

THE BOROUGH OF SEA GIRT  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY  
MINUTES OF THE MEETING OF  
THE SEA GIRT PLANNING BOARD  
WEDNESDAY, OCTOBER 21, 2009

A Regular meeting of the Sea Girt Planning Board was held in the Sea Girt Elementary School on Wednesday, October 21, 2009 at 7:30 pm. Notice of the time, date and place of the meeting was transmitted to all members and proper notice had been published in accordance with the provisions of the "Open Public Meetings Law".

After the Salute to the Flag, roll call was taken and the following members were present:

Coun. Raymond Bogan  
Larry Benson  
Karen Brisben  
Paul Cerami  
Coun. Ken Farrell

Norman Hall  
Donald Laws  
Michael Mastrocola  
Kathryn Matthews  
Christopher Randazzo

Absent: Susan Boriotti

Scott Thompson, Board Attorney, was also present for the meeting as well as Sandra Sears, Administrative Board Secretary. Board member Karen Brisben recorded the Minutes.

Chairman Hall asked for a motion to approve the Minutes of the July 15, 2009 meeting. A motion was made by Mr. Laws, seconded by Councilman Farrell and approved, all aye.

CORRESPONDENCE:

The Board had received a request from Russell & Melissa Marshall requesting an extension of time for their variance approval on 2 Chicago Boulevard (Block 13, Lot 12) until November 24, 2010; their original approval memorialization was done on November 24, 2008. Mr. Thompson explained to the Board that, under the law, they do have until July 1, 2010 to perfect this variance application, however, they have asked for the November time. As the Board was in agreement with this request, a motion was made by Councilman Bogan and seconded by Councilman Farrell to approve this request. The following roll call vote was then taken:

Ayes: Councilman Raymond Bogan, Larry Benson, Karen Brisben,  
Councilman Ken Farrell, Normal Hall, Donald Laws, Kathryn  
Matthews, Christopher Randazzo, Paul Cerami

Noes: None

Abstaining: Michael Mastrocola

**NEW BUSINESS:**

A presentation by General Pierson on Wind Turbines, which was to be heard this evening, was cancelled.

The Board then turned to a variance application for Block 9, Lot 21, known as 601 Ocean Avenue, owned by Ira Walker, to allow the demolition of an existing single family dwelling and construction of a new two-story single family dwelling. Height - 35 feet allowed, 37.67 feet proposed, 2.67 foot variance requested. Garage size - 500 square feet allowed, 571.92 square feet proposed, 71.92 square feet variance requested. Patio - permitted in rear yard only, patio proposed in front yard, variance requested.

Mr. Michael Rubino, Esq., came forward to represent the Walker family. He started his testimony by stating there will be no patio on a street, this is a "paper street" in front of these homes that face the ocean and are on the beach. As far as the attached garage, it will be oversized due to the extra bulk needed as it will be under the house and will have to support a structure above it. In regards to the height there is a slope from east to west here, where they measured the house from the grade is 34 feet, but because of the slope it becomes a question of height. Mr. Avakian measured the confines of the home and they measured the whole lot, they came up with 36.99 feet and Mr. Avakian came up with 37.67 feet; as that is more they will ask for a variance for 37.67 feet.

The exhibits were then marked by Mr. Thompson - the application was marked as Exhibit A-1, the Zoning Officer's letter of May 20, 2009 was marked Exhibit A-2, the survey and plan marked Exhibit A-3, the Borough Engineer's report marked Exhibit B-1. Also marked was a panorama photo of the site, Exhibit A-4, another panorama photo marked Exhibit A-5 and Exhibit A-6 was a picture board. Mr. Thompson also noted that all the bulk variances are under the Statutes as a "C" variance. Mr. Rubino also commented that they had supplied a copy of the CAFRA permit to Mr. Avakian's office.

Mr. Laws asked about Mr. Avakian's report concerning the cabana and a variance for that but Mr. Rubino said they were withdrawing that request for the

cabana now, they will comply with the zoning; if Mr. Walker wants this at a later time he will come back before this Board.

At this time Paul Lawrence, Architect, came forward and was sworn in. As he has testified before this Board many times they accepted him as an expert witness. He told the Board this is an oceanfront property so the ocean is on the east side of the home with the beach and boardwalk between. They proposed to remove the existing home and build a new one, the lot is 150 x 250 feet and has 24,800 square feet where 7,500 is required. The new home will be a two-story single family dwelling and there will be access to the basement from the back but from the front it will look like a two-story home. The style of the home will be a classic shingle style with a gambrel roof and from the ocean you will see a double gambrel covered open porch.

It will be a large home on a large lot, they could have put a flatter roof on but it would not look as nice as the sloped one proposed and Mr. Lawrence felt this home is in keeping with the neighborhood. He referenced Exhibit A-5 which is a panoramic photo of the area and noted that, if you are looking at the buildings from the average grade, the next door home is 37.5 feet in height, but if you measure it from Philadelphia Boulevard, it is 39.5 feet high, so it is taller than the proposed one will be. He then spoke of 509 Ocean Avenue which is 39.09 feet in height measured from Philadelphia Boulevard; this shows the surrounding homes to be higher than the one proposed.

He then showed the Board Exhibit A-6 which is a panorama of all the homes on the Crescent from the Boardwalk and the various heights can be seen; Mr. Rubino said this shows that no neighbors will be affected by the height of this new structure and noted that the area to the west of this lot is heavily wooded. Councilman Bogan commented on the heights of the other homes in this panorama and Mr. Lawrence said he could not get any more height readings in this area, but Exhibit A-6 shows the neighborhood.

Mr. Lawrence then addressed the variance for the garage. The north elevation is accessed by a patio by the garage, they actually will be "burying" the garage; to accomplish this the walls need to be concrete in order to support the earth, they need almost a foot of concrete instead of the 4 inches normally required and this will create the variance need for the extra square footage for the garage. Mr. Hall then asked if the patio will actually be the roof of the garage and the answer was yes, Mr. Lawrence showed him on Exhibit A-3. Mr. Hall commented that they are not taking into account the square footage of the garage because no living space will be above it. Mr. Lawrence said this is very unusual for Sea Girt because not a lot of properties have this grade.

Mrs. Brisben was concerned about bedrooms in the basement, she did not think this was allowed, but Mr. Lawrence said the large window wells will allow egress from the basement, if needed.

Mr. Randazzo asked Mr. Thompson to explain the change in grade issue and Mr. Thompson said the height is measured from the crown of the road. Mr. Randazzo then asked about the average grade on the land and Mr. Lawrence said it is not a simple answer here. The Engineer took the elevation from the street but Mr. Lawrence took 6 areas along the street and then averaged them out, this is where the difference is between him and Mr. Avakian; they are going to agree with the engineer and ask for the higher height number to avoid any future conflict with this, but this is where there is a discrepancy. Mr. Rubino said Mr. Avakian also used the building outline and not the whole lot.

Councilman Farrell noted the plan stated an elevation of 21 feet in the topography and he knows the boardwalk is at 17 feet. If the front yard is 21 feet what is north of that as far as elevation; Mr. Lawrence said 17.3 feet. Councilman Farrell stated that this is 3.5 feet higher, so if you measure from the crown of the road the property will have a different elevation than the street. The front of the house will be 31 feet high and the lot is sloped so it gets higher in the back; Mr. Lawrence said the road slopes to 14.5 feet. Councilman Farrell said the front of the house is within the code at 31 feet + the 3.7 feet difference, so the hardship here is the slope of the lot and slope of the street. Mr. Thompson said if you measured under the old rule Sea Girt used to have this construction would probably be okay but the Ordinance was changed.

Mr. Lawrence then addressed the patio issue again and said if you were to walk along the boardwalk you would not see any patios or ground floor entertainment areas and he agreed with the Ordinance that a patio on, say, Washington Boulevard, might be a problem but on the oceanfront this will work. Mr. Rubino said there is a lot of natural landscaping between these homes and the boardwalk that provide coverage. Mr. Hall asked what the patio will be constructed with and the answer was stone or brick.

Mr. Thompson asked about flood plain issues and Mr. Rubino felt this will be addressed through the building process, the finished basement will be above the flood plain level. Mr. Randazzo asked why a patio cannot be in front of a home and Mr. Hall said that is what the Ordinance states, they are not allowed.

At this time Mr. Ira Walker came forward and was sworn in. Mrs. Brisben asked him about the large trees around the property and Mr. Walker said they are going to keep the arborvitae that separates their home and the neighbor to the south; Mr. Rubino said they will try to keep as many trees as possible during construction. Mr. Cerami asked about the steps by the retaining wall

and Mr. Lawrence agreed they are not depicted on the elevations, they are just part of the site improvements. Mr. Thompson asked about the driveways and was told they are going to use the existing curbcuts. Mr. Mastrocola agreed with Mr. Cerami about the steps not being shown, he would love to have put stairs to his cellar but he was told he couldn't due to setbacks, he could see no difference to the stairs here. Mr. Lawrence did agree with him and said he has never put them in the setback figures but agreed this could be argued, as well as the window wells. Councilman Farrell said the town does not have extra codes for corner lots and, in this case, the steps are on the street. Mr. Mastrocola argued these steps do not take you to the street and Mr. Lawrence said they take you to a walkway to the street; Mr. Thompson added you can go to the street or to the garage. Mr. Lawrence measured and said all the steps are within the 15 feet allowed. After a further brief discussion on this, Councilman Bogan suggested putting in a condition that these be compliant with the Ordinance, but Mr. Lawrence did not think this was addressed in the Code. Mr. Hall said the Board can't argue for a variance if there is no code to back it up and Councilman Bogan agreed, if it is not covered, then it is proper. Mr. Rubino commented that both Mr. Quigley and Mr. Avakian felt they were compliant.

Mr. Lawrence then went to the site plan and noted the grading is shown there and the rest will be addressed through the permit applications. Mr. Hall commented that this is another step the Board has asked Mayor and Council to approve, the need for a proper grading plan showing grades before and after and this has not been done by the Governing Body as yet.

Mr. Benson questioned the location of the air conditioning units and Mr. Lawrence said they will be geo-thermal so there will be no outside units. Mr. Thompson asked about the planters shown on the plans and Mr. Lawrence said they all are below 16" so are not an issue.

At this time Mr. Walker spoke to the Board and told them he has owned this property since 1998 and the renovation will be for him and his family. Mr. Thompson asked about the existing dwelling over the garage and Mr. Walker said no one lives in there and they will be eliminating it with the new structure. Mrs. Brisben asked about the proposed patio and if it will be in the same location as the existing brick porch area and the answer was yes.

As there were no further questions from the Board, the hearing was opened to the public for questions or comments and, as there was no response, that portion was closed and the Board went into discussion.

Mr. Laws felt it was a good plan, there are other porches in this area and the proposed home will not be bigger than other ones. He had a little bit of concern about the extra support for the garage and tried to visualize this. As

far as the patio, he had no problem and the height problem seems to be in keeping with the other homes in the area. He felt the window wells were large and maybe should be included in lot coverage. Mr. Benson appreciated the panorama of the whole strip as he could see the various styles and heights of the homes here and the proposed dwelling will be consistent with these. He felt the height measurement was done in the way the Board intended and he had no problem with this or the entire project. Mr. Randazzo had no further comments; Councilman Bogan has had concerns with heights of homes for a number of years, but he felt the character of the lot had to be taken into consideration. He felt this will be a lovely addition to the town and will not be too obtrusive a home; in regards to the patio, the Board is familiar with the Ocean Avenue homes and patios and agreed people will not even know it is there. The cabana was a concern but, as that will now be compliant he would support this application.

Mrs. Matthews felt it will be a vast improvement as it is a beautiful piece of property. Councilman Farrell felt it was hard to argue with the variance on the height and front porch, he felt Mr. Lawrence did a clever job of attaching the garage to the home and thought the inside of the garage will be the same as the other 500 square foot garages in town, the structure issue is minor and they are staying within the lot coverage limit. Mr. Mastrocola agreed all the variances requested make sense but he still had a concern with the steps on the side and felt that someone could take this in the future and apply it to their lot. Mr. Cerami had no further comments to add. Mrs. Brisben still was concerned about the basement bedrooms but, as Mr. Quigley and Mr. Avakian had not had a problem with this, it must be okay. She had no problem with the height or patio and felt it was a good application for this area. Mr. Hall did not think the Board was opening up a garage issue as this is a unique lot.

As there were no further comments Mr. Benson made a motion to approve the application as presented, this seconded by Councilman Bogan and approved by the following roll call vote:

Ayes: Councilman Raymond Bogan, Larry Benson, Karen Brisben, Councilman Ken Farrell, Normal Hall, Donald Laws, Michael Mastrocola, Kathryn Matthews, Christopher Randazzo

Noes: None

Not Eligible to Vote: Paul Cerami (Alternate Member #2)

As there was no other business to come before the Board a motion to adjourn was made by Councilman Bogan, seconded by Councilman Farrell and unanimously approved, all aye. The meeting was adjourned at 8:30 p.m.