

SEA GIRT PLANNING/ZONING BOARD  
REGULAR MEETING  
WEDNESDAY, OCTOBER 20, 2021

The Regular Meeting of the Sea Girt Planning Board was held on Wednesday, October 20, 2021 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. After a Salute to the Flag and a Silent Prayer (where ex-Mayor Ken Farrell's mother and Fire Chief Bill Loughran's mother were remembered as they had passed away), roll call was taken:

Present: Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Stan Koreyva, (arrived 7:07 p.m.), Eileen Laszlo, Ray Petronko, Robert Walker, John Ward, Norman Hall

Absent: Carla Abrahamson, Mayor Don Fetzer

Board Attorney Kevin Kennedy was also present, Board Engineer Peter Avakian was absent, and Board Secretary Karen Brisben recorded the Minutes. Before continuing Chairman Hall wanted all to know this was Board member Ray Petronko's last meeting; he thanked him for his service and the Board appreciates all that he has done for the town.

Chairman Hall then wanted to open the meeting to the public for any general comments or questions they may have that do not apply to the applications tonight or any future applications. Tim Feldman raised his hand and was called on, he explained this was his first Planning Board meeting and he wanted to know how this works; Chairman Hall suggested he start talking and the Board will guide him. He was having issues with a neighbor and things were not resolved, this is regarding the D'Agostini application that was on tonight. Mr. Kennedy spoke up and said that, as this is on a pending application, he will have an opportunity to speak later on this evening when the application is actually heard. Mr. Feldman thanked the Board and had no other questions or comments.

Before voting on last month's Minutes, Mr. Ward said there was one minor typo where Mrs. Casey was noted as speaking and it was Mr. Casey. Mr. Ward then wanted to speak of comments made at the last meeting that are not in accord with the last Master Plan revision. He wanted to read into the record from the 2018 revision document, it made a suggestion to amendments to front yard requirements for porches. A common theme for the Borough was overdeveloped property, bulky houses and a limitation on front porches that extend from the building line. In regarding the front porches, it was recommending adding exceptions for front yard setbacks, namely 1) with more than 50% of the street frontage of the block is developed, a porch shall not have any more depth than the average front yard setback, and 2) an opened and unscreened entrance porch shall not project more than 8 feet into the front yard area and shall be no more than 3 feet of the adjoining ground level. Porches shall be

included in calculating building coverage. The average building line shall be measured from the building line and not the porch. This is what was in the Master Plan revision. The language in the Minutes was that people think this is carved in stone when it is an aspirational document and has not been approved at any level. Mr. Ward was thanked for his comments by Councilwoman Anthony.

At this point Chairman Hall asked for a motion to approve the Minutes of the September 15<sup>th</sup> meeting and this was done by Mrs. Laszlo, seconded by Mr. Casey and approved, all aye.

#### OLD BUSINESS:

Before starting this, Mr. Kennedy did want it on record that this meeting is being done in accordance with the State on the pandemic rules and the login information has been published and advertised.

He then went into summarizing the Resolution proposed for Block 86, Lot 10, 610 Chicago Boulevard, owned by Birgit Graham, to allow a covered front porch. He went over the conditions and that there will be a Restriction form that will be recorded at the County. Mr. Kennedy had spoken to Mr. Graham, the Architect, with some minor changes to make the language clearer that the building coverage will be 23.63% and Mr. Graham had asked for some flexibility to either lower the deck or remove it entirely to get to the 23.63%. Chairman Hall asked if this was acceptable to the Board and all agreed. At this time the following amended Resolution was presented for approval:

**WHEREAS**, Birgit Graham has made Application to the Sea Girt Planning Board for the property designated as Block 86, Lot 10, commonly known as 610 Chicago Boulevard, Sea Girt, New Jersey, within the Borough's District 1, West Single Family Zone, for the following approval: Bulk Variances associated with an Application to construct a new / unenclosed front covered porch; and

#### **PUBLIC HEARING**

**WHEREAS**, the Board held a Remote Public Hearing on September 15, 2021, Applicant 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:

- *Planning Board Application Package, introduced into Evidence as A-1;*
- *Various Pictures of the subject property, introduced into Evidence as A-2;*
- *Architectural Plans, prepared by Richard Graham, Jr., AIA, dated September 29, 2020, introduced into Evidence as A-3;*
- *Survey, prepared by Charles O'Malley, PLS, dated April 15, 2013, introduced into Evidence as A-4;*
- *Leon S. Avakian Inc., Review Memorandum, dated June 8, 2021, introduced into Evidence as A-5;*
- *Zoning Office Denial Letter, dated November 3, 2020, introduced into Evidence as A-6;*
- *Correspondence from the Applicant (regarding grading details), dated August 10, 2020, introduced into Evidence as A-7;*
- *Communication from the Applicant, dated June 21, 2021, introduced into Evidence as A-8;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

**WITNESSES**

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

- Birgit Graham, Applicant, appearing pro se;
- Richard Graham, Architect and Planner;

**TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANT**

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

- The Applicant is the Owner of the subject property.
- The Applicant has owned the subject property for approximately 48 years.
- There is an existing single-family home at the site.
- The Applicant lives at the site.
- In order to improve the aesthetic appeal of the home, and in order to make the home more functional, the Applicant proposes to construct a new porch at the site.
- Details pertaining to the proposed porch include the following:

Size:	Approx. 7 ft. Deep x Approx. 33.5 ft. Wide
Location:	Front of home
Height:	Conforming
Covered?	The porch will be covered
Enclosed / screened?:	The proposed porch will not be enclosed or screened.
Materials:	Engineered Lumber Trex

- The proposed porch will architecturally / aesthetically complement the existing structure.
- The Applicant will not enclose the proposed front porch.
- The Applicant anticipates commencing the construction process in the near future.
- The Applicant will be utilizing licensed Contractors in connection with the renovation process.

### **VARIANCES**

**WHEREAS**, the Application as submitted, and modified, requires approval for the following Variances:

*BUILDING COVERAGE: 20% allowed; whereas 23.63% proposed;*

*UNENCLOSED PORCH SETBACK: 40 ft.  
required; whereas 21.3 ft. proposed;*

### **PUBLIC COMMENTS**

**WHEREAS**, sworn comments, questions, and / or statements regarding the Application were presented by the following members of the public:

- Michael Zaccaro
- Michael Meixsell
- John Lajewski

### **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 **granted / approved 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 610 Chicago Boulevard, Sea Girt, New Jersey, within the Borough's District 1, West 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 increase the functionality of the existing home, the Applicant proposes to construct a new covered / unenclosed front 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:

- Currently, and respectfully, the existing home is a 2-story Cape Cod, with no real significant front projections / protrusions. The addition of the porch approved herein will architecturally / aesthetically break-up and / or otherwise improve the overall physical appearance of the home / structure.
- The porch improvement authorized herein will bring more architectural / aesthetic character to the existing structure.
- The porch improvement as authorized herein will significantly enhance the overall aesthetic appeal of the property, which will be beneficial for the site, the neighborhood, and the community as a whole.
- The porch approved herein will provide some much needed architectural diversity / character to the existing structure.
- Aesthetics are always a concern in the context of a Variance Application – and the within Application is no different.
- The architectural / aesthetic benefits associated with the within approval out-weigh any potential detriments otherwise associated with the within Application.
- To some, the absence of a front porch at the home detracts from the overall physical aesthetic appeal of the existing structure.
- Respectfully, the existing home will continue to appear rather flat and undistinguished if there were no front porch at the site (particularly in the context of the large surrounding single family homes).
- A majority of the Board appreciates the visual enhancements which will result once the porch is constructed at the site.
- While the aesthetics / architectural improvements are important, architectural / aesthetic enhancements, in and of themselves, do not always justify Variance relief. In the within situation, the Board recognizes that there are other reasons justifying the approval as well – and many of the other

reasons are set forth herein and were otherwise set forth on the record during the Hearing.

- The Board is also aware that the existing single-family home / structure already exists on the site – and it would not be feasible, or practical, to have the home physically relocated (so as to increase / improve the Front Yard Setback).
- The Board is also aware that the porch, as approved herein, is a customary / standard feature in the Borough of Sea Girt.
- The Board is aware that the front porch will promote the public health and safety, in that the same will provide a means by which individuals can be shielded by rain, ice, snow, and other adverse weather elements.
- The Board Members critically review all Variance requests – and the within Application received the same extensive / critical review. Some Board Members noted that the impact of the requested Setback / Coverage Variances would be much more pronounced / impactful had the addition been an addition for actual / traditional interior living space (as opposed to an unenclosed porch).
- In furtherance of the above, as a condition of the within approval, the Applicant has agreed that the new porch will not be enclosed, absent further / formal approval from the Sea Girt Planning Board.
- The architectural / aesthetic benefits of the porch, the functional benefits associated therewith, and the fact that the new porch will not be enclosed (so as to increase overall interior living space at the site) persuaded a majority of the Board Members to conditionally approve the Application.
- The aforesaid condition (restrictions against enclosure) assuaged the concerns of some of the Board Members.
- Per the testimony and evidence presented, the porch approved herein will not knowingly block the views of any adjacent property owners.
- The Applicant's home is surrounded by very large single-family homes, such that the non-conforming porch approved herein will not be too noticeable.

- The Board Members appreciate the Applicant's desire to maintain / preserve / improve an existing structure – as opposed to just mere demolition.
- The Board Members recognize the inherent benefits associated with preservation of existing older structures, when it is appropriate / practical to do so.
- As indicated, the Board Members are aware that the existing home is an existing structure on the site, and that it would not be feasible / practical to relocate the existing structure (so as to make the front setback compliant, or more compliant, with Prevailing Zoning Regulations). Towards that end, a majority of the Board determined that if the within Application involved vacant land with totally new construction proposed, the said Variances would not have been granted. However, in the within situation, because the structure already exists, and because it would be impractical to relocate the existing house, a majority of the Board Members have decided to conditionally approve the unenclosed front porch Application.
- The Board Members reviewed some of the setbacks of other porches in the immediate area. Though Board Members had different opinions on the issue, a majority of the Board found that under the circumstances, the proposed Porch Setback approved herein will not cause substantial detriment to the public good.
- The testimony suggested that there are other porches in the immediate area which have similar non-conforming features.
- In the within situation, a majority of the Board Members recognize the typical architectural / aesthetic / functional / quality of life benefits associated with the proposed porch – particularly in the beautiful shore community of Sea Girt.
- The Board Members note that there are some other similar porches in many areas of the Borough of Sea Girt.
- The proposed unenclosed front porch is not oversized or otherwise overwhelming.
- With regard to the Building Coverage Variance, the Board notes the following calculations:

Maximum allowed ..... 20%



Existing .....	Per Plans
Proposed .....	
23.63%	

Under the circumstances, and given the site constraints, and for the other reasons set forth herein, the majority of the Board is of the belief that the requested Building Coverage Variance is reasonable.

The Application as presented requires a Front Setback Variance. The relevant calculations include the following:

Required Front Setback.....	40 ft.
Existing Front Setback.....	28.3 ft.
Proposed Front Setback.....	21.3 ft.

Under the circumstances, and for the reasons set forth herein, a majority of the Board is of the belief that the requested Variance can be granted without causing substantial detriment to the public good.

- In conjunction with the within approval, the Applicant has agreed to install a drywell at the site. The installation of such a drywell will help improve the overall stormwater management operations at the property, which help justify the requested Building Coverage relief.
- There is sufficient landscaping at the site which will help minimize any potentially adverse impacts otherwise associated with the within approval.
- During the Public Hearing, there was, essentially, a discussion regarding the potential precedent approval of the within Application could have on other Applications. The Board recognizes, generally speaking, that an approval of one Application will not necessarily set the precedent for an approval of another Application. Rather, the Board is aware that each Application must rise or fall on its own merits, based upon the circumstances / testimony / evidence presented with a particular Application.
- The Front Porch Setback Variance granted herein applies to an unenclosed front porch, which will never be utilized as interior living space. But for the aforesaid circumstances, the unenclosed Front Porch Setback Variance would not have otherwise been approved.

- Had the Front Yard Setback Variance been proposed for interior living space, then, in that event, the subject Application would not have been approved.
- The Board Members engaged in a good faith, intelligent, and legitimate debate as to the overall merits of the Application. Concerns associated with the Application include the following:
  - a. A concern that the building coverage at the site was already non-compliant, and there was no legitimate / recognizable reason to increase the same;
  - b. A concern that the existing home at the site is much closer to the front property line than other homes in the immediate neighborhood – and, as such, there was a concern that there was no legitimate / recognizable reason to increase or otherwise exacerbate the said Front Setback deficiency;
  - c. Recognition that the site already has a deficient Front Setback (an approximate 11.7 ft. deficiency), and that there is no legitimate / recognizable reason for exacerbating the said condition;
  - d. A concern that the Board should not approve Bulk Variances in the absence of extraordinarily compelling circumstances – and a further concern that extraordinarily compelling circumstances were not present in the within situation;
  - e. A concern that while the desire for a porch is certainly understandable, and appreciated, given the location of the existing structure on the site, and given the already non-conforming setback, the subject site cannot comfortably accommodate the front porch proposed herein;
  - f. A concern about the overall impact the non-conforming unenclosed Front Porch Setback will have on the property, the neighborhood, and the community as a whole;

- g. A concern that approval of the within Application could potentially cause some type of precedent in terms of future Applications;
- h. A concern that the features associated with the subject area do not, in and of themselves, justify the requested Variance relief;
- i. A concern that multiple Board requests to reduce the size of the porch (to make the same more compliant) were largely ignored by the Applicant;
- j. A concern that the size of the surrounding single-family homes is not really relevant to the Applicant's specific Variance request;
- k. A concern that zoning should be effectuated through the Municipal Zoning Ordinance – and not by Variance; and
- l. A concern that approval of the within Application does not represent a better overall design alternative for the Borough of Sea Girt.
- m. A concern that other practical options existed which did not require the nature / extent of the Variance relief proposed herein.

Those arguments in support of the Application are set forth elsewhere herein.

- All reasons / concerns / findings (including those in support of the Application and those against the Application) represent legitimate, sound, and valid arguments – worthy of review, discussion, debate, and respect.
- After further debate / discussion, a majority of the Board Members have determined that the subject Application can be granted without causing substantial detriment to the public good.
- The subject Application was ultimately approved by a split vote of 5 - 4.
- The split vote, as aforesaid, represents the good faith debate, and compelling arguments generated by the subject Application.

- Subject to the conditions contained herein, the subject site can physically accommodate the front porch approved herein.
- Approval of the within Application will not compromise or otherwise detrimentally impact any views at and/or around the site.
- The Applicant's porch plans are reasonable under the circumstances and reasonable per the size of the existing Lot.
- Some Board Members were troubled about the potential future enclosure of the new covered porch. However, the Applicant essentially indicated that she would not so enclose the porch. Such a representation assuaged the concerns of a majority of the Board Members, and but for such a representation, the within application may not have been approved.
- Approval of the within Application will not increase the overall height of the existing structure.
- 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 homeowner.
- Single-family use as approved / continued herein is a permitted use in the subject Zone.
- The location of the proposed porch is practical and appropriate.
- Subject to the conditions contained herein, the porch 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 renovation approved herein is attractive and upscale, in accordance with Prevailing Community Standards.

- Approval of the within Application will not detrimentally affect existing parking requirements at the site.
- There were no known public objections associated with the within approval. In fact, several members of the public attended the Public Hearing and encouraged approval of the Application.
- Sufficiently detailed testimony / plans were presented to the Board.
- The proposed new porch 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 Applicant's inability to comply with all of the specified bulk standards.
- The architectural design of the proposed new porch approved herein will not be materially inconsistent with the architectural character of other similar porches in the area.
- 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 improvement to be renovated herein will not be inconsistent with other 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, a majority of the Board is of the 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 Applicant has agreed, to comply with the following conditions:

- a. The Applicant shall comply with all promises, commitments, and representations made at or during the Public Hearing process.
- b. The Applicant shall comply with the terms and conditions of the Leon S. Avakian, Inc. Review Memorandum, dated June 8, 2021 (A-5).
- c. The Applicant shall cause the Plans to be revised so as to portray and confirm the following:
  - The inclusion of a note confirming that the porch shall not be enclosed, absent further / formal approval of the Sea Girt Planning Board.
  - Confirmation that the existing rear deck, or a portion thereof, shall be eliminated or lowered to be below 16", so that the ultimate building coverage is reduced to a maximum of 23.63%. (Any rear-deck step reconfiguration necessary to achieve the above shall be approved by the Zoning Officer).
  - The inclusion of a note confirming that a drywell shall be installed at the site, the details of which shall be reviewed and approved by the Board Engineer.
  - The inclusion of a note confirming that the subject drywell shall be installed and maintained in accordance with Prevailing Industry Standards / Best Practice Standards.
  - The inclusion of a note confirming that if the existing home is ever intentionally or unintentionally

demolished / destroyed, then, in that event, because of the very unique circumstances associated with the within approval, the Applicant (or successor owners) shall be required to petition the Sea Girt Planning Board for new / necessary Variance relief (with the understanding that with a blank slate / vacant property, there will be an expectation that the Applicant can comply, or more closely comply, with Prevailing Bulk Zoning Regulations).

- d. The Applicant shall comply with all Prevailing Rules / Regulations / Contributions / Directives associated with Affordable Housing matters – as established by the State of New Jersey, C.O.A.H., the Court System, the Borough of Sea Girt, and / or any other Agency having jurisdiction over the matter.
- e. Any change of grade shall be reviewed and approved by the Board Engineer.
- f. The Applicant shall submit 4-sets of revised Plans to the Board Secretary.
- g. Given the unique nature of the within Application, and the unique nature of the relief sought associated with the existing structure, per the on-the-record discussion at the Public Hearing, and with the consent of the Applicant the Variances granted herein shall not run with the land.
- h. The within Resolution shall be recorded in the Office of the Monmouth County Clerk – and proof of recording shall be submitted to the Board Secretary. Or, in the alternative, a Notice of Restrictions (relative to the fact that the porch shall not be enclosed) shall be recorded in the Office of the Monmouth County Clerk.
- i. The Applicant shall manage storm-water run-off during and after construction (in addition to any other prevailing / applicable requirements/obligations.)
- j. The Applicant 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

- k. If applicable, the proposed structure shall comply with applicable Provisions of the Americans with Disabilities Act.
- k. If applicable, grading plans shall be submitted to the Board Engineer so as to confirm that any drainage/run-off does not go onto adjoining properties.
- l. The proposed structure shall comply with the Borough's Prevailing Height Regulations.
- m. 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.
- n. The Applicant 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.
- o. The Applicant 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.
- p. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.
- q. If required by the Board / Borough Engineer, the Applicant shall submit appropriate performance guarantees in favor of the Borough of Sea Girt.
- r. Unless otherwise agreed by the Planning Board, the approval shall be deemed abandoned, unless, within 24 months from adoption of the within Resolution, the Applicant obtains a Certificate of Occupancy (if required) for the construction / development approved herein.
- s. **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 referenced**



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, Applicant and her 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 Applicant's 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 3<sup>rd</sup> parties.

**BE IT FURTHER RESOLVED**, that all representations made under oath by the Applicant and/or her 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 Applicant's 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, Karen Brisben, Eileen Laszlo, Raymond Petronko, Robert Walker

AGAINST THE APPLICATION: Councilwoman Diane Anthony, Jake Casey, Mayor Don Fetzer, John Ward

ABSTENTIONS: None

RECUSED: Norman Hall

NOT ELIGIBLE TO VOTE: Stan Koreyva (Alternate Member)

The foregoing Resolution was offered by Mr. Petronko, seconded by Mr. Walker and adopted by Roll Call Vote:

IN FAVOR: Karen Brisben, Stan Koreyva, Eileen Laszlo, Raymond Petronko, Robert Walker

OPPOSED: None

ABSTAINED: None

Wednesday, October 20, 2021

ABSENT: Carla Abrahamson, Mayor Donald Fetzer

NOT ELIGIBLE TO VOTE: Councilwoman Diane Anthony, Jake Casey, John Ward, Norman Hall

Also included in the above was a NOTICE OF RESTRICTION:

1. On or about September 15, 2021, the Sea Girt Planning Board conditionally approved the construction of a front porch on the property located at 610 Chicago Boulevard, Sea Girt, New Jersey, (more formally identified as Block 86, Lot 10).
2. The Resolution memorializing the above-referenced approval was adopted by the Sea Girt Planning Board on or about October 20, 2021.
3. The Resolution of Approval contained a number of conditions.
4. The front porch approved by the Sea Girt Planning Board shall not be enclosed, absent further / formal approval of the Sea Girt Planning Board.
5. The front porch approved by the Sea Girt Planning Board shall not be utilized as interior living space.
6. The within Notice is being recorded as a requirement of the Approval of the Sea Girt Planning Board.
7. Interested members of the public are encouraged to review the full Resolution of Conditional Approval, which can be obtained at the office of the Sea Girt Planning Board Secretary.

\_\_\_\_\_  
Birgit Graham

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

Wednesday, October 20, 2021

STATE OF NEW JERSEY :  
SS:  
COUNTY OF MONMOUTH:

**I CERTIFY** that on \_\_\_\_\_, 2021.

**BIRGIT GRAHAM**

personally came before me and stated to my satisfaction that this person (or if more than one, each persons):

- (a) was the maker of this Document;
- (b) executed this Document in his or her own act; and
- (c) made this Document for **\$1.00** (One and 00/100 Dollars) as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

\_\_\_\_\_  
Notary Public  
State of New Jersey

**Record & Return to:**

Kevin E. Kennedy, Esq.  
165 Highway 35  
Red Bank, NJ 07701

**NEW BUSINESS:**

Before starting New Business, Mrs. Brisben wanted speak to the Board on a notice the Borough has sent to the DEP and CAFRA regarding Dune Restoration Work, she had emailed all a copy this afternoon. This is being done at the end of The Terrace and will include control of invasive vegetation; it is also a requirement that the Planning Board be notified of this action which is why all Board members were sent this notice but there is no action this Board has to take.

The Board then turned to an application for a Minor Subdivision for Block 34, Lot 8, 217 Washington Boulevard, owned by Barbara Mandy & Meghan Bell (Applicants – Peter & Debbie Bell), no variances requested. 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 any members in the audience had any questions or issues with the notice they may have received and there was no response. Mr. Kennedy then went on to mark the following exhibits:

- A-1. The application package.
- A-2. The Subdivision Committee review.
- A-3. The Tax Assessor's memo assigning new lot numbers & addresses.
- A-4. A Subdivision Plan prepared by Clearpoint Services, LLC, dated 5/17/21.
- A-5. A development plan done by KBA Engineering Service, dated 4/7/21.
- A-6. A survey plan done by Clearpoint Services, LLC, dated 4/7/21.
- A-7. Board Engineer's report, Leon A. Avakian, Inc., dated 9/7/21.

Michael Henderson, Esq., came forward representing the Bells and noted this subdivision is in the 1E Zone of the Borough and asked if the Board will accept jurisdiction to which Mr. Kennedy said all the paperwork was in order and the Board accepts jurisdiction. At this time Peter Bell of 217 Washington Boulevard and Joe Kociuba of KBA Engineering were sworn in, Mr. Kociuba stating he was present as Engineer and Planner. He has been before the Board many times and was accepted as an expert witness.

Mr. Kociuba put the development plan on the screen for all to see. This is a 100x150 foot lot with 15,000 square feet and complies with the other lots in the area. They are going to split this lot in half and create two conforming lots with no variances requested as each lot will be 50x150 feet and will comply with all setbacks and building coverage. He then went on to reference the Board Engineer's report and said they will comply with that report, as well as putting in fully compliant drywells.

The Board had some questions, Mrs. Brisben wanted Mr. Kociuba to know that the lot numbers on the original plan are incorrect, as per the Assessor's report and commented that the Assessor had told her he had spoken to someone in Mr. Kociuba's office to let them know. Mr. Kociuba said he was aware of this error and it will be fixed on revised plans. Mr. Casey wanted to make sure that anything that needs to comply will be reviewed by Mr. Willms and Mr. Avakian. Mrs. Brisben spoke again and commented she realized this is a moot point but there are many trees on this property and asked that they try to save as many as they can, this doesn't seem to be enforceable, she asked Mr. Kennedy for strong wording and Mr. Kennedy said he can put this in the Resolution. Mrs. Brisben said this was in the Resolution for the subdivision at 600-602 Beacon Boulevard and the trees were taken down after the subdivision was finalized. Councilwoman Anthony was familiar with this action and said one of the trees was hollow inside and needed to be taken down. Mrs. Brisben then reminded Mr. Kociuba that Washington Boulevard is a County Road and they will have to apply to the County as well and Mr. Kociuba said this will be done, they will comply.

At this point Mr. Peter Bell came forward to speak, he said they have owned the property for 12 years, they propose to remove the existing home and subdivide the property. He said they will save as many trees as possible but noted some may have to be removed. Mr. Casey noted the owners are different from the applicants and don't they have to sign the application? Mr. Kennedy said the owners always have to sign and Mr. Bell said that, if you look at the deed itself, this is in a Trust and only the first

two names are on the tax records, not all the names are listed. Mr. Kennedy said the Board will need a letter where all the owners will sign a consent to do this subdivision.

As there were no other Board questions Mr. Henderson gave a brief summary and asked that the Board look at this favorably. The hearing was then opened for questions or comments from the public and there was no response so that portion of the hearing was closed and the Board went into a brief discussion. All members were in favor of approval with Mr. Ward commenting that he agreed with Mrs. Brisben on the tree issue and not all trees be taken down. Mrs. Laszlo said the Board did pass on to Council about the trees and they did pass an Ordinance for tree replacement but we would like something bigger. At this point Mrs. Laszlo made a motion to approve the subdivision, this seconded by Mr. Casey; Mr. Kennedy then went over the conditions - Compliance with comments made this evening, compliance with Board Engineer's review memorandum, comply with affordable housing requirements, requirement to perfect the subdivision under New Jersey law, compliance with the Subdivision Committee memorandum, a good faith effort to save trees, compliance with obtaining outside approvals, including Monmouth County Planning Board, revise plans to correct the Lot numbers, curb & driveways repairs as necessary, drywell compliance, grading, drainage plans to be approved by Board Engineer's & Zoning Office's departments, proper demolition permits and comply with tree replacement Ordinance, submit owners' letter of consent. Mrs. Brisben asked if another condition can be entered, Mr. Kociuba commented that any building will comply with the Zoning Ordinance and she asked if that can be put in the Resolution as well and Mr. Kennedy said that can be added.

Mrs. Laszlo then re-offered the motion as per the conditions noted by Mr. Kennedy, this seconded again by Mr. Casey and approved by the following roll call vote:

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

Noes: None

Councilwoman Anthony asked Mr. Bell to please reach out to her regarding the tree issue for the possibility of taking a tree to come down and re-planting it on Borough property.

The Board then turned to an application for variance relief for Block 27, Lot 18, 104 Stockton Boulevard, owned by Robert & Jody D'Agostini, to allow a one-story addition, front porch & hot tub. Building Coverage – 20% Maximum allowed, 20.1% existing, 23.9% proposed. Average Front Setback – 39.5 feet existing, 31.8 feet proposed. Existing Non-Conformities: Side Yard Setback – 15 feet required, 13.6 feet existing & proposed. Garage – minimum of 500 square feet required, 542 square feet existing & proposed. Accessory Structure (garage) Side Yard Setback – 5 feet required, 4.6 feet existing & proposed.

The proper 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 the audience if anyone had a problem with the notice they received and there was no response, so Mr. Kennedy marked the following Exhibits into the record:

- A-1. The application.
- A-2. Architectural plan prepared by JSL Architectural Design, LLC, dated 2/8/21 with revisions dated 3/5/21.
- A-3. Survey prepared by Charles Surmonte, P.E. & P.L.S. dated 3/5/21.
- A-4. Front Yard Setback Plan prepared by Charles Surmonte, P.E. & P.L.S., Dated 12/11/20.
- A-5. Report from Leon S. Avakian, Inc., Board Engineer, dated 8/2/21.
- A-6. Zoning Officer Letter of Denial dated 2/17/21.

Michael Henderson, Esq. came forward to represent the applicants and asked for jurisdiction; Mr. Kennedy said the paperwork was all in order and the Planning Board had jurisdiction to hear this application. Mr. Henderson had two witnesses and they were both sworn in, Jody D'Agostini and Jason Lusardi, Architect.

Mrs. D'Agostini started and told the Board they have owned this home since June of 2016; they are retiring soon and want to stay in this home and settle here, she has been coming to Sea Girt pretty much her whole life, and would like a front porch as the back yard is stifling hot in the summer and she felt a porch will fit in the neighborhood and enable them to enjoy the ocean breezes. She had two letters of support from neighbors and Mr. Kennedy explained the Board is a quasi-judicial agency and, technically, can't accept letters. If the people who wrote those are here they can speak during the public portion.

Questions from the Board was then done; Mrs. Brisben noted the home is over the 20% building coverage and was this done by them? Mrs. D'Agostini said no, they purchased the home as it is. Councilwoman Anthony asked how old the home is and the answer was about 25 years old. As there were no more Board questions the hearing was open to the public for questions only to Mrs. D'Agostini and there was no response so that portion of the hearing was closed.

Architect Jason Lusardi then came forward, he has been a Registered Architect in New Jersey since 2004 and has been before Boards, has not been before Sea Girt's Planning Board for about 18 years but has been before other towns. He was accepted as an expert witness. Mr. Lusardi then put up a shared screen to show the site plan, the zoning chart, and showed the proposed front porch with a shed roof which will give a shore-like feel here, right now there is a small portico. There is a small bump out in the front and they want to put in a hot tub in the rear that will be at grade level. He then showed a colored rendering which was marked as Exhibit A-7, this was created 10/2/21 by him. He showed, on the rendering, the existing home and added front porch with square columns and new brick steps and a decorative gable over the front entry; he then showed the east side of the home on that is on Exhibit A-2. Exhibit A-8 was a



picture of the existing home that was taken recently. Mr. Henderson asked if this will be an improvement and Mr. Lusardi said yes, the home's façade is dated, as well as the portico, a 6 on 12 pitched roof is being proposed over the porch and this will add a lot of aesthetic appeal. He went on to say they are seeking a building coverage variance as the porch will be 325 square feet which comes to 23.9% coverage. The Front Yard Setback to the Port Cochere will be 36.3 feet and the porch will be at 31.8 feet. They also need a side yard setback variance as that also encroaches by about 7 inches on each side and the porch will be the total width of the home. Mr. Henderson noted the side setback encroachment is there now and they are not adding to that, the existing width is 36 feet so they are not meeting the aggregate needed., they need 15 feet and they are at 13.6 feet. Mr. Lusardi added that the existing garage is oversized and that is not being changed, the impervious coverage will be brought into compliance by splitting the driveway and putting grass in the middle which will bring this to 34.9% impervious coverage. The side setback on the garage is 4.6 feet on one side where 5 feet is required, no change there either.

Mr. Henderson felt this was a C-2 soft variance and the benefits outweigh the detriments and Mr. Lusardi agreed, this is more of a visual environment and will be within the FEMA and Fire Code requirements; it will also give light, air and open space. Mr. Henderson asked if a porch could be built without variances and Mr. Lusardi said it would be 10 inches deep; he also commented there will be no detriment to the public good.

Mr. Henderson asked Mr. Lusardi if he had looked at the Engineer's letter and he had. Mr. Henderson asked about Item K on page 3 regarding putting in a drywell and Mr. Lusardi said they will do this, Mrs. D'Agostini agreed. Mr. Henderson then turned to Section M of the Engineer's report, Item #2, concerning the elevation of the hot tub. Mr. Lusardi said this is a pre-fab hot tub with no foundation and will sit at grade. Mr. Henderson then asked about Item #4 regarding fencing and landscaping and Mr. Lusardi said the yard is fenced in and will have a self-closing gate; there is a hedgerow of evergreens on the property and the homeowner may add more hedges which will be at least 5 feet tall. Mr. Lusardi then said that Item #5 on setback being more than 10 feet from a structure will be complied with, they do not have a coping elevation yet but the Ordinance will be complied with. Some Board members had questions: Councilwoman Anthony asked if there was a photo of the back of the home and Mr. Lusardi did show her a photo of the hedges in the rear, this was marked as Exhibit A-9, an aerial Google map photo showing the hedges. Councilwoman Anthony asked if this was a paved driveway and the answer was yes, they are going to put in pavers with lawn in between which will make a split driveway. Councilwoman Anthony then asked where the hot tub will be and Mr. Lusardi showed her on the split screen, the walls of the hot tub are impervious but the water area is not considered part of impervious coverage. She then asked him to go over the setbacks again on the side setbacks of the home which he did, noting the variance need is on the driveway side. Councilwoman Anthony then commented on the 9-foot deep porch and questioned it being less, Mr. Lusardi said they felt a 9-foot deep porch will let them use chairs around the porch and will be a better use.



Mr. Petronko asked about the driveway to the garage and Mr. Lusardi said there will be a strip of grass and then pavers in the back as shown on the plans, Mr. Petronko did not feel the drawing depicts this, it doesn't go all the way to the garage. Mr. Lusardi said the idea is to have the strip up the side of the house and have a solid paver area to park the cars in. Mr. Petronko thought it was said the split driveway would go all the way to the garage and Mr. Lusardi apologized if that is what came across, the driveway and garage will be as shown on the plan. Mr. Petronko then asked if the asphalt is removed and pavers put in will it stay in the same footprint as there now is and Mr. Lusardi said they are very close to matching what is there now.

Mr. Ward asked if the hot tub will be on the ground and not in the ground? Mr. Lusardi said it will be an above ground hot tub and conferred with Mr. Willms, the Zoning Officer, on the impervious coverage issue; Mrs. D'Agostini said she had a similar conversation with Mr. Willms. Mr. Ward asked if the 8.6 foot wide driveway is serviceable now and Mr. Lusardi said it works. Mr. Ward commented that it looks like only one property would be farther front but Mr. Lusardi was referring to aesthetics and most of the homes here have porches; Mr. Ward noted the porches are not extended and Lot 16 has a porch in the front yard setback, the rest are somewhat compliant. He then asked if the porch will affect the side setbacks and Mr. Henderson said yes but they are not going any closer.

Mr. Petronko asked if the hot tub will be put on a slab and Mrs. D'Agostini said whatever they have to put it on, it may be stone or sand; they have not yet selected the hot tub as nothing is available right now.

At this time there were no more Board questions so the hearing was opened to questions only to Mr. Lusardi. Heather & Carl Scaturo asked to speak, they own lot 16 at 108 Stockton Boulevard and Mrs. Scaturo questioned Mr. Lusardi on the driveway and grass strip. Mr. Lusardi said it will be a 42" grass strip and they are also removing the front walkway that is shown in dashed lines on the plan. Mrs. Scaturo said there will be 400 square feet coming out of the driveway, so they will have to go back 100 feet to comply; Mr. Lusardi scaled it to 315 square feet or 90 feet back. Mrs. Scaturo did not think this computed correctly and wanted to know how Mr. Lusardi arrived at his figures. He said the cover sheet explained this and he took into consideration the removing of the front walkway as well. Mrs. Scaturo said the driveway is 1,360 square feet the paver portion will be 966 square feet coverage which is roughly a 400 square foot reduction being taken out of the impervious coverage. So she again asked how he got to his figures? Mr. Lusardi took a moment to look at this and checked to make sure all was to scale. He came up with 345 square feet and said he will go back and check his figures but was confident they can make it 400 square feet, they can take the lawn strip back further, Mrs. D'Agostino said they can take off some pavers by the garage as well as there is room back there to do this, they have a lot of blacktop they don't use. Chairman Hall felt this can be put in the Resolution so this figure complies. Mrs. Scaturo then commented on the statement that this will be more aesthetic and asked the average setback for the block; the answer was 39.5 feet to which Mrs. Scaturo said then the

home is already 3 feet into the average setback and Mr. Lusardi said yes. Mrs. Scaturo then asked if they were adding more livable space into this area and the answer was yes, extending a room. She asked what was the reason for that and Mrs. D'Agostini said they want to make this their forever home, her husband is a physician/surgeon with a study and this will be the study here, a place to have his books and professional items. Mrs. Scaturo asked if there is a study there in this location now and the answer was no; but Mrs. Scaturo said the plans say there is an existing study there now. Mr. D'Agostini said that area is now a bedroom and they want to change that use to a study. Mrs. Scaturo was trying to understand the hardship need to extend this room into the porch area setback. Mr. Henderson said they did not mention a hardship in their testimony and they are applying under the C-2 criteria and not the C-1 which is used to show hardship, C-2 is to show the benefits outweigh the detriment and will be more aesthetically pleasing and promote light, air and open space. She finished by asking if a town has to comply with the Municipal Land Use Law and Mr. Henderson said this is why there are Planning and Zoning Boards to listen to applications and decide if allowing variance relief is a better alternative.

As there were no further questions from the audience, that portion of the hearing was closed and Mr. Henderson summarized the application. They have made their case under the C-2 criteria and think this will be a nice addition to the neighborhood, the Master Plan promotes porches and they ask the Board to look at this favorably.

Mr. Petronko then asked to speak and felt there was an error on the site diagram, in the center section where the Engineer talked about the total impervious coverage, it looks like the total number was brought down for the asphalt driveway, 1,360 square feet, from the previous table and if there is a 4 foot-wide lawn for 150 feet it doesn't add up, maybe numbers were transposed. Mr. Lusardi did not quite understand what Mr. Petronko was saying but he would look into it and did find some other areas that were not mentioned earlier, one was at the rear of the house and that is being truncated and lawn will be put in. There are some dashed lines and solid lines by the garage that show changes and these changes will bring them to the 966 square feet needed, this is all done on the computer and is accurate.

At this time the audience was allowed to comment and Mr. Tim Feldman came forward and was sworn in. They live next door and he wanted to speak on the 8.6 foot side yard setback, that will be extending it 9 feet and he felt it would be a hardship for them as they are planning on landscaping. Mrs. D'Agostini said that right now they have a fence there and there has been no problem with the driveway and getting out of a car. If they put up landscaping on their side of the fence it would not make a difference she felt. Dan Cozzi, speaking for his in-laws at 106 Stockton Blvd. came forward and was sworn in, Mr. Kennedy told him he has to speak for himself and not his in-laws. Mr. Cozzi said he was in support of this application and John & Sherri McFadden, his in-laws, have owned the home at 106 Stockton since 1997 and have seen Sea Girt go for older homes with porches. They put on a porch in 2007 and if one goes down the block they can see other porches that are very well done, 108 & 106 Stockton. He felt this porch will enhance the beauty of this street and match the coastal

style porches on this block. He is relieved to hear about the 4-foot bump-out for the study as it gives them, the neighbors, more privacy as they are right next door. He does support the project and thinks it will be a good addition and add curb appeal and fit in.

Heather & Carl Scaturo were then sworn in to speak. She wanted to give a little context to the Board so they understand, their house is 108 Stockton Blvd., two houses away. They renovated their house and did not change their footprint in any way, their house was built in 1965. When the McFaddens bought their house they knocked down the house, which was in line with theirs, and moved it back to conform to the 40-foot setback requirement and built a porch into the home rather than extending out into the front yard setback. If this variance is approved, it will block out any home further down the street and change the streetscape, they renovated their home and kept in line with the rules and she was trying to understand why this is not being done here with this application.

Don Cozzi still had his virtual hand up, didn't realize it, but added that he felt Heather Scaturo was correct. Frank Sharp of 120 Stockton Blvd. was next to be sworn in, he had a general question for the Board. He has been here for 30 years and has had several neighbors in both directions want to put on front porches smaller than this one that were not approved and his concern was that allowing this will make a porch that will take up a lot of space and changes the setbacks dramatically. If this is granted does it create a precedence that will change the rules and setbacks for the street? Chairman Hall answered and explained that each application is based on its own merit, no precedence is set as each one is different. The Board can accept or deny an application and he understood Mr. Sharp's concerns but if an application is filed for relief, it is heard and listened to by the Board. Mr. Casey said that one thing that will change here is the average front setback for this block, it will move forward and the next person to want to change their home can work with the new setback, so there are some lasting effects and reiterated what Mr. Ward had set in the beginning of the meeting on what the Master Plan Update said about porches. Mr. Henderson said that Mr. Casey was correct, as that is the intent, but this is not necessarily a negative thing.

As there were no more public comments, that portion was closed and the Board went into discussion. Mrs. Brisben had no problem with the application except for the length of the proposed porch, she would rather see 7 feet than 9 feet, it sits too far out front; the Board just heard an application for a 7-foot long front porch and the testimony was given by the applicant that this size would be adequate. Mrs. Laszlo agreed with Mrs. Brisben, the porch is too long, otherwise she was in favor of the application. Mr. Casey was not in favor of the application, the average setback issue was a problem as well as asking for over 20% of the building coverage allowed and the study being built out. Mrs. Laszlo reminded Mr. Casey that this is not a new home being built and the existing one has a lot of non-conformities and Mr. Casey said he understood that. Mr. Henderson did not understand as they are asking for 3.9% and Mr. Casey explained how he came up with 20% over what is allowed, Mr. Henderson understood. Mr. Koreyva said this is an existing house that they are not tearing down and they are looking to put on a front porch and he believed the home will look much nicer, he also

agreed with Mrs. Brisben and Mrs. Laszlo that a 7-foot addition for the porch will give them plenty of room; he, too, was fine with the rest of the application.

Councilwoman Anthony agreed that applications are taken on their own merit, however, she agreed with Mr. Casey's point and Mr. Sharp's as to the way the streets can look with different front yard setbacks and she was not in favor of this at this time. Mr. Ward was having the same issues as the others who were negative on this and found some of the testimony of the impervious coverage very confusing; he was not sure of what the foundation should be for a hot tub, he did not think it can be just put on a piece of grass and did not hear testimony on what mechanical equipment may need to be put in that may affect impervious coverage, also the 23.9% building coverage was not consistent with the Master Plan, when the Master Plan talked about porches it still said it would have to be within the 20% coverage, he loved porches but did not feel this will cut it and he was not in support.

Mr. Petronko was not in favor as well, he said there was a large discrepancy here and he was not satisfied with the answers on the impervious coverage; he agreed that the porch is too big and he was not in support of this application. Mr. Henderson asked if the porch was reduced to 7 feet would that change his opinion; Mr. Petronko said he would look at this but still felt there are a lot of unanswered questions here about the hot tub, the discrepancy in the numbers, he felt a better job could have been done with this application. Mrs. D'Agostini added that the hot tub will not have a separate pump or pool filter and she was agreeable to the 7-foot front porch.

Mr. Walker felt the front yard setback is paramount here and is already closer than 40 feet and going even further, aesthetically it will look great but a line has to be drawn somewhere, he was not in support. Chairman Hall found the negative thing here with the porch is the encroachment into the front yard setback with a living area and that was a game-breaker for him. Mr. Henderson asked if the bump-out of the study was taken away and a 7-foot porch requested, would that sway him and Chairman Hall did not think so.

Chairman Hall then asked Mr. Henderson if he would like the Board to go forward with a vote and Mr. Henderson asked for time to talk to his clients and this was done. Mr. Henderson came back and asked to carry this hearing to amend the plans and clarify the impervious issues and hot tub and reduce the porch to 7-feet and remove the bump-out area. Chairman Hall said this cannot be heard in November and Mrs. Brisben was not sure about December as new plans will have to be submitted and then sent to the Board Engineer for another review, she asked for the revisions as soon as possible, she may be able to get them on for December if this is done. Mr. Kennedy said if the Board gives a date certain no further notice would have to be given. Mr. Henderson said his architect was not available for December so it would have to be January and Mrs. Brisben felt this can be done, again it depends on getting revised plans and a review. Mr. Ward felt strongly that another notice should be sent out, Mrs. Brisben was asked about the January date and said it would be January 19<sup>th</sup>; Mrs. Laszlo asked Mr. Henderson what the cost was for a re-notice and the answer was about \$700.00.

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Chairman Hall was also in favor of a re-notice as people will forget as it is so far in the future and some of the Board members agreed with him, Mrs. Brisben saying there will be revisions to the plan and the neighbors should know. It was decided to carry this hearing to January 19<sup>th</sup>, 2022 with re-notice and Mr. Henderson will get an updated property owner's list when he is ready to notice again. Mr. Henderson also consented to extend the time frame for the Board to act.

A motion to carry this hearing to Wednesday, January 19, 2022 with new public notice, this done by Mrs. Laszlo, seconded by Mr. Ward and unanimously approved, all aye.

#### OTHER BUSINESS:

Before starting Other Business, Mr. Ward wanted to know if Chairman Hall still wanted him to do a year-end variance report and the answer was yes, Chairman Hall felt it was a good report and can be added to the annual report Mrs. Brisben will be doing as Secretary.

The Board then discussed putting in an amendment to the Planning Board application form regarding a request for any past variance applications. Mr. Kennedy did some research on this and found that about half of the Boards in the area do ask this question, Mrs. Laszlo felt it would be useful to know. Mrs. Brisben said she did look up the application that was heard tonight, 104 Stockton Boulevard, and there were no previous variance applications. She also felt that it was easier for her to look it up than ask the applicants to do this, she can add a report to an application on this, it would not be a problem as she has access to the files. The Board was agreeable that this should be done for future applications.

Councilwoman Melissa Geigerich asked to speak and wanted to let the Board she had spoken to a Spring Lake Councilperson who felt that Sea Girt sets itself above in complying with setbacks and felt they are important; she thanked the Board for their work in this.

Mr. Casey wanted to know where Mr. Avakian was and Chairman Hall explained he was at another Board meeting but he was on standby if needed. Mr. Casey questioned that neither Mr. Willms nor Mr. Avakian wrote about the bump-out into the front porch on the D'Agostini application and Chairman Hall did not feel this is part of the Engineer's role, he looks at the application from law and the Ordinance. Councilwoman Anthony felt there should be a representative from the Board Engineer's office at meetings and Chairman Hall felt if that is the wish of the Board a formal letter should be sent to Mr. Avakian to request this and he agreed an Engineer should be on hand. Mrs. Brisben added that the Engineer can charge the applicant's escrow account for their attendance to lessen the cost to the town.

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As there was no other business to come before the Board a motion for adjournment was made, seconded and unanimously approved, all aye. The meeting was adjourned at 9:28 p.m.

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Karen S. Brisben, Board Secretary

Approved: November 17, 2021