

SEA GIRT PLANNING BOARD

WEDNESDAY, OCTOBER 19, 2016

The Regular meeting of the Sea Girt Planning Board was held on Wednesday, October 19, 2016 at 7:09 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, Anne Morris, Ray Petronko, Bret Violette

Absent – Donald Laws, Norman Hall

Also present was Kevin Kennedy, Board Attorney and Board Secretary Karen Brisben recorded the Minutes. There were 8 people in the audience.

Before starting the meeting, Mrs. Brisben read a Letter of Resignation from Board Member Chris Randazzo, who has sold his Sea Girt home and is living in Wall Township so is no longer eligible to be on the Board. His resignation letter was accepted with regret.

The Minutes of the September 22, 2016 meeting were approved on a motion by Mr. Petronko, seconded by Mrs. Laszlo, and approved with Mrs. Morris and Mrs. Abrahamson abstaining.

NEW BUSINESS:

As there was no Old Business to attend to, the Board turned their attention to an application for Block 64, Lot 12, 406 Chicago Boulevard, owned by Colleen Codey, to allow construction of a 2 ½ story home. Front Yard Setback – 40 feet required, 39.33 feet proposed, .67 foot variance requested.

The proper 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 marked the following exhibits:

- A-1. Application dated 8/9/16.
- A-2. Zoning Officer's Letter of Denial dated 5/12/16.
- A-3. Checklist dated 8/9/16.
- A-4. Plot Plan done by R.C. Consultants, dated 6/20/16.
- A-5. Survey done by Ragan Land Surveying, dated 10/6/16.

- A-6. Letter from Board Engineer, Peter Avakian, dated 10/6/16.
- A-7. Detail of lots 8 through 15, dimensions of front yard setbacks, dated 10/9/16.

At this time Colleen Codey and Planner Raymond Carpenter came forward and were sworn in. Mr. Kennedy wanted it put on the record that he has worked with Mr. Carpenter in the past but has never worked for him so there is no compromise with him hearing this application. Mrs. Laszlo spoke and said she also has worked with Mr. Carpenter on a project outside of Sea Girt. Mr. Kennedy said if it was a financial relationship she perhaps should recuse herself and she said it was and was finalized about a week ago, all money has been paid. Mr. Kennedy said it was her call but felt she should, out of an abundance of caution, recuse herself and Mrs. Laszlo left the dais.

Ms. Codey then began her testimony and said she has been the owner of 406 Chicago Boulevard since 1988. There was a home there that was built in the 1930, that was taken down and a new, modular home has been put in its place. The home itself is 100% compliant but there was an 8 inch setback error in the placement of the foundation. This puts the porch in front of the 40 foot setback for the front yard; the porch is important to her and her husband, they like to sit out there and it helps them to know their neighbors, it was designed as a 6 foot wide porch. As a result of the foundation location error, they need a variance, if they did make the porch comply they would have an unusable porch so they have decided to come before the Planning Board.

Mr. Kennedy asked when the home was demolished and was told February, 2016. The new foundation was laid out in March and the home was delivered on March 30<sup>th</sup>, 2016. It's now all done and they have received a temporary CO about a week ago. Mrs. Morris asked if they were planning on putting in a pool and the answer was no. Mrs. Brisben noted the Engineer's report speaks of the garage being noncompliant and Ms. Codey said they did not take down the existing garage, it was built a long time ago and is now noncompliant but they wanted to leave it as is.

Ms. Codey explained that when the town came to inspect the foundation the error was discovered. It was a pre-cast foundation and they were able to move it back but not enough to stop the variance need. The porch came with the modular home and it could not be changed. Mr. McLaughlin asked if it was a survey problem and Ms. Codey said that Mr. Carpenter will explain what happened. She then went on to talk about the 8 inch columns on the 6 foot porch, two columns are up but they did not put the 3<sup>rd</sup> one in due to this issue and they are waiting to install that last column after this visit to the Board, if approved.

Mr. Petronko confirmed that when they discovered the error they were able to cut back the foundation but it was still not adequate. Ms. Codey said they cut it back 8 inches but the porch goes over the 8 inches, thus the variance need. At this time Mr.

Kyle Magnusson, the builder, came forward and was sworn in, he is from CMG Custom Builders. He explained they had a plot plan and the area staked out, however, there was a miscommunication between the surveyor and Engineer. The foundation, now, is correct at 40 feet but the porch extends over that foundation into the Front Yard Setback. Mr. Petronko asked about the columns, he felt that two were load-bearing and one was decorative. Mrs. Morris asked that, when all is said and done, the porch is 6 feet wide and Mr. Magnusson said yes.

The next person to come forward was Edward Hughes, Ms. Codey's husband. He presented Exhibit A-8, a drawing of the front porch, prepared by himself as of 10/19/16, today. The solid line is the porch and the dashed line is the 40 foot setback line. If they push back the porch another 8 inches they will have to push back the columns, he showed the Board what they would lose if they went back. Mrs. Brisben asked how high the porch is off the ground and was told 16 inches.

At this time Mr. Magnusson spoke up and referenced Exhibit A-7 which shows that the homes on this side of the block are not aligned. Mr. Magnusson said the eave is making the encroachment. Mrs. Morris asked if the columns are in the setback and Mr. Magnusson said 4 inches are in and 4 inches are encroaching.

Mr. Ray Carpenter then came forward to testify, he is a Licensed Professional Engineer and Planner. As the Board was very familiar with Mr. Carpenter he was accepted as an expert witness. He explained the difference with his plan and Mr. Avakian's report where says it is 39.29 feet in the front yard setback and Mr. Carpenter's plan says 39.33 feet. Mr. Avakian measured from the property line to the front porch, there is a little bullnose on the porch that was taken into consideration. To keep everything in order, he will change his plans to state 39.29 feet for a Front Yard Setback. Mrs. Brisben told him he will need to submit revised plans and he agreed. He also said that Exhibit A-7 shows the front yard setbacks on the street and the Board can see that this home fits right in, other homes have 40 feet and others are closer to the street by a few inches. The house itself is at the 40 foot mark, it is the open porch that creates the variance need. They went to great lengths to put the foundation in the right place as, once a modular home is built, it is very hard to do adjustments and cut it back. He felt this violation was de minimus, the impact of the porch is very small and will not be noticeable. Mrs. Brisben asked if there was going to be any shrubbery in front of this porch and Ms. Codey said yes, they have not done any landscaping as yet as they were waiting for this appearance before the Board.

As there were no further questions from the Board the hearing was opened to the public for questions, Ms. Julie Campbell came forward for a statement and was told this segment is only for questions. As there were no questions of Mr. Carpenter that portion of the hearing was closed and the Board went into discussion.

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Mr. McLaughlin said he understood the situation and how it happened but he was surprised that it did happen; it was a mistake and he did not feel it was significant. Mr. Benson said he felt the same way and Mrs. Morris agreed that this was de minimus and would not have a negative impact, however, she did not want to see it ever enclosed or extended. The rest of the Board members were in support of the application, as well, Mrs. Brisben felt the shrubs in front of the porch will help.

At this time the hearing was opened for comments and there were none, Ms. Campbell wanted to speak for the application but felt she didn't have to now. Mr. Kennedy went over the conditions of approval: comply with the Engineer's report, submit revised plans, put in landscaping and there will be no expansion or enclosing of the porch in the future.

A motion for approval, with the above conditions, was made by Mr. McLaughlin, seconded by Mr. Petronko and then by the following roll call vote:

Ayes: Carla Abrahamson, Larry Benson, Karen Brisben, Donald McLaughlin, Anne Morris, Ray Petronko, Bret Violette

Noes: None

Before adjourning, Mr. Violette asked about a replacement for Mr. Randazzo and Mrs. Brisben explained that is all up to the Mayor, he does the appointments; if anyone knew of someone they should contact Mayor Farrell.

As there was no further business to come before the Board a motion to adjourn was made by Mrs. Morris, seconded by Mr. McLaughlin and approved unanimously by the Board, all aye. The meeting was adjourned at 7:50 p.m.

Approved: November 16, 2016



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