aye. The meeting was adjourned at 10:02 p.m.

Approved: April 20, 2022

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Karen S. Brisben, Board Secretary