

SEA GIRT PLANNING BOARD

WEDNESDAY, JUNE 29, 2016

The Regular meeting of the Sea Girt Planning Board was held on Wednesday, June 29, 2016 at 7:00 pm in the Sea Girt Elementary School, Bell Place. In compliance with the Open Public Meetings Act, notice of this Body's meeting had been sent to the official newspapers of the Board fixing the time & place of all hearings. After a salute to the flag, roll call was taken:

Present – Carla Abrahamson, Larry Benson, Karen Brisben, Eileen Laszlo, Donald McLaughlin (arrived 7:08), Anne Morris, Ray Petronko, Chris Randazzo, Norman Hall (arrived 7:12)

Absent – Donald Laws, Bret Violette

Also present was George Megill, substitute Board Attorney. There were 4 people in the audience; Board member Karen Brisben recorded the Minutes.

As both the Chairman and Vice-Chairman were absent at 7:00, a motion was made by Mrs. Brisben to appoint Mr. Randazzo as acting Chairman, this seconded by Mrs. Morris and then by voice vote, all aye.

The Minutes of the April 20<sup>th</sup>, 2016 & May 18, 2016 meeting were approved on a motion by Mr. Benson, seconded by Mr. Petronko and unanimously approved, all aye.

OLD BUSINESS:

The Board turned to the approval of a Resolution for Block 72, Lot 5, 511 Philadelphia Boulevard, owned by Estate of Marion Reid: applicants – Steven Lipstiz & Robert Reid, to allow the creation of two buildable lots.

As all Board members, as well as the applicant and his attorney, had received draft copies of the Resolution and there were no changes or recommendations, the following was presented for approval:

**WHEREAS**, the Estate of Marion Sim Reid has made Application to the Sea Girt Planning Board for the property designated as Block 72, Lot 5, commonly known as 511 Philadelphia Boulevard, Sea Girt, NJ, within the Borough's District 1, East Single Family Zone, for the following approval:

- Minor Subdivision Approval; and

**PUBLIC HEARING**

**WHEREAS**, the Board held a Public Hearing on May 18, 2016; and

**EVIDENCE / EXHIBITS**

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

- *Minor Subdivision Plan, prepared by William J. Fiore, P.L.S., dated January 11, 2016, consisting of 1 sheet, introduced into Evidence as A-1;*
- *Leon S. Avakian Review Memorandum, dated April 19, 2016, introduced into Evidence as A-2;*
- *Review Memorandum from the Planning Board Subdivision Committee, dated February 23, 2016, introduced into Evidence as A-3;*
- *Land Development Application Completeness Checklist, introduced into Evidence as A-4;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

**WITNESSES**

**WHEREAS**, arguments in support of the Application were presented by the following:

- C. Keith Henderson, Jr., Esq.

**TESTIMONY AND OTHER EVIDENCE PRESENTED**

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

- The Applicant herein is the Estate of Marion Sim Reid.
- The subject property currently contains 15,000 square feet.
- The subject site currently contains a single-family dwelling.
- The Applicant's representatives are proposing to subdivide the site into 2 Lots; namely, proposed Lot 5.01 and proposed Lot 5.02.
- The Applicant's representatives will arrange for all existing structures on the site to be demolished.
- Details pertaining to the 2 proposed Lots include the following:

PROPOSED LOT 5.01

Minimum Required Lot Area: 7,500 SF  
Proposed Lot Area: 7,500 SF  
Proposed Use: New single-family home

PROPOSED LOT 5.02

Minimum Required Lot Area: 7,500 SF  
Proposed Lot Area: 9,000 SF  
Proposed Use: New single-family home

- As referenced, both Lots will ultimately host a single-family home.
- The Applicant's Representatives have executed a Contract to sell the subject property.

### **VARIANCES**

**WHEREAS**, the Application as presented does not require approval for any Variances; and

### **PUBLIC COMMENTS**

**WHEREAS**, questions, comments, statements, concerns, or objections associated with the Application were presented by the following:

- John Ward

### **FINDINGS OF FACT**

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Borough of Sea Girt, after having considered the aforementioned Application, plans, evidence, and testimony, that the Application is hereby **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 and currently identified as 511 Philadelphia Boulevard, Sea Girt, NJ, within the Borough's District 1, East Single Family Zone. [The subject property (i.e. the existing mother Lot) is located on the north side of Philadelphia Boulevard, between Fifth Avenue and Sixth Avenue.]

3. The subject site (i.e. mother lot) currently contains 15,000 SF.

4. The Applicant proposes to subdivide the property into 2 Lots; namely, proposed Lot 5.01 and proposed Lot 5.02.

5. Such a proposal requires Minor Subdivision Approval.

6. There are no Variances associated with the within proposal.

7. Each of the new Lots created hereunder will ultimately host a new single family home.

8. Single family homes are permitted uses in the subject Zone.

9. The single-family homes to ultimately be constructed on the Lots will comply with all Prevailing Bulk Requirements. That is, and as indicated, there are no Variances required in connection with the within Application.

10. The newly created Lot Sizes will comply with all Prevailing Lot Area Requirements.

11. Subject to the conditions contained herein, and subject to any necessary waivers, the Application as presented satisfies the Minor Subdivision Requirements of the Borough of Sea Girt.

12. Based upon the above, and subject to the conditions contained herein, the Board is of the unanimous opinion that the Minor Subdivision Application 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 and during the Public Hearing Process.
- b. The Applicant shall comply with all terms and conditions of the Leon S. Avakian Review Memorandum, dated April 19, 2016 (A-2).
- c. The Applicant shall comply with the Report of the Subdivision Sub-Committee, dated February 23, 2016 (A-3).
- d. The Applicant shall comply with any prevailing Tree Preservation Ordinance which may be in effect.
- e. The Applicant shall comply with any Municipal Street-opening moratorium which may be in effect.
- f. Per the Board Engineer Review Memorandum, the Applicant or subject Developer shall replace any existing curb and sidewalk which is in poor condition (as deemed necessary by the Board Engineer).
- g. The Applicant's representative indicated that some of the conditions / obligations in the Board Engineering Review Memorandum may be completed by the Developer who / which purchases the property from the Applicant herein. As such, the Applicant shall arrange for the within Resolution to be recorded (in the Office of the Monmouth County Clerk) in

conjunction with the perfection of the Subdivision. (Proof of recording shall be submitted to the Board Secretary.)

- h. The Applicant shall submit revised Plans to address the necessary / applicable items as referenced in the Board Engineering Review Memorandum and / or as otherwise referenced during the Public Hearing process. Any Plan revisions shall be subject to the review / approval of the Board Engineer.
- i. The Applicant shall obtain any and all necessary / applicable demolition permits.
- j. Unless otherwise required by Law, no Building Permits shall be issued until the Zoning Officer processes the within approval as well.
- k. The Subdivision shall not be perfected until such time as the existing structures on the site (including the home and any accessory structures) are demolished / removed, as confirmed by Borough Zoning / Construction Officials.
- l. In the event the subdivision is to be perfected via Deed, the Subdivision Deed (including the legal descriptions) shall be reviewed and approved by the Board Attorney and Board Engineer.
- m. Prior to the issuance of any Construction Permits, the Applicant (or successor Applicant / Owner / Developer) shall submit grading, drainage, plot, and utility plans (and drainage calculations) to the Board Engineer, for review and approval.
- n. The Applicant, or any successor Applicant / Owner, shall comply with all Prevailing Rules and Regulations of the Municipal Utilities Authority. Additionally, the Applicant or subsequent Developer shall pay / satisfy any applicable sewer / utility connection fees (and any other charges / fees due and owing.)
- o. Prior to the issuance of any Building Permit, the Applicant, or any successor Applicant / Owner / Developer, shall submit

detailed Plans / Elevations – and the said documents shall be reviewed / approved by the Board Engineer (as well as any other applicable municipal official).

- p. The Applicant shall attempt, in good faith, to preserve as many trees on site as possible (which are outside of the Building envelope) (specifically including the large Holly tree at the site).
- q. Any single-family homes to be constructed on the newly created Lots shall comply with all Prevailing Bulk Zoning Regulations (as no Variances are granted hereunder.)
- r. The subdivision shall be perfected in accordance with Requirements of New Jersey Law (and within the timeframe set forth in New Jersey Law.)
- s. The Applicant shall submit the proposed Block / Lot designations with the Municipal Tax Assessor so as to confirm the acceptability of the same.
- t. The Applicant (or any successor Applicant / Developer) shall comply with all applicable Affordable Housing related Ordinances / Regulations as required by the Borough of Sea Girt, the State of New Jersey, the Court System, and any other Agency having jurisdiction over the matter.
- u. Any construction / development of the Site shall comply with the Prevailing / applicable FEMA Requirements.
- v. The Applicant shall comply with all terms and conditions of the review memoranda, if any, issued by the Board Engineer, Construction Office, the Department of Public Works, the Office of the Fire Prevention and Investigation, and/or other agents of the Borough.
- w. The Applicant or subsequent Developer shall obtain any and all approvals (or Letters of No Interest) from applicable internal / outside agencies - including, but not limited to, the United States of America (FEMA), the Department of Environmental Protection (CAFRA), the Monmouth County Planning Board, the Freehold Soil Conservation District, the local utility offices, the Department of Public Works, the local Fire Department, and any other Agency having jurisdiction over the matter.

- x. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees, taxes, and inspection fees.
- y. If required by the Board Engineer, the Applicant or subsequent Developer shall submit appropriate performance guarantees in favor of the Borough of Sea Girt.

**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 misrepresentations 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 any constructed improvement, or for any damage which may be

caused by the development / subdivision.

A motion to approve the above Resolution was made by Mr. McLaughlin, seconded by Mr. Petronko and then by the following roll call vote:

Ayes: Karen Brisben, Eileen Laszlo, Donald McLaughlin, Anne Morris, Ray Petronko, Chris Randazzo

Noes: None

Not Eligible to Vote: Carla Abrahamson, Larry Benson (note – Norm Hall had not yet arrived when this vote was taken)

#### NEW BUSINESS:

The Board turned to an application for a Minor Subdivision for Block 22, Lot 8.01, 114 New York Boulevard, owned by Michael O'Neill, Trust, to create three conforming building lots.

The correct fees were paid and taxes are paid to date. As this application was to create three conforming lots there was no newspaper notice or notice to property owners within 200 feet. At this time Chairman Hall came in and the Chair was given over to him.

Lynn Kegelman, Esq. came forward to present this application. Before starting, Mr. Megill marked the following exhibits:

- A-1. Application dated 1/19/16.
- A-2. Survey plan dated 12/10/15 by Charles O'Malley
- A-3. Board Engineer's letter dated 5/23/16.
- A-4. Subdivision Committee report dated 2/19/16.
- A-5. Assessor's memo dated 6/14/16 verifying lot numbers & new addresses.
- A-6. Letter from Freehold Soil Conservation District dated 6/14/16.

Ms. Kegelman told the Board this subdivision is to create three buildable lots. This is clearly shown on Exhibit A-2, the survey. The lot now is 150x150 and was part of a Minor Subdivision from 2007 which created two lots, one 50x150 and one 150x150. Mr. O'Neill now wishes to redo the subdivision further and make three new lots; all existing structures will be removed. Chairman Hall noted the Subdivision Committee report and asked if Ms. Kegelman had any problems with their recommendations and she did not; she said this is a clean subdivision.

Chairman Hall asked that, in the Resolution, it be stated that there may be a moratorium on street openings on New York Boulevard and the applicant will have to

comply with this. Mrs. Morris noted the Engineer did not reference the Freehold Soil Conservation letter in his report and Mr. Megill explained this will come into play when actual construction is to be done.

At this time Mr. Michael O'Neill came forward and was sworn in and he said he will comply with the Freehold Soil Conservation report, they have already hired an engineer to take care of this. Mrs. Brisben told Ms. Kegelman that revised plans need to be submitted, as per the Board Engineer's report and Ms. Kegelman said she will have that done. Mrs. Morris asked if there will be only one driveway cut per lot and the answer was yes. Mr. Petronko asked if there will be a driveway cut on Second Avenue and Chairman Hall said this will be taken care of during the construction process; it may be an issue.

As there were no other comments or discussion, a motion was made by Mr. McLaughlin to approve this Minor Subdivision application, with conditions as noted during the discussion, this seconded by Mrs. Morris and then by the following roll call vote:

Ayes: Carla Abrahamson, Larry Benson, Karen Brisben, Eileen Laszlo, Donald McLaughlin, Anne Morris, Ray Petronko, Chris Randazzo, Norm Hall

Noes: None

Mr. O'Neill asked what roadway work was now being done in town and Mrs. Morris said Neptune Place, Seaside Place and Morven Terrace. He then said he may just sell two lots and keep one for himself; Chairman Hall reminded him of the possible moratorium and he will have to comply to that. Mr. O'Neill said he has lived here for 18 years, he is buying a condominium but that may not work out and he will come back and live in Sea Girt, he lives in Florida now for most of the year.

The Board then turned to the last item on the agenda, an application for variance relief for Block 10, Lot 4, 9 Philadelphia Boulevard, owned by Patrick and Pamela Sullivan, to install a generator in the side yard. Generators – allowed in rear yard only. 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. Michael Rubino, Esq. came forward to represent the Sullivans. Before starting, Mr. Megill marked the following exhibits:

- A-1. Variance application.
- A-2. Variance plan dated 10/28/15.
- A-3. Report from Board Engineer dated 5/23/16.
- A-4. Survey dated 3/7/16 done by Peter Bennett.
- A-5. Zoning Officer's Letter of Denial dated 12/8/15.

Mr. Rubino explained that the Sullivans purchased the home before Hurricane Sandy, bought it in 2012; then Sandy came. The North side of the home slopes away from Philadelphia Boulevard and has flooded more times after Sandy. They have put up a retaining wall and patio and pool in the back of the property and would now like to put in a generator system in case of more flooding. They need to put this one the East side of the home between their home and the neighbor to the East. There are no windows on the first floor of the neighbor's home and there is landscaping here; Mr. Sullivan has also spoken to the neighbor's son and they have no problem with putting the generator here. Mr. Rubino realized there is no one here to substantiate this but asked the Board to take it as spoken.

Mr. Randazzo asked about using the C-1 criteria and Mr. Rubino said they are using both C-1 and C-2. Mr. Randazzo then spoke of page 9 of the application where Mr. Rubino stated this is an extraordinary situation. Mr. Rubino replied that, between the flooding here and the low rear setback it does not make sense to put a generator in the back yard.

At this time Mr. Joseph Kociuba, Professional Planner and Engineer in New Jersey, came forward and was sworn in. As he has been before this Board in the past he was accepted as an expert witness.

He said this is an interior lot with a home that does have building coverage overage; they are not here to make this home larger. He testified that the home to the east would be the one most impacted and presented the generator plan which was marked as Exhibit A-6. Also presented was a photo board, both sides, which was marked as Exhibit A-7, which shows the area in question and the air conditioning units that are here as well as where the generator will be; the rest of the photos show the screening and landscaping, which show a tree that is front of where the generator will be so it will not be seen (this is where the air conditioning unit is).

He said the rear yard is 5 feet below Philadelphia Boulevard and this property has flooded as well as properties to the North. In August 2014 there was a flood and the staining can be seen on the stairs and fences, it was about 4 feet up. Mr. Kociuba told the Board you would not be able to access the generator if it is put in the rear yard, it would be on an island with flood waters around it and it cannot be put under the rear deck. If it is on the side it will be kept from flooding. He went on to say the new generators are much quieter and there are no noise issues, it will run 10-15 minutes once a week and this is typically done during the middle of the day on a weekday. Mr. Rubino said this is usually done between 12:30-1:30. Mr. Kociuba said this new generator is much quieter than a portable generator.

He referred to the C-1 Statute as to the uniqueness of the property; in this case you have flooding issues and a situation where the rear is lower, a substantial grade

change. In the C-2 Statute the benefit outweighs the detriment, under purpose "A" to promote safety and health....as far as purpose "B" it will be put in an accessible and safe location. It will be next to the mechanicals for both properties, there will be no visual impact. The Sullivans also have a retaining wall and fencing, the area is cordoned off. Chairman Hall asked if it is all fenced off and the answer was yes. Chairman Hall asked how high this generator will be and was told maybe 12 inches above the ground, this property is not in the flood zone but they have had flooding. Mr. Kociuba said this is a residential use generator, not a commercial one and the benefits outweigh the detriment. Mr. Rubino then briefly went over the Board Engineer's report and agreed to those conditions.

Mr. Petronko asked whose idea was it to put the generator in this location and Mr. Kociuba said he and Mr. Sullivan agreed on this location. Mr. Petronko spoke of the name of the generator, Generac, and said they recommend it be at least 18 inches from the home. He then asked if they are putting in Carbon Monoxide detectors and was told they already have them. Mr. Petronko said this vents both ways and throws out heat. He also said most fire codes ask for 5 feet distance and that was what he was told when he put his in. Mr. Kociuba said this will be on a pad that is one foot high. Mr. Petronko felt this generator will be tough to work on in this location and the shrubs will be a detriment to the heat, generators throw off a lot of heat; if there is vinyl siding it may be a problem.

Mr. Kociuba said they spoke to the Generac representative about the generator but admitted they did not ask him about this issue. Mr. Petronko said the lid is 2" thick and may even hit the home. Mr. Kociuba said the shrubs they propose, arborvitae, are being put in for extra screening only and they do not really see a need for them, the tree that exists in front of the properties is adequate. Mr. Randazzo asked about the topography at the side yard and was told it slopes down two feet below the finish and goes to 6-7 feet. Mr. Randazzo said the testimony was that this rear yard is 5 feet below Philadelphia Boulevard but where is the generator; the answer was 2-3 feet below Philadelphia Boulevard. Mr. Randazzo asked if this is the only place this generator can be put and Mr. Kociuba said no, but it is the best place. Mr. Randazzo asked if it was run on natural gas and the answer was yes and can be turned on from inside the home. Mr. Randazzo noted there is not a real garage here, you can't get a car in that space. He asked if the garage was vented and the generator elevated, can it be put in there - Mr. Kociuba did not know.

Mr. Randazzo said the neighbors are not here so he did not know if they are for or against it. He said there is a generator at 9 Baltimore Boulevard and the neighbors can hear it, how loud will this be? Mr. Kociuba said he did not have that specific information.

At this time Mr. Patrick Sullivan came forward and was sworn in. He said the generator at 9 Baltimore Boulevard is on level ground and right next to the neighbor, his

neighbors use this area for storage and there are no windows there so this is not the same. Mr. Randazzo made the statement that "it does not have to be there" and then asked if that was a fair statement and Mr. Sullivan said if you put it in the garage it will be closer to the other neighbors. Mr. Randazzo still wanted to know how loud it is.

Mrs. Laszlo asked who took the photos and Mr. Kociuba said he took some and Mr. Sullivan took some. She then asked if that was a portable generator that is in one of the photos and the answer was yes. Mrs. Morris asked if the retaining wall was put in by the Sullivans and that answer was also yes; Mr. Sullivan said they wanted to improve the property as it drops down and commented, when they were looking to buy, the neighbors said there was no problem with flooding in this area, this was before Sandy. They put in a garage, pool and patio and then Hurricane Sandy hit; they thought that was it but the property flooded again and in August 2014 they had water in their basement and back yard so they then put in the retaining wall. The Fire Department came and pumped out the back yard, it was Mayor Farrell that suggested putting in the retaining wall; Mr. Sullivan said they have spent over \$150,000 on flooding issues here and need a whole house generator. They selected this spot to cause the least disturbance to the neighbors, they can put it in the back yard but it will be closer to the neighbors. They now live in Chatham and need a generator that will be able to come on automatically when they are not there.

Mr. McLaughlin asked where the water pumps to and Mr. Sullivan said it goes to their drainage system and they need the generator to keep it pumping the water back out; he said the problem is not the water on their property but the water that comes in from other areas.

Mr. Petronko asked about the second story windows for the neighbors and was told there is a small bathroom window and 2 kitchen windows. Mr. Sullivan said they also have code issues with the pool in the back yard, the generator has to be 10 feet away, if they put it on top of the garage it would be even closer to the neighbors. Mr. Petronko said that once a generator goes past 22 KVAs it becomes more than residential use, most homes are 7-10 KVAs. He then asked if the Building Department looked at the plans for the generator and Chairman Hall said Mr. Quigley just gives a report on it being in the side yard.

Mr. Kociuba reminded the Board of the Marx application heard last year to have a generator in the side yard and that one also was a Generac. The typical general is 60 decibels and that is being close to the unit; Sea Girt's noise Ordinance says that 65 decibels is allowed during the day.

Mr. Randazzo asked about the size of the generator and pad; Mr. Kociuba said the generator is 28 inches wide and the pad is wider by 10 inches on either side, so they will be 20 inches off the dwelling. Mr. Randazzo asked if it can be by the deck and the answer was no, Mr. Quigley said it would have to be behind the deck. Chairman

Hall said if the Board wanted it to be behind the deck they could grant him a variance for that. Mr. Sullivan said this could be done but North of the air conditioning units would be more acceptable. Chairman Hall thought it would have better ventilation behind the deck. Mr. Sullivan said he was open to that. Chairman Hall also commented there is more noise from air conditioning units than a generator. He said he wasn't against the generator in the side yard until Mr. Petronko brought up his concerns. He then asked for some sort of certified letter from the neighbors that they are okay with this and Mr. Sullivan said that can be done. Mr. Megill said that action is not usually taken as a letter cannot be cross examined, but he felt in this case it may be all right. Mr. Rubino said it was okay with him.

Mr. McLaughlin said he also had heat concerns and would rather see it in the back yard, there may be more room there. Chairman Hall felt going North creates space but Mr. Sullivan said to the east is fine but North can be a problem with the elevations. Chairman Hall said the current proposed location is not as good as the Board would like to see.

At this point Mrs. Laszlo spoke up to voice her opinion on the proceedings; she said Mr. Sullivan has brought in an Engineer, a professional and she wanted to go with his recommendations. Her family had rented 10 Baltimore Boulevard in 2009 and her children kayaked in Mr. Sullivan's back yard. He has spent a lot of money and she was sure his professional worked hard, his back yard is a valley and this generator is needed where proposed. She felt there was enough room and she didn't think the Board should be the engineers. She also commented, to Mr. Sullivan, not to always believe the neighbors when they said there has not been flooding, there was in 2009.

Chairman Hall said he was not concerned until Mr. Petronko brought up hazards of heat and ventilation. At this time he asked for comments from the Board members. Mr. McLaughlin felt that Mr. Quigley would have to weigh in on this also. Mrs. Brisben felt that Mr. Quigley would have said something if this wasn't in order, Mr. Sullivan has spent over \$150,000 on flooding problems and hired one of the best in Mr. Kociuba; she would go with the professional and approve this as presented. Mrs. Laszlo had no further comments and Mrs. Abrahamson agreed with Mrs. Brisben and Mrs. Laszlo. Mr. Petronko felt there will be a carbon monoxide problem here, there is not enough ventilation and this is not a great location. He sees a fire hazard and felt it should be moved towards the front. Carbon Monoxide will accumulate and the neighbors have a second story window, he saw a potential danger. Mr. Sullivan commented that during a storm the windows are closed. Mr. Petronko answered by stating Carbon Monoxide is a silent killer and the generator should be moved towards the front for better ventilation and to get rid of the shrubs.

Mr. Kociuba said they placed the generator closer to the mechanicals but they can move it if need be. There was then a discussion on where the generator should be

placed; Mr. Sullivan then spoke and said it has to be 5 feet from windows, if it is pushed up the hill they run into window issues.

Mrs. Morris asked if they put in the pool and garage and Mr. Sullivan said yes. Mrs. Morris felt they are trying to squeeze something in, she didn't deny the need for a generator as they are in such a low area but they are already above in building coverage, the air conditioner unit is in the side yard and the garage is not in compliance. Mr. Petronko's points raise a lot of concerns for her, she wants to see the generator where it will be the safest.

Mr. Randazzo said he is a fireman in town and the house to the west of them collapsed after Hurricane Sandy. He knows generators get hot, when he was serving in Iraq they had to create their own power and it got hot. Mr. Petronko brought up good points about the generator and he commented the Sullivans have a beautiful back yard when it doesn't rain. He didn't think Mr. Quigley looked at this from that standpoint so the question is where is the best place to put it? Mr. Sullivan said the professionals have designed it to go between houses, there is a flow there and they are also following the fire code. Mr. Kociuba agreed and said that, regardless of the Board's decision, they have to follow the building code and Generac has come up with new technology to be able to have it within 18" of a building. Those code take into account the Carbon Monoxide and he said they can remove the proposed arborvitae if that helps.

Mr. Benson felt they are restricted by what is there, the Board can see the benefits and the hazards; he would be reluctant to approve it there. Mr. Randazzo asked what if the neighbors put in a fence along their property line, then the openness is lost but he admitted he is not an engineer. Mr. McLaughlin mentioned that the Council has just passed an Impervious Coverage Ordinance but Chairman Hall said the pad is movable. Mr. McLaughlin felt this has been debated quite a bit, he felt they are entitled to a generator and the manufacturer has a responsibility to advise as to the best location; the Building Department will address this in their permitting process.

Chairman Hall noted some differences of opinion here. This Board did approve a generator in the side yard at the Marx residence on the beach; he then told Mr. Sullivan he had the risk of an approval or not. He did have the right to have the generator at his location and could see this variance as a hardship request but he didn't think the Board had a consensus. Mrs. Laszlo suggested approving his request for a side yard variance and letting Mr. Quigley do his job; she also disagreed with Mrs. Morris as to the variances already on the property. She didn't know how this home ended up in Sea Girt but clearly there is a hardship here; she felt the Board should grant the variance and she had no doubt the neighbors will agree to this.

Mr. Rubino said they would like to go forward with the variance application as presented and he will get a letter from the neighbor. At this time Mr. McLaughlin made

Wednesday, June 29, 2016

a motion to approve the application, with the condition of the letter from the neighbor, this seconded by Mrs. Laszlo and then by the following roll call vote:

Ayes: Carla Abrahamson, Larry Benson, Karen Brisben, Eileen Laszlo, Donald McLaughlin, Norman Hall

Noes: Anne Morris, Ray Petronko, Chris Randazzo

Before adjourning, Chairman Hall apologized for being late and felt there was a good job of discussing the application just heard and the differences of opinions. Mrs. Laszlo commented there are an inordinate amount of pools that have been put in this area, 5 or 6 neighbors have put in pools there.

As there was no more business to come before the Board, a motion to adjourn was made by Mr. Randazzo, seconded by Mr. McLaughlin and unanimously approved by the Board. The meeting was adjourned at 8:50 p.m.