

SEA GIRT PLANNING BOARD

WEDNESDAY, NOVEMBER 16, 2016

The Regular meeting of the Sea Girt Planning Board was held on Wednesday, November 16, 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 – Larry Benson, Karen Brisben, Ken Farrell, Eileen Laszlo, Anne Morris, Ray Petronko, Bret Violette, Norman Hall

Absent – Carla Abrahamson, Donald Laws, Donald McLaughlin

Also present was Kevin Kennedy, Board Attorney; Board Secretary Karen Brisben recorded the Minutes. There were 3 people in the audience.

The Minutes of the October 19, 2016 meeting were approved on a motion by Mr. Petronko, seconded by Mr. Benson and unanimously approved, all aye with Mayor Farrell abstaining.

Before starting the meeting, Mr. Kennedy noted the changes made to the Planning Board roster – Mayor Farrell will be attending the last two meetings of the year and Council has authorized that Mr. Petronko be moved from his position as Mayor's representative to a Class IV Regular Member position to cover Chris Randazzo's term (to 12/31/18) as Mr. Randazzo has resigned from the Board. Both Mayor Farrell and Mr. Petronko were sworn in under Oath. Chairman Hall stated he hoped Board Member Don Laws was recovering from his sickness and commented there may be another opening if Mr. Laws can't return.

Another matter was the postponement of a hearing scheduled for this evening for Block 29, Lot 4, 108 Seaside Place. Chairman Hall said this matter was requested to be rescheduled, by the applicant, until the Wednesday, December 21st meeting which is next month. Mr. Kennedy added that the applicants have sent a waiver regarding the time frame for approval and no further mailing notices will be made.

OLD BUSINESS:

The Board turned to the approval of a Resolution for Block 64, Lots 12, 406 Chicago Boulevard, owned by Colleen Codey, to allow construction of a 2 ½ story home with Front Yard Setback variance. As all Board members had received a draft copy and there were no changes or recommendations to be made, the following was presented for approval:

WHEREAS, Colleen Codey has made Application to the Sea Girt Planning Board for the property designated as Block 64, Lot 12, commonly known as 406 Chicago Boulevard, Sea Girt, New Jersey, within the Borough's District 1, East Single-Family Zone, for the following approval: Bulk Variance associated with an Application to retroactively legitimize the construction of a porch on the front of an existing single-family home; and

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on October 19, 2016, Applicant having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE / EXHIBITS

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

- *Development Application, dated on or about August 9, 2016, introduced into Evidence as A-1;*
- *Zoning Denial Letter, dated May 12, 2016, introduced into Evidence as A-2;*
- *Land Development Application Checklist, dated August 9, 2016, introduced into Evidence as A-3;*
- *Plot Plan, prepared by R.C. Associates Consulting, Inc., dated June 29, 2015, last revised June 20, 2016, consisting of 1 sheet, introduced into Evidence as A-4;*

- *Survey, prepared by Robert M. Ragan, P.L.S., dated August 31, 2016, introduced into Evidence as A-5;*
- *Leon S. Avakian, Inc. Review Memorandum, dated October 6, 2016, introduced into Evidence as A-6;*
- *Plan depicting the average front setbacks of other homes in the neighborhood, introduced into Evidence as A-7;*
- *Front porch details, prepared by the Applicant's husband, introduced into Evidence as A-8;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

WITNESSES

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

- Colleen Codey, Applicant, appearing pro se;
- Edward Hughes, the Applicant's husband;
- Ray Carpenter, Professional Engineer / Planner;
- Kyle Magnusson, the Applicant's Builder;

TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANT

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

- The Applicant is the Owner of the subject property.

- The Applicant has owned the subject property since approximately 1988.
- Until recently, a single-family home (which was built in or about the 1930's) existed at the site.
- The previously existing home was in a compromised state. For instance, the basement was crumbling, and there were other material construction-related issues as well.
- The nature and condition of the previously existing home rendered demolition more appropriate than just mere renovation.
- The previously existing home was demolished in or about February of 2016.
- The Applicant had arranged for a 100% conforming modular home to be constructed / placed at the site.
- When the foundation for the new home was poured (in or about March of 2016), the Applicant's representatives discovered that there was an apparent surveying issue / error, resulting in the foundation being poured approximately 7 inches to 8 inches too close to the front street. (That is, the foundation, as poured, impermissibly encroached 7-8 inches into the front setback.)
- The Application's representatives removed approximately 8 inches of the previously poured foundation so as to correct the said encroachment.
- The Applicant had previously ordered a modular home (and porch) – and the custom-made modular home order could not be terminated or otherwise altered (without significant penalty).
- The modular home / porch was constructed / placed on the site on or about March 30, 2016.
- Because of the aforesaid survey issue / discrepancy, the front porch is setback only 39.29 ft.; whereas a 40-ft. front setback is otherwise required.
- As such, the porch, as installed / constructed, was placed approximately 7-8 inches too close to the front setback.

- The porch, which will ultimately have 3 columns, currently contains 2 columns. (The 3rd column will not be installed until such time as Variance relief is obtained.)
- The porch, as constructed / installed, measures 14 ft. long by 6 ft. wide.
- The porch is located 16 inches off of the ground.
- The Applicant recently received a temporary Certificate of Occupancy to live at the site.
- The Applicant now seeks to retroactively legitimize the construction / placement of the non-conforming porch, as aforesaid.
- The Applicant is not proposing, and is not contemplating, the construction of any pool, deck, or other addition at the site.

VARIANCE

WHEREAS, the Application as submitted requires approval for the following

Variance:

FRONT YARD SETBACK: 40 ft. required; whereas 39.29 ft. exists (which the Applicant is attempting to retroactively legitimize).

PUBLIC COMMENTS

WHEREAS, no members of the public presented any questions, comments, statements, and / or objections in connection with the Application:

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 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 406 Chicago 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. Per the testimony presented, the existing front porch was constructed / placed at the site in violation of the Prevailing Front Yard Setback Requirements.
6. As such, the Applicant is now seeking to obtain Front Yard Setback Variance relief so as to legitimize the existing porch.
7. Such a proposal requires Bulk Variance relief.
8. The Sea Girt Planning Board is statutorily authorized to grant the requested relief and therefore, the matter is properly before the said entity.
9. With regard to the Application, and the requested relief, the Board notes the following:
 - Per the testimony presented during the Public Hearing Process, the Applicant set forth a good faith and honest account of how the porch was constructed in a non-conforming fashion / location.

- The Board accepts the good faith representations of the Applicant, and the Applicant's representatives.
- The Board finds no evidence of any bad faith, or attempted bad faith, on behalf of the Applicant.
- Though the subject issue has presumably caused great stress, angst, and cost to the Applicant, the Board notes that it is important for all homes / structures to be built in accordance with Prevailing Zoning Regulations and / or prior Land Use Board Approvals. In furtherance thereof, and with all due respect to the Applicant, the Board appreciates the fact that the discrepancy was noted / caught during the construction process.
- Per the testimony presented, the foundation was poured in violation of the Front Setback Requirements – but, importantly, the Applicant's representatives were in a position to correct the encroachment, and the said error / discrepancy was promptly corrected.
- The Board appreciates the Applicant's efforts in correcting the aforesaid foundation encroachment.
- When the surveying error was discovered, the custom-made modular home had already been ordered, constructed, and was in the process of being delivered.
- Per the testimony and evidence presented, it would not have been practical to abandon or attempt to modify the previously-made / previously-built custom-made modular home.
- The Board accepts the Applicant's representations and arguments in the said regard.
- Given the nature of the custom-made modular home, it would not have been practical, feasible, or aesthetically pleasing to cut-off or otherwise remove a portion of the custom-made modular porch.
- Per the testimony presented, any attempted manipulation / modification of the previously-constructed custom-made modular porch would have compromised the overall aesthetic appeal of the same.

- Per the testimony presented, any attempted manipulation of the previously-constructed custom-made porch would compromise the functionality of the same.
- Per the testimony and evidence presented, manipulation and / or reduction of the previously-installed porch would be significantly complicated by virtue of the size of the porch, the location of the same, and the location of the existing / proposed columns associated therewith.
- The porch approved herein is 14 ft. by 6 ft. – and any reduction of the 6-ft. width (so as to comply with the Front Setback Requirements) would significantly compromise the functionality / usability of the porch.
- Though the discrepancy / Variance request only requires 7-8 inch relief, the Board notes that the said relief still needs to satisfy the positive and negative criteria of the Prevailing Provisions of New Jersey Municipal Land Use Law.
- Though the discrepancy was caused / created as a result of good faith error, the Applicant still needs to satisfy the positive and negative criteria of the Prevailing Case Law (in order to justify the Variance relief).
- The Applicant's representatives testified as to the non-conforming Front Setbacks of other homes / porches in the area. Specifically, the item introduced into Evidence as A-7, revealed the following Front Yard Setbacks:

Lot 15: Front Porch Setback of 33.03 ft.

Lot 14: Front Setback of 40.31 ft.

Lot 13: Front Setback of 39.91 ft.

Lot 11: Front Porch Setback of 35.28 ft.

Lot 10: Front Porch Setback of 35 ft. 40 inches

Lot 9.01: Front Setback of 39.95 ft.

Lot 9.02: Front Setback of 39.84 ft.

Based upon the above, the Board finds that the Front Setback approved herein will not be materially inconsistent with other Front Yard Setbacks in the area.

- The Front Yard Setback approved herein will not be appreciably different from other existing Front Yard Setbacks in the area.
- The Front Yard Setback approved herein will not be out of character with other single-family homes in the area.
- The Front Yard Setback approved herein will be consistent with the Front Yard Setback of other homes in the immediate area.
- Under the circumstances, the requested relief is de-minimus in nature.
- Approval of the within Application will not change or otherwise alter the single-family nature of the Lot.
- The relief sought herein is mitigated by the fact that the Applicant testified that she is not seeking to add any other pool, deck, or other addition at the site.
- The Front Yard Setback approved herein applies only to a portion of the Applicant's porch. (The Board notes that had the encroachment extended across the entire home and / or across the entire porch, there likely would have been a greater aesthetic impact.)
- The Board is very mindful that while the Front Yard Setback approved herein applies to the porch, the actual home is setback approximately 3 ft. further.
- As a condition of the within Approval, the Applicant will plant additional landscaping at the site so as to further soften / mitigate the aesthetic impact associated with the non-conforming Front Setback.
- The design of the porch is attractive and will be architecturally / aesthetically compatible with the neighborhood.
- Per the testimony and evidence presented, and subject to the conditions contained herein, the approval granted herein will not detrimentally change / affect the grading at the site.

- The porch approved herein is not unduly large, particularly given the size of the lot and the size of the existing home.
- The Board is of the belief that the size of the approved porch is appropriate for the site / lot.
- 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 porch is not inconsistent with the architectural character of other porches in the area.
- Approval of the within Application will allow the Applicant to more functionally and comfortably use and enjoy the property.
- The porch legitimized herein will be architecturally and aesthetically consistent with the existing structure.
- Approval of the within Application will not intensify the existing (and permitted) single-family residential use of the site.
- The existing Lot is conforming in terms of Lot area (i.e. 7,500 SF is required, and 7,500 SF exists). Had the lot been undersized, the within Application may not have been approved.
- Subject to the conditions contained herein, the approved porch will not overpower / overwhelm the subject lot.
- The structure approved / legitimized herein will not overpower/dwarf other homes / structures in the area.
- The porch approved herein is attractive and upscale, in accordance with prevailing Community Standards.
- Approval of the within Application will not detrimentally affect existing parking requirements at the site.
- Sufficiently detailed testimony / plans were presented to the Board.
- The porch nicely complements the property and the neighborhood.

- 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.
- 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).
- Subject to the conditions contained herein, approval of the Application will have a minimal impact on the surrounding neighborhood.

Based upon the above, and for the other reasons set forth herein, and 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 has agreed, to comply with the following conditions:

- a. The Applicant shall comply with all promises, representations, and commitments made at or during the Public Hearing Process.
- b. The Applicant shall comply with the terms and conditions of the October 6, 2016 Review Memorandum of Leon S. Avakian, Inc. (A-6).
- c. The Applicant shall cause the Plans to be revised so as to portray and confirm that the Front Yard Setback approved herein is 39.29 ft. (as opposed to 39.33 ft.).
- d. The Applicant shall plant additional shrubbery / landscaping at the site in order to further minimize the impact of the non-conforming

Front Yard Setback. (The details of the said landscaping shall be reviewed and approved by the Board Engineer.)

- e. There shall be no further expansion / enclosure of the porch approved herein, absent further / approval of the Borough's Land Use Board.
- f. The Applicant shall obtain any and all applicable outside approvals – including, but not limited to, NJDEP approval, CAFRA approval, etc., if required.
- g. 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
- h. If applicable, the structure shall comply with applicable Provisions of the Americans with Disabilities Act.
- i. If applicable, grading plans shall be submitted to the Board Engineer so as to confirm that any drainage / run-off does not go onto adjoining properties.
- j. The structure shall comply with the Borough's Prevailing Height Regulations.
- k. The construction, if any, 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.
- l. 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.

- m. 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.
- n. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.
- o. If required by the Board / Borough Engineer, the Applicant shall submit appropriate performance guarantees in favor of the Borough of Sea Girt.
- p. 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 necessary) for the construction / development approved herein.

BE IT FURTHER RESOLVED, that all representations made under oath by the Applicant and / or her agents shall be deemed conditions of the approval granted herein, and any 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 the proposed improvement, or for any damage which may be caused by the development / renovation.

A motion to approve the above Resolution was made by Mrs. Brisben, seconded by Mrs. Morris and then by the following roll call vote:

Ayes: Larry Benson, Karen Brisben, Anne Morris, Ray Petronko, Bret Violette

Noes: None

Not Eligible to Vote: Ken Farrell, Eileen Laszlo, Norman Hall

The Board then turned to the continuation of a hearing for Block 46, Lot 3, 307 Brooklyn Boulevard, owned by Eric Wasser, to allow construction of a covered front porch with second floor deck. Lot Coverage – 20% maximum permitted, 24.61% proposed. Front Yard Setback – 40 feet required, 35.9 feet proposed.

Chairman Hall told the audience that this hearing was started in May, then again in August, this is the third time. All Board members who were not present at the May and/or August meeting had listened to tapes of those hearings and, therefore, were eligible to vote this evening. Mr. Kennedy added that no further notices were sent out as this hearing is a continuation.

Mr. Kennedy noted the next Exhibit No. would be A-18 and he marked the review memo from Board Engineer Peter Avakian as this, dated 11/1/16. Exhibit A-19 was a revised plan done by Michael Cole and dated 10/19/16. Exhibit A-20 was a plan done

by the applicant, Eric Wasser, and dated 10/20/16. Exhibit A-21 was an affidavit from Board Member Bret Violette that he has listened to the appropriate tapes of the previous hearings. Exhibit A-22 was the same affidavit, this one signed by Larry Benson and Exhibit A-23 was an affidavit signed by Mayor Ken Farrell. Mr. Kennedy noted it is not easy to listen to a cd of the meeting and he appreciated the Board members making this effort and added that it is for this reason that the Board asks that people speak one at a time. Mrs. Brisben then commented that all the Board members present this evening are now eligible to vote.

At this time Mr. Eric Wasser came forward to present this new plan. He originally has designed an 8 foot bump-out and now has reduced the porch to 5 feet straight across, which minimizes the variance request for Front Yard Setback as well as Lot Coverage, this is as much as he could do and he will put in arborvitae on the east side of the property to lessen any impact.

Chairman Hall asked to see the original pictures submitted and review them, this was done. Mr. Wasser, as stated in his last hearings, said the original home was torn down in the 1980s and there was no violation of any coverages cited. Mrs. Brisben said she looked back in the Planning/Zoning files and did not find any applications from the past for this property, so Mr. Wasser is correct. Mayor Farrell asked if there is a basement under the back room and the answer was no. Mayor Farrell then asked if that room was an addition and Mr. Wasser said he was told by the seller they did not do any additions.

At this time Planner/Engineer Michael Cole came forward and was again sworn in. He testified at the last hearings that this could be considered a hardship and that statement was questioned by a Board Member. He looked up court rulings on this and the only one he could find was for a side yard garage, the Court ruled that it was a C-1 variance and was comparable to surrounding homes, this was ruled back in 1993. His point was the Court ruled if it fits in the neighborhood it would be a hardship if not granted. He said there are porches in Sea Girt, it will be an open porch; he looked in the Sea Girt Master Plan and did not see anything on this and he felt the home will look better with the porch.

Chairman Hall noted that the plan's Zoning Requirements are different than the proposed porch. Mr. Cole agreed and said it was his error, he didn't update that part of the plans and the Zoning Table should be corrected to say this will be a 35.9 foot Front Yard Setback. Chairman Hall commented that the lot coverage now is 22.18%, the original application back in May asked for a lot coverage of 26.3% and Mr. Wasser is now asking for a 24.6% Lot Coverage and Mr. Cole agreed. Mr. Petronko asked if the porch landing was going to be the same and Mr. Wasser said they are taking that out. Mr. Petronko then felt this is not a contiguous porch and Chairman Hall asked if the steps will be recessed then. Mr. Wasser said yes as this will help in the setback issue. Chairman Hall asked about meeting the handrail requirements and Mr. Wasser said

they will, the steps will have handrails but the porch itself will not have rails and will be kept open, it will be a low porch.

Chairman Hall asked if anyone came to any of the previous meetings to comment on this application and Mrs. Laszlo said yes, one of the neighbors did and was in favor of it. Mr. Wasser agreed, his neighbor came in to support his application. He added that he is not a developer and is the home owner here. Mrs. Brisben asked how high the porch will be and the answer was less than 30 inches.

As there was no one in the audience with any questions or comments, that portion was closed and the Board went into discussion. Mrs. Brisben said she was in favor of the original application back in May and again in August and she was still in favor at this time. Mayor Farrell said he voted for a porch variance a few years back but that was for a home that was under 20% coverage. This home is large and he noted there is over 250 acres of drainage area and the town has just redone the drainage in Baltimore Boulevard area; this property is already over in lot coverage and he would not be able to vote for it. Sea Girt has had major flooding and Council does not want to make the town too bulky.

Mrs. Laszlo appreciated Mr. Wasser coming back with a smaller porch and going back and forth with the Board, she felt it was a positive thing to have a porch and be able to interact with the neighbors. Mrs. Morris said her mind has not changed since the last two times, she did not feel granting these variances would be good for the town and would not be in favor. At this time Mr. Wasser commented they could put in a drywell and Mr. Cole agreed this can be done to lessen any drainage problems, they will work it out to the approval of the town Engineer.

Mr. Violette said he was a big champion on porches but felt it should stay under lot coverage; a 5 foot wide porch will just hold a chair, it's about the minimum that can be done. He was not leaning towards approval of this and felt the new plans look more like Sea Girt, he thought the house will blend in and the benefits will outweigh the detriments; however, he was for the extra water remediation and approval by the Board Engineer. Mr. Petronko felt this was a really good idea but it has a problem with lot coverage and he would not be in favor of it. Mr. Benson felt he can accept the application as presented with the two variances.

Mr. Kennedy told Mr. Wasser they can take a vote tonight, it was up to him. Chairman Hall applauded Mr. Wasser on coming back 3 times with slightly different plans for approval. He felt that if he can have an engineering review and can have a water retention system put in he would be in favor, although reluctantly, as the lot coverage is being exceeded but he could see an improvement to the neighborhood with this porch. He felt Mr. Wasser has done as much as he can and can't reduce the variance request any more.

At this time Mr. Wasser said he would like a vote this evening. Mr. Kennedy went over the conditions of approval: plant arborvitae on east side, never enclose the porch, revise the plans to correct the Zoning Schedule, no railing (except for the stairs) and this will comply with building codes, compliance with Board Engineer's report, put in a drywell in accordance with the Board Engineer's requirements, have a lot coverage of over 20% and put in the best effort to save the large holly tree in front of the home.

Before taking a vote, Mr. Violette brought up the point on aesthetic impact and environmental impact. If this application gets denied there will be no drywell put in; if this is approved a drywell is put in which will help the town. If you look at the impervious coverage, there are pavers in the rear yard and he was wondering if there is a solution to lower the impervious coverage here by perhaps removing some of the pavers in the back yard, he felt this will also look better. If the Board denies this there is no positive impact on the water issues. Mr. Wasser offered to have this in the Resolution that they will try to find some way to reduce the impervious coverage. Chairman Hall commented that, next to the garage there is a paver area, if that can be changed to grass or stone it would become pervious. Mr. Wasser commented that his neighbor just paved his whole back yard, he did this just before the new Ordinance was passed in July.

Chairman Hall explained no one has done any calculation on this, removing some pavers. Mr. Violette noted the front porch will add to the impervious surface coverage and Chairman Hall asked what will be the construction of the porch going to be; Mr. Wasser answered Trex. The next question was will it be block and fill or soil and Mr. Wasser said there will be no foundation and no soil removed. Mayor Farrell commented Council did a lot of work on this but it was for homes under the maximum lot coverage of 20%.

Mr. Wasser said he needs to be able to drive to the garage and he can eliminate three feet of walkway. At this time Zdenka Tichy started to speak and she was asked to be sworn in which she was, she said she was Mr. Wasser's "better half". She said they can put grass in the back area and have a walkway from the garage to the back of the home; Mr. Wasser showed Chairman Hall exactly where this will be and it was calculated to be about 400-500 square feet. Mr. Kennedy knew it was difficult to make decisions on the run like this and Mr. Wasser had to be careful in what he proposed.

It was decided that another condition will be made and that is to remove approximately 500 square feet of the existing pavers to reduce the pervious surface coverage. Chairman Hall also commented that, when the Planning Board discussed this Impervious Surface Ordinance, they felt if a homeowner can have a water remediation plan in place they may be able to go over the 35% allowed. Mr. Wasser said they will remove about 500 square feet of pavers and figure out where to put the drywell.

Wednesday, November 16, 2016

At this time Mr. Violette made a motion to approve the application with the conditions as noted by Mr. Kennedy and Chairman Hall, this seconded by Mrs. Laszlo and then by the following roll call vote:

Ayes: Larry Benson, Karen Brisben, Eileen Laszlo, Ray Petronko, Bret Violette, Norman Hall

Noes: Ken Farrell, Anne Morris

Before adjourning for the evening, Mrs. Brisben reminded everyone to please keep the application packet for the 108 Seaside Place hearing as that will be heard next month and she doesn't have duplicates for distribution. As there was no further business to come before the Board a motion to adjourn was made by Mrs. Brisben, seconded by Mayor Farrell and approved unanimously by the Board, all aye. The meeting was adjourned at 8:11 p.m.

Approved December 21, 2016

Wednesday, November 16, 2016