

Wednesday, October 20, 2010

THE BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY
MINUTES OF THE MEETING OF
THE SEA GIRT PLANNING BOARD
WEDNESDAY, OCTOBER 20, 2010

A Regular meeting of the Sea Girt Planning Board was held in the Sea Girt Elementary School on Wednesday, October 20, 2010 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:

Larry Benson	Robert Ferguson (Alternate)
Susan Boriotti	Norman Hall
Karen Brisben	Donald Laws
Paul Cerami (Alternate)	Kathryn Matthews
Coun. Ken Farrell	Christopher Randazzo

Absent: Coun. Raymond Bogan

Also present was Borough Attorney Thomas Hirsch and Administrative Secretary Sandra Sears; Board member Karen Brisben recorded the Minutes.

A motion was made by Mr. Laws to accept the Minutes of the September 15, 2010 meeting, this seconded by Mr. Benson and approved by roll call vote, all aye, no nays, Coun. Farrell abstained.

The Board then turned to the approval of a Resolution for John and Denise Jones, 200 Trenton Boulevard, to allow the construction of a 4 foot high fence in a front yard area which will surround an in-ground pool, this hearing was approved at the September 15, 2010 meeting of the Board. As there was

only one small typographical error with no other corrections or recommendations, the following Resolution was presented for approval:

“WHEREAS, John & Denise Jones have made application to the Planning Board of the Borough of Sea Girt for permission to construct a 4 foot high fence in a front yard area, surrounding an in-ground pool, which pool previously received zoning approval with compliant fencing, and

WHEREAS, the premises are described as follows: Block 32, Lot 16, located at 200 Trenton Boulevard, and

WHEREAS, the Board held a hearing on September 15, 2010 and the Board, after considering testimony, exhibits and comments of the applicant, objectors and other parties in interest, all of which were duly recorded in accordance with the law, makes the following findings of fact and conclusions of law:

1. The property is located in District 1, East Single Family.
2. The lot and the dwelling meet the bulk requirements except for lot depth in that the existing lot has a depth of 140 feet where 150 feet is required.
3. When applicants purchased the house, they tore down the existing house and constructed a new home.
4. At the time applicants had their plans prepared for the construction of the new home, they had a choice of moving their proposed garage closer to the street, however, the garage then would have extended out further than the neighbor's structure and could possibly block views. The other option was to set the garage back further from the street, however, that ultimately restricted the area in which the pool could be constructed.
5. The Borough's Ordinance requires that pools must be set back 10 feet from any structure and, therefore, that requirement, along with the location of the garage and house, also limited the area in which the pool could be placed.

6. Applicant constructed the pool to meet the 10 foot requirement from the existing garage and the 10 foot requirement from the existing dwelling.
7. The pool is set back 15 feet from the property line facing Second Avenue.
8. While the front of the house faces Trenton Boulevard, in light of the fact that this is a corner lot, the applicant must meet front yard setback requirements from both Trenton Boulevard and Second Avenue.
9. Section 17-5.11(a) of the Zoning Ordinance provides that fences in a front yard area may not exceed 3 feet in height. In the case of a corner lot, the height limitation of 3 feet extends to the side yard area adjacent to the side street bounded by the side building line and the side lot line for the full depth of the lot.
10. Therefore, the proposed 4 foot high fence is located in a front yard or the side yard setback abutting the street.
11. Applicant, however, is required to have a four foot high fence surrounding the pool for safety reasons.
12. For applicant to place the fence outside the front yard area, the fence would actually be located on the coping of the pool.
13. Therefore, the Board finds that applicant has demonstrated a hardship related to the size of the lot and the structures lawfully existing on the lot which creates a practical difficulty in applicant meeting the limitation of a 3 foot high fence in a front yard.
14. The Board further finds that applicant has demonstrated a better zoning alternative in that the safety regulations require a 4 foot high fence to surround the pool and that the other options applicant had in constructing the improvements on the property would have adversely affected adjacent properties and, therefore, by arranging the structures on the property in the manner in which they have been constructed, it has created a better zoning alternative justifying the granting of the variance.
15. The Board also finds there is very substantial vegetative buffering on the property which shields view of the fence and pool from surrounding properties.

16. The Board further finds that the granting of the variance creates absolutely no detriment to surrounding properties much less a substantial detriment and for the foregoing reasons, the granting of the variance will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Sea Girt that applicant's application to permit the construction of a 4 foot high fence in a front yard area for the purposes of enclosing an in-ground pool as more specifically set forth on the plans submitted to the Board is hereby granted.

BE IT FURTHER RESOLVED that notice of the Resolution will be published once in the official newspaper as required by law and a certified copy of the Resolution will be forwarded by the Secretary to the Applicant."

A motion to approve this Resolution was made by Mr. Laws, seconded by Mrs. Brisben and approved by the following roll call vote:

Ayes: Larry Benson, Susan Boriotti, Karen Brisben, Paul Cerami, Robert Ferguson, Norman Hall, Donald Laws, Kathryn Matthews, Chris Randazzo

Noes: None

Not Eligible to Vote: Councilman Ken Farrell

NEW BUSINESS:

The Board turned to an application for variance relief for Block 86, Lot 6, 613 Brooklyn Boulevard, owned by David & Sharon Kregg, to allow construction of a single story open porch. Minimum Front Setback - 40 feet required, 33.15 feet proposed, variance of 6.85 feet requested. Side Setback - combined setback required 15 feet, 13.93 feet is existing. Mr. Hirsch announced that the application was in order, property owners had been served and the proper

notice was put in the official newspaper of the Board. He also noted that the applicants are asking for a "hardship" as the building, which is now nonconforming, was lawfully built on the site under the old zoning laws.

Mr. Michael Rubino, Esq. came forward to present this hearing. He told the Board the Kreggs wish to construct an open front porch, approx. 170-175 square feet, with no second floor above it; this construction will violate the front yard setback but not the side yard setback. The existing home is in violation but the porch will be within the proper setback on the one side in question.

He said that the lot coverage will be at 19.26 with this small addition; it would be at 25% if the garage were to be added, however, his understanding of the Sea Girt Ordinance is that the garage would not count in coverage. Mr. Hirsch noted that Mr. Avakian agrees with this in his report so there is no issue with lot coverage.

At this time Mrs. Sharon Kregg of 613 Brooklyn Boulevard came forward and was sworn in. Her family has lived in Sea Girt since 1950 and she & her husband have lived in this home for 46 years, she purchased it from her grandmother and noted the home was built in 1953. It was a basic cape cod home and they added a family room & garage; then in the 80s a new home was built next door and they are now squeezed in. She said that people are looking at front porches differently these days and they are not always used in lot coverage.

She wants to add an open front porch to her existing home for relaxation and she thought it would be nice and breezy. The back of her home is now very closed in and would like to be able to sit in her front area; she said the neighbor to the left of her has no objection but he is ill and cannot attend this evening. Mr. Rubino added this would be a one story open porch which never would be enclosed and there would be no deck on top of it and Mrs. Kregg agreed.

A photo board was submitted and this was marked as Exhibit A-1. Mrs. Kregg said the top left is a photo of the house, the next photo is the flagpole which is 8 feet away and the porch would not go past this. The next picture is of the window that will stay and the next view was from across the street; the next two pictures were of the neighbors' homes to the east and west of hers; she commented that the neighbor to the west will not have the porch next to that home.

Mr. Hirsch asked about this home and was told it faces Bell Place and not Brooklyn Boulevard. He then asked about front setbacks and was told that home is 40 feet back and is in line with their home, it has a white picket fence; there is no buffer on the house to the east.

At this time the hearing was opened for questions to Mrs. Kregg and, as there were none, that portion was closed. Mr. Richard Graham, Architect & Planner, then came forward and was sworn in. He has been a Licensed Architect in N.J. since 1982 and has been a Licensed Planner since 1988; the Board accepted him as an expert witness.

He testified that this home is basically a 1 ½ story cape cod style with a wing addition from north to south and at the end of the wing is an attached garage. Mr. Graham said he grew up in Sea Girt at 720 Boston Boulevard and remembered when the town was dirt roads; he has seen Sea Girt go from a suburb/resort town to a year around residential community with many hotels torn down or burned down. While he had respect for the Zoning Ordinance, he wondered if the 40 foot front yard setback is now appropriate as there are so many year round families living here, it worked well for the small cottages but they are mostly gone now. He thought a front porch in this location was a reasonable request and he said he would turn down a project if he thinks it won't fit in but felt this does.

Mr. Rubino said the house has 16.86% coverage with a front yard setback of 40.1 feet. He addressed the side yard setback requirements and said that, when the home was built, the side yard requirement was 5 feet on each side; Mr. Graham agreed and said the porch side setback will be 8.7 feet to the east

and 18.47 to the west which will meet the setback requirements, there will be no change to the rear yard by this front porch, as well as no change in height or the garage; as there is no living space above the garage it is not counted in total building coverage, so the total coverage with this porch will be 19.26%.

Mr. Graham stated the porch will sit at 7 feet along the easterly side of the home and will go to 8 feet by the driveway, they need the 8 feet wide area for chairs, a table and room for passage. Mr. Rubino asked how far it was to the property line and the answer was 33.51 feet with another 20 feet of right-of-way; the width of Brooklyn Boulevard is 40 feet.

Mr. Graham went over the application pages that show an aerial view and closer design of the porch, as well as a drawing of the home with the porch, the height of the porch will be 12 feet 9 inches above the existing landing or about 14 feet from the base to the roof. Mr. Rubino asked if this will affect the neighbor to the west and the answer was no, this will not block any views or light and also noted that the front of the Kregg home faces south so it will get good light and air. Mr. Rubino asked about the neighbor to the east and Mr. Graham said there would be no problem here either with no visual impact.

Mr. Rubino asked if there were any way to add the porch without a variance and there was none, however, this will be an aesthetic improvement as porches lend to the character of a home; several homes along this street have a straight facade and a porch will make this home more interesting. Mr. Graham said the benefits outweigh any detriments and there will be no obstruction of views; this porch will give the Kreggs ability to enjoy their front yard.

Mr. Boriotti asked about the comment made about the porch being 7 feet on one side and 8 feet on the other and Mr. Graham explained the home itself is not even, thus the foot difference in front yard setback. Mr. Cerami asked if the homes on Brooklyn Boulevard were measured on setbacks and Mr. Graham said no, they all look even at 40 feet. Mr. Randazzo asked Mrs. Kregg about coming before this Board at an earlier time and asking about porches and Mrs. Kregg said she did; she had asked the Board to consider changing the zoning to allow open front porches. Mr. Rubino said he was the one to recommend her

doing this as he did not want to see her waste her money, he felt that, in today's age, porches are all big in shore towns and this is a modest addition. Mrs. Kregg added that she went back and forth between the Council and Planning Board with no results so she decided to try for the variance. Mr. Graham added this home is not built out to the max and he was influenced by this.

On that note Mr. Hirsch asked if she would be favorable to a condition that the house can never be expanded due to this porch; Mr. Rubino was okay with this as long as this condition would not include building a new home if this one were taken down. Mr. Hirsch felt the Board could consider this as a "trade-off" as this is a smaller home. Mrs. Kregg said she had no problem with it but she would not want to have this condition when they go to sell the home in the distant future.

Mrs. Brisben asked about the steps leading to the porch and how much area they would take up and Mr. Graham said there would only be one step and it would be under 16 inches. She then asked if there was going to be a new walkway and the answer was yes, it will be reconfigured.

At this point the meeting was opened to the public for general comments and Molly Tobin of 619 Brooklyn Boulevard came forward, was sworn in, and said this will be an asset to the neighborhood and was in support of it. Richard Tobin also was sworn in and felt porches get people from the back yard of the home to the front and was a positive thing. Pat Healy of 609 Brooklyn Boulevard came forward and was sworn in and she, too, felt it would be an asset to the Kregg residence and neighborhood. Ginny Westphal of 302 Crescent Parkway was next to be sworn in; she was very familiar with this home and felt it will add detail and depth to the existing home.

Mr. Rubino commented on Mr. Avakian's report and stated all roof leaders will drain to a stone recharge pad or drains approved by the Board Engineer. Mr. Hirsch asked about landscaping and Mrs. Kregg said there will be low foundation plantings.

As there were no further comments, that portion of the hearing was closed and the Board gave their opinions. Mr. Randazzo said the power to change the Zoning Ordinance lie with Council and he felt this will set a precedent. Mr. Rubino said they will do a deed restriction and that porch will always remain open and there will be no deck on the second floor above the porch. Mr. Benson felt this was about setbacks, he thought the design was great and said he enjoys his porch. However, this is a case of Land Use Law where the setback is 40 feet and felt the Board should hold to these standards – this is an 8 foot encroachment and he agreed it may set a precedent. The Board has heard variance applications like this one before and he would probably vote against this one.

Mr. Laws agreed with Mr. Benson about the excellent application which shows the advantages having a porch can do to a home but this currently does not comply with the Zoning Ordinance as written and he did not see a hardship; he felt that perhaps the Ordinance should be looked at. Mrs. Boriotti was concerned about a precedence being set as this changes the front yard setback for the street and that concerns her. Mrs. Matthews agreed with keeping the 40 foot setback.

Councilman Farrell weighed this out in regards to the size of the home and agreed this porch was a wonderful idea; he likes to see the use of a porch. When Mrs. Kregg came before Council they were not interested in changing this Ordinance, which is why she is before the Board this evening. He saw that 20 neighbors were noticed and would have liked to have heard from the neighbors on the east or west side of this home. When he considered all this, he saw a 22 foot high home when every other house is built as high as possible; he would be in favor due to the size of the existing home.

Mrs. Brisben visited the site and saw that all the homes at that dead end of Brooklyn Boulevard are all in a row of 40 feet back, however, she felt that they all could use porches as they all had the flat front to their homes; she would be in favor of this application. Mr. Cerami said he would be against this as he felt it would set a precedent. Mr. Ferguson stated the alignment of homes is important and he, too, would be against this. Mr. Hall explained to

Mrs. Kregg that the Board cannot legislate changes but can only recommend them to Council. He thought that too much was being done here with this variance and may set a precedence.

Mrs. Kregg said when she was here last time she saw plenty of homes in violation, we could all walk along New York Boulevard and see the homes that have porches that stick out, also on Philadelphia or Baltimore Boulevards. She could not see what "can of worms" having an open porch can make and commented that in Spring Lake Heights so many people wanted porches that they changed the Ordinance to allow open front porches. This is a seashore town and they are totally blocked in for views; she felt it was a shame they can't do this. Mr. Hall again stated the Board has to follow the Zoning Ordinance.

Mr. Benson agreed there are homes that have porches that violate the setback but the Board has to consider each application and some of the porches mentioned may have pre-existed the new Ordinance. Mrs. Kregg said they are not objectionable.

At this time Chairman Hall felt that all comments have been made on this application and asked for a motion. Councilman Farrell made a motion to accept this application, this was seconded by Mrs. Brisben and denied by the following roll call vote:

Ayes: Karen Brisben, Councilman Ken Farrell

Noes: Larry Benson, Susan Boriotti, Donald Laws, Kathryn Matthews,
Chris Randazzo, Paul Cerami, Norman Hall

Not Eligible to Vote: Robert Ferguson (Alternate Member)

The last item on the agenda was for a Variance Application for Block 29, Lot 1, 101 Sea Girt Avenue, owned by Cooley Family Associates, to allow remodeling of the existing attached garage into living space, construct a new 1 ½ story addition over the garage and construct a new garage in the rear yard. Minimum Front Yard Setback – 40 feet required, 22.9 feet proposed, 17.10 foot

variance requested. Third Floor Habitable Space – less than 50% of the floor below required, 901 square feet being proposed, variance required. Proposed garage requires a 15 foot setback, 4.5 feet from Sea Girt Avenue proposed, 10.5 foot variance requested.

Mr. Michael Rubino, Esq. once again came forward, this time to represent the Cooley Family. Mr. Hirsch noted the application was in order as well as the notice to the newspaper and to the property owners within 200 feet.

Mr. Rubino told the Board this is a hardship variance due to the triangular shape of the lot; there is an existing home on these premises, so this all made this a difficult property to work with. The house to the north faces Seaside Place so there is a 15 foot side yard line next to the Cooley home which makes the neighbor to the north closer to First Avenue by 6 feet.

The home was built in 1959 and has had no changes done to it since then, they want to take the porch down, put on an addition as well as a half-story over the second floor, this will all be within the 40 foot setback. The variance is needed for the front yard setback along First Avenue and for floor space over 50% for the half-story (53%). This all has to be done due to the way the house is built and existing; on Sea Girt Avenue the side lot significantly narrows so there really is no place to put a garage that will not violate the setback. A small garage could be squeezed in but a two-car garage would look better, the Cooley's do not believe the new proposed garage will impact any views as the Army Camp is across the street.

At this time Mr. Jeremy P. Cooley of 903 Old York Road, Branchburg, N.J. was sworn in. He testified his family purchased this home in 1960 from the builder who built it as a "spec" house, his parents lived in Sea Girt before this time at 316 New York Boulevard and they wanted to be closer to the beach so they purchased this one; the home never has been rented and has only been used by the family and was purchased by the children after the parents passed on. He then bought out some of the siblings and he, his family & his sister now own this property and use it whenever they can; he has four children, 3 are triplets, as well as his mother-in-law in his family and they need more room as

the children are now over 6 feet tall, 4 teenagers. They also need more space for other family members and visitors; he and his wife are still working but their intent is to retire here.

At this time Mr. Rubino presented a picture board which was marked as Exhibit A-1 and the survey was marked as Exhibit A-2. Mr. Cooley said the home is a southern colonial with pillars and, from the last couple of storms, the pillars are going and the filigree on top is damaged, also the base of the front porch is falling apart; something has to be done. There is a lot of wind here by the beach and they have to replace the front of the home, so they want to replace the porch and add bedrooms; the front yard setback right now is 22.9 feet and they have designed a smaller porch and will put on a gambrel roof to put in two bedrooms. Exhibit A-1, photo #2 shows the setback along First Avenue and they will be behind this, the next photo is the home across the street, a side yard view. He said the new front will be an aesthetic improvement, they tried to use historic drawings for these changes.

Mr. Rubino said the part of the house to the north of them is the garage of that home and is closer to the street than the Cooley house. He then asked Mr. Cooley about the upstairs and Mr. Cooley said they looked at many designs and tried to keep the Sea Girt look. They need to update the kitchen as well and the rooms now are small; they want to use the upstairs for more bedrooms and want to make use of the gambrel roof, there will be two bedrooms and a bathroom. He said they could reduce this to less than 50% of the second floor but it would be more logical to have it at 53%, if they push it in they will lose the natural break line on the dormers and he reminded the Board they have to work with the existing layout.

He said the garage currently is a two car attached one and they want to turn that into a new kitchen with the master bedroom above it, this will take up less room than the attached garage right now - so they have to put in a new detached garage and, as the lot is pie-shaped, putting in this garage is very difficult. They have a huge driveway and can put in 5-6 cars if needed; where they park some of these cars is where they want to put the new garage, at the

“tip” of the triangle lot and this configuration will give them more of a back yard.

Exhibit A-3 was then presented, a colored rendering of the survey and Mr. Cooley used this to show they could shoehorn in a one-car garage but they would like a two-car garage. Mr. Rubino explained that Sea Girt Avenue is the front but Sea Girt Avenue is the longer side and the garage needs to be 15 feet from Sea Girt Avenue; Mr. Cooley commented that Sea Girt Avenue is also a very wide street. Mr. Rubino said the whole block is a triangular shape with some homes very close to the property line. There are 4 homes on Seaside Place and two are through lots and, on the Sea Girt Avenue side, those two homes have their garages. Mr. Cooley felt his placement of the proposed garage was a simple and logical plan to pull in and out of Sea Girt Avenue and he also needs to have space for bikes, tubes, etc. as there are 4 children; he stated there also is no parking on one side of Sea Girt Avenue.

Mr. Rubino referenced Exhibit A-1 and said the second row of pictures show the rear of the existing home and there are also shown a number of trees for screening. Mr. Cooley said also the back of their garage will meet the back of the neighbors. The next row on Exhibit A-1 shows the Army Camp across the street on Sea Girt Avenue and the house to the west; the final pictures are looking from Sea Girt Avenue towards the beach.

Chairman Hall asked how much they were reducing the front yard setback and the answer was by 2/3. He then asked about lot coverage but Mr. Cooley did not know. Councilman Farrell asked about the porch on the second floor with the window and Mr. Cooley said it is just a decorative window that was put in 5 years ago and they want to keep all the windows.

Max Hayden, Architect, then came forward and was sworn in, giving his address as 984 Cherry Valley Road, Hopewell, N.J. He graduated in 1982 and has had his own firm since 1991 and has appeared before many Boards – the Board accepted him as an expert witness as an Architect. Mr. Hayden said he was hired by Mr. Cooley to do the work as he knows the family; they have been playing with the design for three years. He was for keeping the front portico

but Mr. Cooley wanted something quieter and they ended up with the gambrel design. An exhibit of elevations was marked as Exhibit A-4, Exhibit A-5 was the foundation, A-6 the second and third floor plan and Exhibit A-7 was the proposed garage.

Mr. Hayden said the porch will be 22 feet 10 inches, they are reducing the porch by more than half and there will be no access onto the second floor porch - it is for decoration only. They still need the variance for the front yard setback due to the existing home but they are in compliance with the side yard, they are just expanding changes to the interior. The house is now at 16.05% and they are going to 20%, not including the detached garage. They need the extra percentage on the third floor as, if they don't have it, they will have to have 5 foot high closets, the rooms are generally 12 x 16 feet. They chose the location for the new garage to maximize the rear yard space, there is a large arborvitae hedge and existing pine trees that shield this house from others.

Mr. Rubino asked about the practical difficulties in placing the garage and Mr. Hayden said the rear yard is only 27 feet and on an odd sized triangular block which slopes to First Avenue, houses to the north are more regular but homes on this block are all odd sizes. He noted that other newer homes have gambrel roofs and this will be in keeping with them. Mr. Benson asked about drainage in the crawl space and Mr. Hayden said there will be no problem with drainage and no sump pump will be needed. Mr. Cerami asked if they could possibly reduce the square footage on the third floor to make it conform and Mr. Hayden said they could bring the walls in approximately 12-18 inches but it will make it more "tunnel-like". Mrs. Matthews asked about the coverage on the third floor and Mr. Hayden said 56.7% of the floor below, this is due to where the 5 foot mark is and is kind of a standard; he noted this will all be interior and will not be noticed on the outside so matter which way they go, conform or have the extra square footage, you will not see it from the outside. Councilman Farrell then asked if the rooms would be 12 x 14.5 if they were brought in and the answer was yes.

Mr. Ferguson asked how far the garage would have to be moved to fit in and Mr. Hayden said about 10 feet, which would give them 17.10 feet of yard

space and their design was to use 35 feet of yard space. Mr. Cooley said they can move it but then get a useless area in the rear of the garage but they can move it 5 feet or so but felt their plan makes all areas usable and they do not want to lose any space; Mr. Hayden reminded the Board that the arborvitae hedge is there for buffering. Mr. Cooley also said he had spoken to his neighbors in the area and they are in support of this application.

Mr. Cerami asked what the distance is between the sidewalk and garage door and Mr. Hayden said about 10 to 12 feet is the shortest distance, then it goes to 18 feet. Mr. Randazzo asked about the setback along Sea Girt Avenue and Mr. Hayden commented on the right-of-way there also.

At this time the hearing was opened to the audience for questions and, as there were none, that portion was closed. Mr. Rubino then summed up this application and said it was a classic case of hardship, this is an odd piece of property on a corner on a triangular shaped-block and the Board has the right to grant flexibility.

Mr. Randazzo was familiar with this area and realized the problem with this lot. He felt that, with an adjustment to 50% on the third floor, it can be done as he had no problem with the other variances. Mr. Benson agreed the yard shape is a hardship and there is nothing that can be done about it. He could see why the garage was put where it was and agreed that the attic area can be made to conform. Mr. Laws felt that the third floor should be reduced also so a precedence is not set. He understood the garage problem but would like to see the garage moved so a car can turn around, as it is presented a car would have to back out. Mrs. Boriotti agreed that the garage is cut close to the corner and wondered if it can be made into a 1 ½ car garage. She had no problem with the front as they were reducing the non-compliance and was in agreement with some of the other Board members that the third floor should be made to conform, the bedrooms can be 12x14 feet and will still be enough.

At this point both Mr. Cooley and Mr. Rubino withdrew the variance application for the third floor and said the plans will comply. Mrs. Matthews wanted safety here as far as the garage and said she would like to see it moved.

Councilman Farrell stated this is not a heavily trafficked area but he, too, was concerned about safety but said it was not a deal stopper for him. He knows the neighbor to the Cooleys and said he can park his car okay; he was happy to see the third floor conformance. Mr. Cerami agreed the garage should be moved, he said a car may not even clear the building backing out of the driveway, he suggested moving to a 5 foot setback which is more common in town. Mr. Cooley felt that may require another variance but he was flexible. Mr. Hayden said if they flip around the move the garage toward the east this will keep the building in line, a mirror image that will put the garage doors going east. They can make it 5 feet.

Mr. Ferguson had no problem with the front and was in agreement in moving the garage. Mrs. Brisben felt it will be a fine house when finished and thought it was a well done application. There was then a brief discussion on the new setbacks for the garage and Mr. Rubino asked for this application to be carried so they can get the new concept, however, Chairman Hall felt if they could do it in 10 minutes it can get done tonight. This was agreeable to all and a recess was called at 10:02 p.m. – the Board reconvened at 10:05 p.m. Mr. Hayden had the new setbacks and gave them to Mr. Hirsch for the enabling Resolution, the building will be 6 feet from the westerly line and the garage door will be shifted 5 feet to the east. Chairman Hall commented that the reason the third floor Ordinance was created in the first place was to keep the outside of the structures in compliance and, as this was all internal, he would have approved it with the initial proposal,

There was a little more discussion on the details of the changes and, as all Board members as well as the applicant were in agreement, a motion was made by Councilman Farrell to accept the amended application, this seconded by Mrs. Matthews and approved by the following roll call vote:

Ayes: Councilman Ken Farrell, Larry Benson, Susan Boriotti, Karen
Brisben, Donald Laws, Kathryn Matthews, Chris Randazzo,
Paul Cerami, Norman Hall

Noes: None

Not Eligible to Vote: Robert Ferguson (Alternate Member)

Before adjourning, a member of the audience asked about the McCagg application which was to be continued this evening and he was told that application was postponed and will be heard at the November 17th meeting of the Board with no further notice required. There was an apology given as this should have been announced at the beginning of the evening.

As there was no other business to come before the Board a motion to adjourn was made by Mr. Ferguson, seconded by Mrs. Brisben and unanimously approved, all aye. The meeting was adjourned at 10:09 p.m.

Approved: