

October 21, 2020

SEA GIRT PLANNING BOARD  
WEDNESDAY, OCTOBER 21, 2020

The virtual Regular Meeting of the Sea Girt Planning Board was held on Wednesday, October 21, 2020 at 7:00 p.m. In compliance with the Open Public Meetings Act, notice of this Body's meeting had been sent to the official newspapers of the Board and the Borough Clerk, fixing the time and place of all hearings.

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

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

Absent: None

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

The Board then turned to the Minutes of the September 16th, 2020 meeting. Councilwoman Anthony noted a small change on her comment and asked that the sentence be changed she spoke of to note "discussion between Planning Board members and Borough employees". Mrs. Brisben said she would revise the Minutes and then the Minutes were approved on a motion by Councilwoman Anthony, seconded by Mayor Farrell and then by a roll call vote:

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

Noes: None

Abstained: Carla Abrahamson

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

NEW BUSINESS:

Chairman Hall told all that the agenda was being moved around as the Mayor & Councilwoman cannot hear two of the applications, so the Board was going to hear the application for variance relief for Block 41, Lot 12, 216 Beacon Boulevard, owned by Brian & Marguerite Baker, to allow alterations of the existing garage to convert to a

October 21, 2020

cabana & bathroom, addition of outdoor shower, pergola, & deck of principal dwelling. Accessory Building – 120 square feet maximum allowed, 232 square feet proposed (cabana/bath/shower area). Swimming Pool – shall not be closer than 10 feet to any structure, will be less than 10 feet from proposed pergola. He then announced that he would have to recuse himself as he has an interest in a property at 219 Chicago Boulevard which is within 200 feet of this property; Vice-Chairperson Eileen Laszlo then took over as Chair for this application.

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. As Mark Aikins, Esq., the attorney for this matter, was having a problem getting on the virtual meeting, Mr. Kennedy marked the following Exhibits while waiting:

- Exhibit A-1. The application package.
- Exhibit A-2. Site Plan done by DMC Associates, dated 9/25/20.
- Exhibit A-3. Architectural Plan done by Richard Tokarski, dated 9/25/20.
- Exhibit A-4. Map of property, done by DMC Associates, dated 3/26/13.
- Exhibit A-5. Board Engineer Peter Avakian review letters dated 10/2/20 & 10/19/20.
- Exhibit A-6. Illustrated survey as located in Exhibit A-1.

Mr. Aikins was now on the meeting; Mr. Kennedy asked if anyone within 200 feet has a question or issue with the notice and Eileen Devlin said she did, the notice did not give an address but gave a block & lot number; she had to call the Borough Hall to get the address. She also had to literally type in the numbers to get into the meeting and felt that a link should be on the website to get in.

Mr. Aikins answered her first comment and said the State Statute in Title 40 says the Notice of Hearing can be by Block & Lot or by address, so either one is correct. Mr. Kennedy agreed with Mr. Aikins but also agreed with Ms. Devlin that giving an address would be better. He then suggested that the website be made more user friendly by giving an actual link.

Mr. Aikins then said he had witnesses to give testimony and Mr. Richard Tokarski came forward and was sworn in, he is a Licensed Architect in New Jersey. He gave his credentials and has an office on Route 35 in Wall Township, is a 1992 graduate of the Institute of Technology and was licensed in 1996; he has spoken before many Boards throughout New Jersey. The Board accepted him as an expert witness.

Before he started, Mr. Aikins noted that the original request for a variance for Building Coverage was being removed. Mr. Tokarski said they want to take part of the garage and convert it to a cabana with a bar, cabinet and sink and are also putting in a bathroom as well as having a pergola and outside shower. He referred to Exhibit A-3 to show the garage and plans. In Exhibit A-2 the proposed deck is shown, it will be 15x18 feet and will be 15 inches above grade; this is being put in to transition from the rear of the home to the backyard area. There will be a faux garage door which will hold a

October 21, 2020

hidden man door to the cabana which is shown on Exhibit A-2. Mr. Aikins noted the difference between the pergola and pool is less than 10 feet, which requires a variance, but this is an open beam structure.

The Board then had questions: Mrs. Brisben wanted to know if this will now be a one-car garage and the answer was yes. Mayor Farrell asked how far was the pergola from the pool and was told 3 feet. Mr. Walker asked for confirmation that there will now be a 330 square foot garage and a 180 square foot cabana and was told he was correct. Mr. Casey noted that, on page 1 of the Board Engineer's report it says the map of the property is from 2013 and there should be a current survey submitted. Mr. Aikins said their Engineer will address this. Mrs. Abrahamson asked about the pergola being only 3 feet from the pool and the requirement is 10 feet and Mr. Tokarski said she was right. Mrs. Laszlo asked if there is more than one support on the pergola and Mr. Tokarski said there are 3 posts for this; he said the Engineer can give more testimony on this.

As there were no more Board questions, the hearing was opened to the public for questions only to Mr. Tokarski and Elizabeth Mulholland of 5 Fifth Avenue asked about putting in a bedroom in the cabana/garage area and making a living space; she was told the bathroom will be 5 feet x 5 feet, the closet will be 1 foot x 3 feet, the bathroom can only be accessed from the outside, no living space. Eileen Devlin was next and felt 3 feet from the pergola to the pool is dangerous; Mr. Kennedy reminded her this time is for questions only and there will be time for comments later. Mrs. Abrahamson asked where are the steps to the pool and are they by the pergola; Mr. Aikins said they are on the other side and the Engineer can answer this.

As there were no other questions that portion of the hearing was closed and Mr. Joseph Golden, Licensed Engineer & Planner came forward to testify and was sworn in. He gave his credentials, graduated from NJ Institute of Technology with a Master's Degree in Engineering, in 1986 became a NJ Licensed Engineer & Planner. He is employed by two Planning Boards as their engineer in two New Jersey towns and has testified before Boards. The Board accepted him as an expert witness.

He said they have revised the plans to remove some of the impervious surface and building coverage, so they both now conform. The garage reflects a 517 square foot garage which will become a 330 square foot garage and a 180 square foot cabana. The pool equipment will now be housed in the garage which will be an improvement. They need a variance for the cabana even though it is inside the garage footprint and he noted there is no expansion of the existing structure. The proposed pergola will have an open roof. The pool will be 3 feet from the edge of the pergola but not to the pergola columns which are farther from the pool and one cannot jump off the pergola into the pool. In regards to the rule of 10 feet between the pool and a structure, this rule is done not to cause structural problems; however, here there is not a lot of structure here to the pool.

October 21, 2020

Mr. Kennedy went back to the Avakian comment of needing a new survey for 2020. Mr. Golden said his site plan shows it all and is dated this year and is current and can be considered an updated survey. Exhibit A-7 was then marked, the site plan done by DMC Associates and Joseph Golden, dated 9/16/18 with a revision date of 9/25/20 which shows a new survey and site plan, it was a color-coded plan to show the changes. Mrs. Brisben was asked if Exhibit A-7 was sent to Peter Avakian's office and she said yes.

Mr. Golden then went back to his testimony and said there will be soil under the deck, it may be loose peat gravel and all will be hidden by a plastic fence; all will be a better use of the back yard and space. There is no expansion of the building coverage for the garage and, therefore, there is no detriment to the Zoning Law or Zoning Ordinance.

It was time for Board questions and Mrs. Laszlo asked the distance from the edge of the pool to the garage and Mr. Golden did not know but the Pergola is 9 feet 10 inches wide by the garage with the columns recessed. Mr. Aikins calculated about 13-15 feet from the pool. Mr. Ward noted the garage is not compliant to the rear yard setbacks and the answer was yes. Mr. Ward then questioned making the shower there will made it non-compliant as well as it will be within 3 feet to the neighbor's yard and Mr. Golden said yes. Mr. Aikins said it can be moved in as it's only a few inches so there will be no problem. Mr. Ward then asked where does the water go from the outdoor shower and Mr. Golden said there is a pitch which will drain naturally. Mr. Ward asked if there will be a drywell and Mr. Golden said no as the soil is permeable and the shower has been there with no problem, they are just moving it; the water will go east to west and will not affect the neighbor's yard; the pad is just 60 square feet. Mr. Aikins said if the Board Engineer finds a drywell is needed, they will put one in. Mr. Petronko asked why not tie into the sanitary sewer line as you have a bathroom there and Mr. Tokarski said if they did this they would have to put a roof over the shower and they want to keep it informal.

Mayor Farrell felt that, as the pergola is over 16 inches tall it would count in building coverage and is a structure, there was then a discussion on this issue, it was not commented on in the Engineer's report; Mrs. Laszlo felt the Engineer can be asked about this and Mr. Kennedy offered to put it in the Resolution to get this confirmed by the Board Engineer if it is to be included or not. Mr. Golden said the variance is for the cabana and they do comply with building coverage at 19%. Mr. Casey said he would like to get clear what Mr. Avakian read as there were revisions. He also noted that one plan said 3.2" for the rear yard shower and another said 2.84 inches. He then asked how far from the actual shower to the pool and was told about 6 feet.

At this point Chairman Hall, who had recused himself at the beginning, asked to speak on the information about the Pergola and building coverage. He said a pergola is not part of building coverage and he had spoken to Mr. Avakian on this. Mayor Farrell was agreeable to hearing from Mr. Avakian on this.

October 21, 2020

As there were no more Board questions the hearing was opened to the public for questions to Mr. Golden; as there was no response, that portion was closed. The hearing was then opened to the public for general comments. Eileen Devlin was then sworn in and commented 216 Beacon looks like a beautiful property and then asked if anyone else had a headache from all the "arguments". She followed the rules when she had work done on her home and sees variances all around town, it is being paved over and felt all should just follow the rules. Mrs. Laszlo explained to her that the Planning/Zoning Board is to hear variance requests and have about the same number of applications each year. The Planning/Zoning Board does not make the rules, Council does, and the Board is here to see what variances will work in the town; the Board is doing its level best for the town. Elizabeth Mulholland of 5 Fifth Avenue was then sworn in and wanted to comment on the pergola and asked if there is any consideration to making it smaller as she saw a safety issue and felt it should be more than 3 feet from the pool and there should be a larger walkway for safety.

As there were no other comments that portion of the hearing was closed and the Board went into discussion. Mr. Petronko thanked the audience for their great comments and thanked Mrs. Laszlo for her explanation on what the Board does. He felt this was a well thought out plan and did not see the pergola post as an issue and was in favor of the application. Mrs. Brisben asked Mr. Aikins to comment on Ms. Mulholland's request of making the pergola smaller and Mr. Aikins asked the Architect if the post at the center of the pergola can be eliminated and Mr. Tokarski said they can do that. Mr. Aikins this will eliminate the closest hazard and will make it a safer condition. Mrs. Brisben was for approval of the application then, she felt it will fit in as other homes along this part of Beacon Boulevard have pools. Mr. Walker said that, with the changes, he would be for approval and Councilwoman Anthony complimented the suggestion of Mrs. Mulholland and had no problem; she did ask for clarification on the shower being within the rear setback or not and Mr. Aikins said the architectural plans are correct, showing the shower at 3.2 feet which complies as 3 feet is allowed. Councilwoman Anthony asked about the drywell and was told if the Engineer requires it one will be put in. Councilwoman Anthony then complimented them on nicely done plans and the changes they are making, she was for approval. Mrs. Abrahamson had no additional comments and was for approval as well; Mr. Koreyva felt it was a good presentation and was in favor. Mayor Farrell was for approval after hearing Chairman Hall's explanation. Mr. Ward felt the pergola adds bulk and he would like to see more screening; he felt a drywell can be put in now and not possibly later. Mr. Casey was in support in general and wanted to see in the Resolution that the cabana would never be made into living quarters; he agreed with Mr. Ward on the drywell and would like to see the post on the pergola be no closer than 5 feet from the pool. He commented that he liked the color coded site plan that was presented. Mrs. Laszlo thanked them for the presentation and also the color coded site plan, she was not for putting in a drywell if it was not necessary, they are not cheap, it will be up to the Engineer. She was for approval of the application.

Mr. Kennedy then went over the conditions, including complying with the Engineer's report, no living space in the garage/cabana area, revised plans being

October 21, 2020

submitted (3 sets), no coverage & no impervious coverage variances requested, the landscaping maintained for a shield, clarify the plans on the rear property line to show the shower at 3.2 feet, the dry well issue up to the Engineer, the pergola does not count towards building coverage, eliminate the center post on the pergola and no post closer to the pool than 5 feet. As all was agreeable to the Board and Mr. Aikins, a motion was made by Mr. Petronko to approve the application, with the conditions, this seconded by Mrs. Abrahamson and then by the following roll call vote:

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Ray Petronko, Robert Walker

Noes: John Ward

Not Eligible to Vote: Stan Koreyva (Alternate Member)

Mayor Farrell & Councilwoman Anthony then left the meeting as they could not participate in the next two applications, the first one was for a fellow councilman and they both felt there may be a conflict of interest and the second application was for a Use Variance which they are not eligible to hear.

The next item was an application for variance relief for Block 67, Lot 14, 501 Beacon Boulevard, owned by 313 Beacon Blvd., LLC to allow an addition and renovation of an existing dwelling & attached garage. Side Yard Setback required – 15% of lot width with a minimum of 10 feet on one side; existing side yard 5.9 feet & 16.8 feet, proposed 5.9 feet & 5.1 feet. Front Yard Setback – required 50 feet, 37.3 feet existing & proposed. Accessory Building – 120 square feet maximum allowed, 238.5 square feet proposed (cabana & bathroom). (Note: this application was scheduled to be heard in September but there was an error on the notice so it was postponed until this evening).

The correct fees were paid, taxes are paid to date and the property owners within 200 feet as well as the newspaper were properly notified. Mr. Kennedy asked if anyone in the audience had a problem with the notice they received and there was no response.

The following exhibits were then marked:

Exhibit A-1. The application package.

Exhibit A-2. Architectural plans prepared by JL Walker Architects, LLC, dated 5/29/20.

Exhibit A-3. Survey done by Ragan Land Surveying, dated 8/9/18.

Exhibit A-4. Topographic survey done by Ragan Land Surveying, dated 8/28/18, revised 5/20/19.

Exhibit A-5. Architectural plans for accessory structure (cabana) done by JL Walker Architects, LLC, dated 8/24/20.

Exhibit A-6. Pool Improvement Plan done by French & Parrello Associates, dated 7/15/20, revised 8/26/20.

October 21, 2020

Exhibit A-7. Report from Board Engineer Peter Avakian dated 9/8/20.

At this time Greg Vella, Esq. came forward representing 313 Beacon, LLC, the applicant. He gave the principals of the company as Matthew Mastrorilli, Nicholas Mastrorilli, Patrick Mastrorilli, Brian Mastrorilli and Michelle Caswell. It was asked if any Board member had any conflicts with the principals and there was no response.

Mr. Vella also had an updated Architectural Plan which took place of Exhibit A-2, this new plan was done on 7/13/20 and it was done to make it consistent with the plat submitted and updates Exhibit A-2. The original Exhibit A-2 had the pool on the wrong side of the rear yard, and the revised plan, which was marked as Exhibit A-8, shows the pool on the east side of the rear yard as does the plat submitted with the application.

Mr. Kennedy noted that Matthew Mastrorilli is a Councilman in Sea Girt so this application is unique and there may be a concern as Council appoints the Board (he was later corrected as it is the Mayor who appoints Board members). He said the law does not want to punish a Councilmember and he does not forfeit his property owner's right and can appear before the Planning Board; there is no conflict of interest here. However, Mr. Kennedy went on to say if any Planning Board member is not comfortable reviewing this application impartially they can recuse themselves. No Board member had any issues in this matter.

Mr. Vella told the Board that 501 Beacon Boulevard has an existing home and attached garage. They are building a third story deck which will comply but the second story deck is has a 37.5 foot frontage (where 40 feet is required) so they need variance relief. There is also a side yard variance need, there will be construction over the garage but they are not expanding the setback variance that is there. They do not have a 500 square foot garage but will have a cabana of 225 square feet, he noted the engineering report stated the cabana will be 238 square feet but they have now reduced it to 225 square feet. The pool that will be installed will not need any variances.

At this time Matthew Mastrorilli was sworn in to testify. He said the architect looked at it and said the home is in good shape and does not need to come down; the attached garage was built before the current zoning so there is now a need for a variance for the second floor addition. He said they are going to put in windows on the existing second floor porch to turn it into a sitting room, this is the porch that is at 37.5 feet in the front yard. The home to the left is in line with theirs and the home to the right faces Fifth Avenue and they see their back yard with a detached garage so closing the second story deck will not be an impact to the neighbors. The side yard of 501 Beacon Boulevard faces the rear yards of the homes on Fifth Avenue.

He went on to say the attached garage is a one-car garage and they just want to build one story above it; he commented there will be trees to shield this. The rear yard is big and, as noted before, the cabana is being scaled back to 7.5 feet x 21 feet which equates to less square feet for the cabana as shown in the original application but they still want the bathroom; all is under the building coverage requirement.

October 21, 2020

Mr. Mastrorilli said it was 11 feet from the pool to the cabana and now it will be 12.5 feet and there will be an 11 foot setback, where 10 is allowed, as well as landscaping for privacy; they will be installing Leland Cypress. Mr. Vella commented this will benefit everyone by installing a smaller cabana. Mrs. Brisben reminded Mr. Vella that revised plans will need to be submitted, she will need 3 sets. She also asked about trees being put in the rear yard, that is shown on the French & Parrello plans and the answer was yes.

Mr. Casey asked what is being built over the garage and Mr. Mastrorilli said it will be living space, his daughter's bedroom & bathroom, it will not be a separate apartment but will be part of the home. The half-story above this will be for storage. Mrs. Brisben asked if they are planning on living there or are they going to rent it and Mr. Mastrorilli said the original plan was to rent it but they fell in love with the home and want to live there. Mr. Vella commented that the property will go from the LLC to the Mastrorillis'.

As the Board had no further questions the hearing was opened to the public for questions to Mr. Mastrorilli and Elizabeth Mulholland says the notice she received referred to the accessory structure in feet and not square feet. Mr. Vella said she was correct and the notice should have said square feet. She asked if the second floor over the garage will be seen by neighbors and Mr. Vella said they are asking for a variance to keep it in line with the garage, they could have cantilevered it in and not needed a variance but they are staying with the footprint. The side yard setback is next to the rear yard setback of the home on Fifth Avenue and they have a detached garage in the rear so their detached garage will back up to this addition in the 501 Beacon side yard, this is unique and not normal but 501 Beacon is one home from the corner. She then asked if trees will be put in and Mr. Mastrorilli said he has spoken to the neighbors on the corner, by his property, and they are fine with what they are doing, they will be planting on the property line, maybe arborvitae.

As there were no more questions from the public that portion of the hearing was closed. As there were no more witnesses to testify the hearing was then opened to the public for general comments and Elizabeth Mulholland was sworn in. She felt that greenery on the east side will help as she felt the addition will be visible to the neighbors. She appreciated them doing this as well as downsizing the cabana.

As there were no more public comments that portion was closed and the Board went into discussion. Mr. Petronko knew the home well, this home is dated and the architect is making it look great, kudos to the architect and he felt good points were made on the neighbors' back properties. Mrs. Brisben realized this is a long lot, the cabana & pool will fit in and she knew the previous owners, the home was taken care of and she was for approving the application. Mr. Koreyva felt it was a good presentation and also was in favor. Mrs. Abrahamson was glad the home was not being taken down, the plan is nice and she was for approval. Mr. Walker felt this is a unique home and the new design will be better, he felt staying in the footprint was good and was not opposed to this application. Mrs. Laszlo agreed this is a unique situation and was in favor of

October 21, 2020

approval. Mr. Casey was impressed with the plan, it will be a great change and it will be a larger nice look home. He agreed that the large yard allows for a pool and cabana to fit in just fine; he was in favor. Mr. Ward agreed with all that was said, he commented that a property that is 200 feet long may be able to have an accessory building with different requirements; he was for approval. Chairman Hall said he was always glad to see a home being renovated and not torn down and the fact that this home's side yard backs up to rear yards is unique. He applauded the presentation and was in favor.

Mr. Kennedy then went over the conditions that will be in the Resolution: compliance with the Avakian report, the cabana will not be a living space, there will be compliance with pool fencing requirements, landscaping will be put in and maintained, revised plans will be submitted, cabana will now be 12.5 feet from the pool, Leland Cypress will be planted along rear yard & side yard, there will be no separate apartment above the garage.

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

Ayes: Carla Abrahamson, Karen Brisben, Jake Casey, Stanley Koreyva, Eileen Laszlo, Ray Petronko, Robert Walker, John Ward, Norman Hall

Noes: None

Mr. Kennedy then said, as there was a delay in hearing this application Mr. Vella has asked that a formal Resolution be approved this evening and Mr. Kennedy took the liberty of preparing one. Chairman Hall said that this is done on rare occasions and, as there was no dispute on the application he was in favor of allowing this tonight. Mr. Ward asked if this was being done so there can be a closing tomorrow and Mr. Vella said no, this is just to approve formally so the applicant can apply for the permits as soon as possible. The rest of the Board was agreeable to this and the following Resolution was presented for approval this evening:

**WHEREAS**, representatives of 313 Beacon Blvd., LLC have made Application to the Sea Girt Planning Board for the property designated as Block 67, Lot 14, commonly known as 501 Beacon Boulevard, Sea Girt, New Jersey, within the Borough's District 1, East Single-Family Zone, for the following approval: Bulk Variances associated with an Application to construct a number of improvements to an existing single-family dwelling; and

**PUBLIC HEARING**

**WHEREAS**, the Board held a remote Public Hearing on October 21, 2020, Applicant's representatives having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

**EVIDENCE / EXHIBITS**

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

- *Application Package, introduced into Evidence as A-1;*
- *Architectural Plan, prepared by JL Walker Architects, dated May 29, 2020,, introduced into Evidence as A-2;*
- *Survey, prepared by Ragan Land Surveying, PC, dated August 9, 2018, introduced into Evidence as A-3;*
- *Topographic Survey, prepared by Ragan Land Surveying, PC Ragan Land Surveying, PC , dated August 28, 2018, last revised May 20, 2019, introduced into Evidence as A-4;*
- *Architectural Plan (for the accessory structure) (cabana), prepared by JL Walker Architects, dated August 24, 2020, consisting of 1 sheet, introduced into Evidence as A-5;*
- *Pool Improvement Plan, by French & Parrello Architects, July 15, 2020, last revised August 26, 2020, introduced into Evidence as A-6;*
- *Leon S. Avakian Inc. Review Memorandum, dated September 8, 2020, introduced into Evidence as A-7;*
- *An updated / revised Architectural Plan, last revised July 13, 2020, prepared by JL Walker Architects, introduced into Evidence as A-8 (NOTE: The A-8 plan supersedes and replaces the A-2 submission);*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

**WITNESSES**

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

- Matthew Mastrorilli, a representative of 313 Beacon Blvd., LLC and the Contract Purchaser of the subject property;
- Gregory Vella, Esq., appearing; and

**TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANT'S REPRESENTATIVES**

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

- 313 Beacon Blvd., LLC, and / or Matthew and Melissa Mastrorilli, or Agents thereof, are the Contract Purchasers of the subject property.
- There is an existing single-family home located on the site, with an attached garage.
- Upon information and belief, the existing home was constructed in or about 1960.
- The structural integrity of the existing home appears to be in good shape.
- The physical appearance of the existing home is somewhat outdated, and the existing structure was not built for the needs of a modern family.
- In order to improve the appearance of the home, and in order to improve the functionality of the home, the Applicant's representatives propose a number of improvements, including, but not limited to, the following:
  - The addition of a balcony over the porch / deck;
  - The construction of additional living space over the existing garage;

October 21, 2020

- The construction of an addition over the rear of the building;
  - The construction of a detached cabana; and
  - The enclosure of a 2<sup>nd</sup> floor front porch / deck.
- Upon completion of the renovation process, the home will include the following:

FIRST FLOOR

Kitchen  
Living Room  
Powder Room  
Dining Room  
Mud Room  
Garage

SECOND FLOOR

Master Bedroom  
Master Bathroom  
Sitting Room  
Bedroom #2  
Bedroom #3  
Bedroom #4  
Bathroom

HABITABLE ATTIC FLOOR PLAN

Bedroom #5  
Office  
Bathroom

- The existing foundation can support the load of the proposed improvements.
- The Applicant's representatives anticipate moving to the site, on a full-time basis, once the renovation work is completed.
- The Applicant's representatives anticipate having the work completed in the near future.

October 21, 2020

- The Applicant's representatives will be utilizing Licensed Contractors in connection with the demolition / construction process.

### **VARIANCES**

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

*BUILDING SETBACK: 40 f t. required; whereas 37.3 ft. proposed (to the ½ story balcony);*

*COMBINED SIDE YARD SETBACK: 15 feet required; whereas 11 feet proposed;*

*SIZE OF ACCESSORY BUILDING (CABANA): Maximum 120 square feet allowed; whereas 165 feet proposed;*

### **PUBLIC COMMENTS**

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

- Elizabeth Mullholland

### **FINDINGS OF FACT**

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

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

1. The Sea Girt Planning Board has proper jurisdiction to hear the within matter.

2. The subject property is located at 501 Beacon Boulevard, Sea Girt, New Jersey, within the Borough's District 1, East Single-Family Zone.

3. The subject property contains an existing single-family home.

4. Single-family use is a permitted use in the subject Zone.

5. In order to improve the appearance of the home, and in order to improve the functionality of the existing home, the Applicant's representatives propose a number of improvements – including, the following:

- The addition of a balcony over the porch / deck;
- The construction of additional living space over the existing garage;
- The construction of an addition over the rear of the building;
- The construction of a detached cabana; and
- The enclosure of a 2<sup>nd</sup> floor front porch / deck.

6. Such a proposal requires Bulk Variance approval.

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

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

- There is an existing single-family home at the site with an attached garage, which, per the testimony and evidence presented, is quite old, and not built / designed for the needs of a modern family. Specifically, per the testimony presented, the existing structure, and the appearance of the same, is dated, there is no real open floor layout, there are space limitations, and there are functional limitations.
- The improvements approved herein will allow for the home to be transformed to a structure which is much more functional, much more modern, and much more usable.

- The proposed improvements will address the functional / space limitations associated with the existing structure.
- The subject property is a conforming 50 ft. x 200 ft. Lot.
- The proposal approved herein requires a Variance for a Front Building Setback. Relevant calculations in the said regard include the following:

Required Front Yard Setback .....	40 ft.
Existing Front Yard Setback .....	37.3 ft.
Proposed Front Yard Setback (for ½ story balcony) .....	37.3ft.

- The Board notes that the existing Front Setback is non-conforming – and approval of the within Application will slightly extend the said condition (i.e. the setback will be continued vertically so as to accommodate the new ½ story balcony).
- The nonconforming Front Setback of 37.3 feet will merely be extended (vertically) to the top ½ story balcony as a result of the within approval.
- There are legitimate architectural / aesthetic reasons which justify the new ½ story balcony having the same Front Setback as currently exists.
- In the within situation, the existence of differing / competing Front Setbacks (for different stories of the building) could potentially compromise the overall architectural / aesthetic charm of the proposal.
- The extension of a non-conforming Front Setback to the top ½ story balcony represents a creative yet non-invasive method for increasing living space at the site without compromising the overall character of development in the area, and without overtaxing the subject lot.
- The Board is aware that currently, the attached garage does not count as building coverage. However, in that living space will be constructed above the garage, the attached garage will, per Prevailing Borough Ordinance, constitute an integrated garage, which does, in fact, count towards the overall building coverage. That notwithstanding, even with

the addition approved herein, the Applicant will have a conforming building coverage of 19.16%.

- The Application as presented and modified requires a variance for the size of the accessory structure on the site. Specifically, Borough regulations allow each single-family dwelling to have one accessory structure no more than 120 square feet, no higher than 8 feet in height, with a maximum 9/12 pitched roof. In the within situation, as amended, the Applicant is proposing a cabana which contains 165 square feet. Thus, variance relief is required.
- In conjunction with the above point, the Board notes, positively, that the proposed cabana will have a complying 8-foot wall height, and the proposed cabana will have a compliant roof pitch of 9/12.
- The 165 square foot cabana approved herein will not overwhelm or overburden the subject lot, particularly in that the existing Lot is oversized.
- The Board notes, that as initially submitted, the Applicant was proposing a cabana which contained 225 square feet, which, respectfully, was quite large for the subject property and quite non-conforming.
- It appeared that several Board Members and / or Agents thereof, voiced concerns with such a large non-conforming structure.
- In the beginning of the presentation, the Applicant's representatives agreed to modify the size of the cabana from 225 square feet to 165 square feet.
- The Board Members are of the belief that the aforesaid reduction the size of the cabana substantially improved the overall merits of the Application.
- The cabana will not be utilized as a separate dwelling unit.
- The Board notes that the proposed pool is compliant with all prevailing Municipal Zoning Regulations.
- The Board also notes that the rear addition complies with all Municipal Zoning Regulations.

- The Board is aware that the Applicant's proposal complies with prevailing lot coverage, building coverage, and impervious coverage requirements.
- The Applicant's representatives testified that the improvements will be shielded by existing and proposed landscaping.
- The Applicant's representatives testified, and the Board finds, that the significant landscaping existing for the site, and otherwise proposed for the site will help minimize any adverse effects otherwise associated with the within proposal.
- In conjunction with the above point, and as a condition of the within approval, the Applicant's representatives have agreed to protect, perpetually maintain, replace and re-plant (as necessary) the landscaping so that the referenced buffer continuously exists.
- In conjunction with the above point, the Board notes, positively, that there will be Leeland Cypress which will be placed along the eastern property line, the rear property line, and between the cabana and the structure to the west.
- The existing / proposed landscaping will appropriately shield many aspects of the non-conforming elements of the subject proposal.
- The existing / proposed landscaping will provide and respect the privacy interests of the neighbors.
- There was concern that others, in the future, might utilize the living space above the attached garage as a separate dwelling unit / apartment. However, the Applicant's representatives advised that the living space above the garage would not be utilized as a separate / second dwelling unit at the site. Additionally, the living space above the garage can only be internally accessed from the home, in that there is no separate entrance to the living area over the garage. The Board finds that the said architectural design will further ensure that the living space above the garage is not utilized as a second dwelling unit.
- The Board finds that the subject property is rather unique in certain fashions. Specifically, unlike many other properties in the Borough, the Applicant's property is adjacent to the

neighboring backyard areas (as opposed to neighboring structures / homes). The said fact allows the subject improvements to be effectuated without infringing upon the rights of the neighbors.

- As indicated, the existing structure is quite dated, and improvements are necessary. The Board Members were quite impressed with the architectural improvements associated with the proposal. Many of the Board Members publicly commented upon the tremendously beneficial aesthetics associated with the proposal. One Board Member commented that the proposal constituted an “amazing” improvement. Another Board Member referred to the project as a “remarkable transformation”.
- The Board finds that given the size of the lot, and the location / orientation of the existing and proposed structures, the proposed pool and cabana can appropriately fit on the lot. The overall impact of the proposal is minimized as a result of the existing / proposed landscaping and the nature of the surrounding backyard areas.
- The Board Members endorsed the idea that the new / modern / renovation / transformation will add significant charm, character, and architectural integrity to the property.
- Per the testimony and evidence presented, the Applicant’s proposed addition will aesthetically enhance the property.
- The Front Setback deviation approved herein is, under the circumstances, and given the nature / location / orientation of the existing structure, de-minimus in nature.
- The de-minimus deviation of the Front Setback is justified because of the significant architectural / aesthetic / functional improvements associated with the proposal.
- Per the testimony and evidence presented, the Front Setback approved herein will be consistent with the Front Setbacks of other homes in the immediate area.
- Per the testimony and evidence presented, the variance relief approved herein will not adversely affect the grading / drainage situation at the site.

- A member of the Public (affected by the proposal) attended the Remote Hearing, and publicly supported / endorsed the modified Application.
- Per the architectural testimony and evidence presented, the improvements approved herein will add some architectural diversity to the existing street-scape.
- The proposed improvements will aesthetically enhance the appearance of the existing home.
- The proposed improvements will architecturally enhance the existing home.
- The proposed improvements will be functional, practical, and aesthetically pleasing.
- Per the testimony and evidence presented, there are other similarly situated single-family structures in the area.
- Construction of the improvements approved herein will not change the character of the neighborhood.
- There were no public objections associated with the subject Application.
- The age of the home, the fact that approval will result in the continuation of the existing structure, the conforming size of the lot, and the overwhelmingly-compliant nature of the project suggest that the Application can be granted without causing substantial detriment to the public good.
- Under the circumstances, the front setback approved herein is not inconsistent with the front setback of some other structures in the area.
- The construction of the proposed improvements will not materially change the height of the existing home ( i.e. upon completion of the renovation project, the height will still be conforming).
- The design of the renovated structure is attractive and will be architecturally / aesthetically compatible with the neighborhood development scheme.

- The improvements authorized herein are not unduly large, particularly given the conforming size of the lot and the size of the existing home.
- The Board is of the belief that the size of the proposed project is appropriate for the Site / Lot.
- Currently, the site is non-conforming in terms of Combined Side Yard Setback Requirements. Specifically, a 15 ft. combined Side Yard Setback is required; whereas approximately 11 ft. exists, which is an existing condition. The Board is aware that the said condition will not be materially exacerbated as a result of the within approval. Rather, once the renovation work approved herein is completed, the site will continue to have a non-conforming combined Side Yard Setback of approximately 11 ft.
- The east side setback (on the Applicant's site) has a conforming setback of 5.1 ft.; whereas 5 ft. is otherwise required.
- Approval of the within Application will not further exacerbate the non-conforming combined Side Yard Setback. That is, as indicated, currently, the site has a pre-existing non-conforming combined Side Yard Setback of 11 ft. – and the combined Side Yard Setback (after the construction / renovation) will continue to be 11 ft.
- Under the circumstances, it would be inappropriate to physically change / move the location of the existing non-conforming structure so as to satisfy the Prevailing Side Yard Setback Requirements.
- The Board is aware that other development options could have sought to expand the home in ways which were much more impactful than what was presented herein – and the Board appreciates the Applicant's reasonable proposal (as modified).
- 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 future homeowners.

- Subject to the conditions contained herein, the renovations approved herein will not over-power / over-whelm the subject Lot.
- Upon completion, the renovation approved herein will not over-power / dwarf other homes in the area.
- The renovations approved herein are attractive and upscale, in accordance with Prevailing Community Standards.
- Approval of the within Application will not detrimentally affect existing parking requirements at the site.
- As indicated, upon information and belief, the existing home is an older home. The Board appreciates the Applicant's willingness to renovate and improve an older home (as opposed to mere demolition).
- There is value in approving Applications which preserve older homes.
- There is a significant amount of demolition occurring within the Borough of Sea Girt – and it is refreshing that the Applicant's representatives herein have decided to preserve an existing / older structure.
- The Borough's Master Plan essentially encourages the preservation of older homes when the same is possible – and approval of the within Application will advance such a goal / objective.
- There is a functional, practical, architectural, and aesthetic value in preserving the existing structure.
- Preservation of older homes represents a legitimate development goal.
- Preserving an older home is appropriate under the circumstances.
- The benefits of preserving an older home will benefit the Sea Girt community, now and in the future.
- The Board is also aware that sometimes, preservation efforts require the granting of Variance relief so as to essentially allow the retrofitting of an existing dwelling unit.

- The benefits of granting the Variances and preserving the existing older home out-weigh any detriments associated with the Application.
- The Board is aware that there are societal benefits associated with approving Applications which allow older structures to be preserved.
- Sufficiently detailed testimony / plans were presented to the Board.
- The proposed improvements / renovations should nicely complement the property and the neighborhood.
- Subject to the conditions contained herein, the proposal will not appreciably intensify the single-family nature of the lot.
- Additionally, the architectural/aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicant's inability to comply with all of the specified bulk standards.
- The architectural design of the renovated home approved herein will not be inconsistent with the architectural character of other single-family homes in the area (on similarly situated lots.)
- Subject to the conditions set forth herein, the overall benefits associated with approving the within Application outweigh any detriments associated with the same.
- Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and, thus, the Application can be granted without causing substantial detriment to the public good.
- The renovation approved herein will not be inconsistent with other single-family improvements located within the Borough.
- Subject to the conditions contained herein, approval of the within application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide

a desirable visual environment through creative development techniques.

- The Application as presented satisfies the Statutory Requirements of N.J.S.A. 40:55D-70(c) (Bulk Variances).

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

### **CONDITIONS**

During the course of the Hearing, the Board has requested, and the Applicant's representatives have 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 September 8, 2020 (A-7).
- c. The applicant shall comply with any Affordable Housing Contributions / Directives / Requirements, as required by the State of New Jersey, the Borough of Sea Girt, C.O.A.H., the Court System, and any other Agency having jurisdiction over the matter.
- d. The cabana approved herein shall not be utilized as living space.
- e. The living space above the garage shall not be utilized as a second / separate dwelling unit on the property.
- f. The Applicant shall cause the Plans to be revised so as to portray and confirm the following:
  - The reduction in the size of the cabana from 225 square feet to 165 square feet.
  - The modification to reflect the increase in the distance (between the pool and cabana) from 11 ft. to 12.5 ft.

- Confirmation that landscaping (presumably including 6 Leeland Cypress) shall be planted between the cabana and the adjoining residential home to the west.
  - Confirmation that Leeland Cypress shall also be planted along the rear of the property (as referenced on the plans)
  - Confirmation that the Leeland Cypress trees shall be planted on the east side of the property as well (so as to further minimize any effects associated with the non-conforming proposal).
  - The inclusion of a note confirming that the living space above the garage shall only have internal access (i.e. there shall be no separate entrance for the living space above the garage).
  - The inclusion of a note confirming that the cabana shall comply with the Prevailing Height Requirements and the Prevailing Roof Pitch Requirements.
  - The inclusion of a note confirming that the Applicant's representatives shall perpetually maintain, re-plant, and replace (as necessary) the landscaping at the site so as to perpetually preserve aesthetic / noise barriers to minimize any adverse effects associated with the within approval.
- g. The Board notes that the approval issued herein represents an approval of the **A-8** Architectural Plans which specifically supersede and trump the plans depicted on A-2.
- h. The Applicant shall install a code-compliant fence around the pool.
- i. The Applicant's representative shall arrange for 3 sets of revised plans to be submitted to the Board Secretary – and the said revised plans shall be specifically reviewed and approved by the Board Engineer.
- j. Unless otherwise waived by the Board Engineer, grading / drainage details shall be submitted to the Borough Engineer, for his review / approval, so as to confirm the absence of any adverse impacts associated with the within proposal.

- k. The Applicant shall manage stormwater run-off during and after construction (in addition to any other prevailing / applicable requirements / obligations.)
- l. 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
- m. The Applicant shall comply with all Prevailing FEMA Rules and Regulations.
- n. If applicable, the proposed improvement shall comply with applicable Provisions of the Americans with Disabilities Act.
- o. The proposed structure shall comply with the Borough's Prevailing Height Regulations.
- p. 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.
- q. 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.
- r. 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.
- s. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.
- t. If required by the Board / Borough Engineer, the Applicant shall submit appropriate performance guarantees in favor of the Borough of Sea Girt.

- u. 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.
  
- v. **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 Applicant's representatives are advised that there can be no deviation from the Plans approved herein, except those conditions specifically set forth 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 the existing structural foundation is not sound, the Applicant and its representatives are not permitted to unilaterally deviate or build beyond the scope of the Board Approval. Thus, for instance, if the Board grants an Application for an existing building / structure to remain, the same cannot be unilaterally demolished (without formal Borough / Board consent), regardless of the many fine construction reasons which may exist for doing so. That is, the bases for the Board's decision to grant Zoning relief may be impacted by the aforesaid change of conditions. As a result, Applicants and their representatives are not to assume that post-approval deviations can be effectuated. To the contrary, post-approval deviations can and will cause problems. Specifically, any post-approval unilateral action, inconsistent with the testimony / plans presented / approved, which does not have advanced Borough / Board approval, will compromise the Applicant's 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.**

October 21, 2020

**BE IT FURTHER RESOLVED**, that all representations made under oath by the Applicant and/or its 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 Applicant 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, Jake Casey, Stan  
Koreyva, Eileen Laszlo, Raymond Petronko, Robert Walker, John  
Ward, Norman Hall

AGAINST THE APPLICATION: None

ABSTENTIONS: None

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

IN FAVOR: Carla Abrahamson, Karen Brisben, Jake Casey, Stan Koreyva, Eileen Laszlo,

October 21, 2020

Raymond Petronko, Robert Walker, John Ward, Norman Hall

OPPOSED: None

ABSTAINED: None

ABSENT: None

Before starting the last application for the evening the Board took a 5 minute recess at 10:00, reconvening at 10:07 with the following roll call:

Present – Carla Abrahamson, Karen Brisben, Jake Casey, Stanley Koreyva, Eileen Laszlo, Ray Petronko (arrived 10:15), Robert Walker, John Ward, Norman Hall

The Board then turned to an application for a Use Variance for Block 14, Lot 16, 105 Ocean Avenue, owned by Michael & Patricia Pope, to allow construction of a new home with detached garage, cabana & swimming pool. Maximum Building Height – 35 feet maximum allowed, 40.6 feet proposed, Use Variance required. Impervious Coverage – 35% of lot size maximum, 38% proposed. Front Yard Setback – average setback in this area is 25.88 feet, 22.8 feet proposed. Window Wells – not allowed in setback, one window well (south side) encroaches into setback. Garage Height – 16 feet maximum allowed, 22.2 feet proposed. Variance may be required for combined height of wall and fence for proposed pool. Also, a change in grade of approximately 2 feet is proposed.

The correct fees were paid, taxes are paid to date and the property owners within 200 feet as well as the newspaper were properly notified. Before starting Mr. Kennedy asked if anyone in the audience had any issues with the notice and there was no response.

Mr. Kennedy marked the following exhibits:

Exhibit A-1. The application package.

Exhibit A-2. Plot plan prepared by WSB Engineering Group, dated 7/15/20, revised 7/22/20.

Exhibit A-3. Architectural plan done by Akertect Design, dated 6/26/20, revision dated 7/22/20.

Exhibit A-4. Survey done by WSB Engineering Group dated 5/20/20.

Exhibit A-5 – Board Engineer report done by Peter Avakian, dated 10/2/20.

Mr. Michael Rubino was present to represent the applicant and he had more exhibits. At this time Mr. C.J. Aker, Architect, was sworn in; as he was known to the Board he was accepted as an expert witness. He wanted to pin his screen to show the site plan online and Mr. Rubino had photos dated 10/20/20. Exhibit A-6 was a picture of

October 21, 2020

the property taken by the Planner's office and Exhibit A-7 shows the property next door to the north at 103 Ocean Avenue, photo dated 10/20/20. Exhibit A-8 is the home to the south, 107 Ocean Avenue, photo dated 10/20/20 by the Planner's office. Exhibit A-9 was a rendering of the proposed home done by Aker design, dated 10/21/20.

Mr. Rubino started with telling the Board he had a copy of a Resolution for the home at 103 Ocean Avenue that received variance relief for their home and this was marked as Exhibit A-10, Resolution of the Sea Girt Planning Board dated 3/15/2000. Mr. Rubino went on to say that this is at the north end of town and there is a change of grade that imposes a lot of problems for building here. The home to the north of the applicant's is 41.9 feet high and the home to the south of the applicants at 39.6 feet so the home for the Pope family, the applicant, will be in-between at 40.61 feet. Mr. Kennedy noted this height requires a "D" variance, or Use Variance which is why the Mayor and Councilwoman cannot hear it.

Mr. Rubino said the garage will be at 22.2 feet where 16 feet is permitted. He said they have to move a wall at 105 Ocean Avenue as now they have to share a driveway with 103 Ocean Avenue, this is not really a variance need. The average Front Yard Setback here is 25.88 feet and they are proposing 22.8 feet. There is a retaining wall in the rear of the property along the south boundary which is 2 feet over grade. The Popes want to put a pool here so they need to put in a fence north of the wall, if they put a fence on the wall it would make it 6 feet high; they want to go in a foot and put up a 4-foot fence. The window well variance has been eliminated and the impervious coverage is now in compliance, no variances needed for them now. He ended by stating right now this is a vacant lot.

Mr. Michael Pope then came on to speak and was sworn in. He and his wife discovered Sea Girt two years ago and fell in love with it, they plan to be here full time after the children graduate college. They looked at 20-30 properties and then bought this lot. They knew of the restraints here, especially the driveway which they want to widen so each home can have its own driveway and not share, this will be done by moving the existing wall to the south. Mr. Rubino added there will be no curb cut problem as part of the curb cut is 103 Ocean Avenue and part is 105 Ocean Avenue.

Mr. Pope said they want to build a home that conforms with a first floor of 9 feet, a second floor of 8 feet and a ½ story at 8 feet, the home conforms - it is the lot that does not and they did not want to put on a flat roof. Mr. Rubino commented that where the garage will be is next to 3 other garages, the side yard here connects to the back yards of homes on Chicago Boulevard. Exhibit A-11 was then shown showing the garages and rear yards of the homes as well as showing the retaining wall.

Mr. Pope said the front yard setback will be in keeping with what is there and he explained that they want the garage in this location in the rear so they can do a K-turn and be facing front when pulling out of the driveway onto Ocean Avenue.

October 21, 2020

Mr. Pope's testimony was finished and Chairman Hall told all this application will have to be carried to next month as it was getting close to 11:00 p.m. The application will be carried to the Board meeting on Wednesday, November 18 with no further notice. Mr. Kennedy asked for a motion on this action and this was done by Mrs. Brisben, seconded by Mr. Petronko and approved unanimously by voice vote, all aye.

#### OTHER BUSINESS:

Chairman Hall wanted to let the owner's of Harrigan's Pub, Bill & Kasey Passaic, speak as they had written a letter to the Board regarding the Downtown Revitalization program and Mrs. Passaic wanted to address them. She said they wrote the letter as the reference is made to the Sea Girt Downtown and they feel this should apply to all restaurants which would include them on Route 71. They have more than 30 off-street parking spaces along with a 50x150 lot that is not being utilized; she felt Harrigan's should be part of the Business District. They do sponsor events during the year and are open year around, every day but Christmas Day, and did not want to be excluded. They are asking to be included in whatever the next step would be for this revitalization.

She said they were given guidelines by Governor Murphy for outdoor dining and has heard that Chef's International, who purchased Rod's Tavern on Washington Boulevard, wants to put in outdoor dining and if that is done other restaurants should be able to as well.

Chairman Hall appreciated her input and agreed Harrigan's should be included in business district discussions; he explained the Planning Board only can make recommendations, it is up to Council to decide the parameters. The Corona Virus did push us all back but Harrigan's will be included in what is done and again said it is up to Council to implement it.

Mr. Ward, who chaired the Downtown Committee, said they looked at the downtown business as described and Harrigan's is more next to residences so there may be differences, they are trying to get through this. As it was so late Chairman Hall suggested them coming back next month to continue the discussion if they want and Mr. Ward commented there is no Downtown Committee any more, it had been dissolved after they gave the report.

At this time members of the public wanted to speak and Jerry Prior, a neighbor of Harrigans, did not want to see it expanded; Chairman Hall explained it is up to Council. Tom Hoag, another neighbor agreed with Mr. Prior and said opinions would be different if one lived next to them and reminded all the outside dining is temporary. Mitch Wierman, another neighbor, said that they did documentation that outdoor dining would need Planning Board approval and would need a variance. Chairman Hall said that, if an Ordinance is created by Council, it gets sent to the Planning Board for review before it is made into law.

October 21, 2020

As there was no other business to come before the Board a motion to adjourn was made by Mrs. Brisben, seconded by Mrs. Laszlo and unanimously approved, all aye. The meeting was adjourned at 11:01 p.m.

Approved: Wednesday, November 18, 2020