

SEA GIRT PLANNING BOARD

WEDNESDAY, FEBRUARY 15, 2017

The Regular meeting of the Sea Girt Planning Board was held on Wednesday, February 15, 2017 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 given by transmitting the Annual Meeting Notice to the official newspapers of the Sea Girt Planning Board, posting a notice in a public place as required by law and filing the notice with the Borough Clerk. After a salute to the flag, roll call was taken:

Present – Carla Abrahamson, Karen Brisben, Mayor Ken Farrell, Councilwoman Anne Morris, Raymond Petronko, Bret Violette, John Ward, Norman Hall

Absent – Larry Benson, Jake Casey, Eileen Laszlo

Also present was Kevin Kennedy, Board Attorney. There were 4 people in the audience and Board member Karen Brisben recorded the Minutes.

Mrs. Brisben noted there was one small typographical error in the Minutes that was corrected. The Minutes of the January 18, 2017 meeting were then approved on a motion by Mr. Violette, seconded by Mayor Farrell and unanimously approved, all aye.

OLD BUSINESS:

The Board turned to the approval of a Resolution for Block 54, Lot 7, 321 Stockton Boulevard, owned by Bjorn Anderson (applicant – Jeff Woszczak), 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 after Mr. Kennedy went over the conditions:

WHEREAS, Jeffrey Woszczak has made Application to the Sea Girt Planning Board for the property designated as Block 54, Lot 7, commonly known as 321 Stockton 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 January 18, 2017; and

EVIDENCE/EXHIBITS

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

- Land Development Application Package, dated November 30, 2016, introduced into Evidence as A-1;
- Land Development Application Completeness Checklist, dated November 28, 2016, introduced into Evidence as A-2;
- Report from the Planning Board Subdivision Committee, dated December 27, 2016, introduced into Evidence as A-3;
- Minor Subdivision Plan, prepared by Charles O'Malley, PLS, dated September 21, 2016, consisting of 1 sheet, introduced into Evidence as A-4;
- Plan of Survey, prepared by Charles O'Malley, PLS, dated September 21, 2016, consisting of 1 sheet, introduced into Evidence as A-5;
- Leon S. Avakian, Inc. review memorandum, dated January 4, 2017, introduced into Evidence as A-6;

WITNESSES

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

- Bjorn Anderson, Owner, appearing pro se
- Jeffrey Woszczak, Applicant, appearing pro se

TESTIMONY AND EVIDENCE PRESENTED

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

- The Applicant herein is Jeffrey Woszczak.
- The Owner of the subject property is Bjorn Anderson, who has consented to the filing of the within Application.
- The Applicant is the Contract Purchaser of the subject property.
- The subject property contains 15,000 square feet.
- The subject site currently contains a single-family dwelling and driveway.
- The Applicant intends to demolish the existing structures / improvements.
- The Applicant is proposing to subdivide the site into 2 lots; namely, proposed Lot 7.01 and proposed Lot 7.02.
- Details pertaining to the 2 proposed lots include the following:

PROPOSED LOT 7.01

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

PROPOSED LOT 7.02

Minimum Required Lot Area: 7,500 SF

Proposed Lot Area: 7,500 SF

Proposed Use: New single-family home

- As referenced, both lots will ultimately host a single-family home.
- The Applicant is currently unsure as to whether he will sell the lots, build the homes and sell the lots, or some combination thereof.
- Notwithstanding the above, the Applicant may be interested in building a home for himself on 1 of the subject lots.
- The Applicant does not anticipate having to remove any existing perimeter trees in connection with the subdivision / construction process.

VARIANCES

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

PUBLIC COMMENTS

WHEREAS, there were no members of the public who expressed any questions, comments, concerns, or objections associated with the Application.

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 321 Stockton Boulevard, Sea Girt, NJ, within the Borough's District 1, East Single Family Zone. (The subject property [i.e. the Mother Lot] is located on the northeast corner of Stockton Boulevard and Fourth Avenue.
3. The subject site currently contains 15,000 SF.
4. The Applicant proposes to subdivide the property into 2 lots; namely, proposed Lot 7.01 and proposed Lot 7.02.
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 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. There was no known public opposition associated with the Application.

12. 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.

13. 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 has agreed, to comply with the following conditions: (Note: Unless otherwise indicated, all Plan Revisions shall be subject to the review and approval of the Board Engineer.)

- a. The Applicant shall comply with all terms and conditions of the Leon S. Avakian Review Memorandum, dated January 4, 2017 (A-6).
- b. The Applicant shall cause the plans to be revised so as to portray and include the following:
 - That the side yard setback shall comply with and satisfy the prevailing setback requirements (as no variances are granted hereunder).
 - That the existing curb / sidewalks shall be replaced if found to be in poor condition (as ultimately determined by the Board Engineer).

- That any trees destroyed / damaged / removed during the Subdivision / Construction process shall be replaced with similarly sized trees (the details of which shall be reviewed and approved by the Borough of Sea Girt and/or the Borough's Shade Tree Commission).
- c. In conjunction with the above point, 5 revised plans shall be submitted to the Board Secretary.
- d. Because of the 5 year moratorium on street-openings, the Applicant shall request, and attempt to obtain, permission from the Mayor and Council of the Borough of Sea Girt for any required road opening permit. (There shall be no road opening in the absence of the said permits being issued.)
- e. There shall be no alteration of the existing stormwater flow at the site, and there shall be no change to the topography of the site, without the formal written review / approval of the Borough of Sea Girt and the Board Engineer.
- f. Any future variance relief shall require formal review / approval by the Borough's Land Use Board.
- g. The Subdivision shall not be perfected until such time as the existing structures / improvements on the site are demolished / removed, as confirmed by Borough Zoning / Construction Officials.
- h. 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.
- i. Prior to the issuance of any Construction Permits, the Applicant (or successor Applicant / Owner) shall submit grading, drainage / stormwater management, plot, and utility plans (and drainage calculations) to the Board Engineer, for his review and approval.

- j. The Applicant or any successor Applicant / Owner, shall comply with all Prevailing Rules and Regulations of the Municipal Utilities Authority. Additionally, the Applicant shall pay / satisfy any applicable sewer / utility connection fees (and any other charges / fees due and owing.)
- k. Prior to the issuance of any Building Permit, the Applicant (or any successor Applicant / Owner), 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).
- l. The Applicant shall attempt, in good faith, to preserve as many trees on site as possible.
- m. 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.)
- n. The subdivision shall be perfected in accordance with Requirements of New Jersey Law (and within the timeframe set forth in New Jersey Law.)
- o. The Applicant shall review the proposed Block / Lot designations with the Municipal Tax Assessor so as to confirm the acceptability of the same.
- p. The Applicant shall comply with all applicable / prevailing Affordable Housing regulations / requirements / contributions as may be required by the State of New Jersey, the Council on Affordable Housing, the Borough of Sea Girt, the Court system, and/or any other Agency which may have jurisdiction over the matter.
- q. Any construction/development of the Site shall comply with the Prevailing FEMA Requirements.
- r. 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.
- s. The Applicant 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.

- t. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees, taxes, and inspection fees.
- u. If required by the Board Engineer, the Applicant 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 his 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 Mrs. Brisben, seconded by Mr. Petronko and then by the following roll call vote:

Ayes: Karen Brisben, Ken Farrell, Anne Morris, Ray Petronko, Bret Violette, John Ward, Norman Hall

Noes: None

Not Eligible to Vote: Carla Abrahamson

The next item on the agenda was the continued hearing for Block 29, Lot 4, 108 Seaside Place, owned by Stephen & Patricia Valentino. Mr. Michael Rubino, Esq., their attorney, was in the audience and explained to the Board they are asking for a postponement due to further revisions they have decided to make on their variance application. Mr. Rubino said he realized they will have to renote and this will be done once a new hearing date is set; a waiver for time period approval has already been sent to the Secretary. Mrs. Brisben asked Mr. Rubino to please get the revised plans to her as soon as possible, the last set came in at the last minute and was a rush to get a new report from the engineer. An actual date could not be set at this time, it will depend on when the revised plans get filed.

NEW BUSINESS:

There was then a discussion with Mr. Rubino regarding a driveway easement request for 1 New York Boulevard, owned by David & Joni Sanzari. Mr. Rubino said the Sanzari family already owns the home at 311 Ocean Avenue, as well as the vacant lot next to it on the ocean; the home at 311 Ocean Avenue abuts the home they also own at 1 New York Boulevard which was before the Board last year for variance approval. The driveway at 1 New York Boulevard is too close to the driveway at 311 Ocean Avenue (which is behind that home and right next to the driveway at 1 New York Boulevard) so they wish to add 1.5 feet to the driveway, which creates an easement

situation for the two homes that they own as there will be an encroachment onto the Ocean Avenue property.

Mr. Rubino said if the family sells either one of the properties the easement will be broken and he will file a deed restriction to ensure this, but the family plans on keeping these homes for a long time. There was then a discussion on the need to even file a deed restriction but it was decided that was the way to do this so it can be addressed, if needed, in the future.

Mr. Kennedy explained this request is not an application and it is being done administratively but he wanted the Board to know about it; both the Board Engineer and Zoning Officer have no problem with this action being taken. Mr. Violette commented that they are adding impervious coverage to this property and Mr. Rubino said an "as built" will be provided to the engineer, but he was comfortable that there was more than enough property that was pervious so this would not be an issue.

Mr. Sanzari came forward and was sworn in so he could answer a question from Mr. Petronko regarding the Ocean Avenue properties. There is a vacant lot next to the Ocean Avenue home and Mr. Sanzari said they are planning on combining that vacant lot with the existing home and putting an addition on that home, making one lot that will be 125 feet x 150 feet. He also said the driveway will be pavers on sand.

Mayor Farrell was also in agreement that a deed restriction was needed and spoke of an issue on Ocean Avenue in his block where an easement was never disclosed and it caused problems. Mr. Sanzari said he had no problems in doing an easement and recording it in a deed restriction, all properties are owned by he and his wife.

At this time Mr. Kennedy asked for a motion to approve the change with a new variance/easement condition and approval of an "as built" if needed by the Board Engineer. Before this was offered, Chairman Hall asked if anyone in the public wanted to speak and there was no response. Mrs. Brisben then made a motion to approve this change, as defined by Mr. Kennedy, Mr. Petronko seconded the motion and then by the following roll call vote:

Ayes: Carla Abrahamson, Karen Brisben, Anne Morris, Ray Petronko, Bret Violette, John Ward, Norman Hall

Noes: None

Abstain: Ken Farrell

Mr. Kennedy said that no formal Resolution was needed but asked for a letter from Mr. Rubino explaining the deed restriction; Mr. Rubino said this will be done.

The Board then turned to an application for Variance relief for Block 103, Lot 3, 705 Boston Boulevard, owned by Lawrence & Joan O'Connell, to allow construction of a new front porch, rear deck, 2nd story dormers. Front Yard Setback – 40 feet required, 34.5 feet existing, 29.5 feet requested for porch and 27.1 feet requested for dormer. Lot coverage – 20% maximum allowed, 23.1% existing, 23.48% 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 the hearing Mr. Kennedy marked the following exhibits:

- A-1. Application for variance relief.
- A-2. Zoning Officer denial dated 11/16/16.
- A-3. The development application checklist.
- A-4. Architectural Plans done by Paul Damiano & dated 10/30/16.
- A-5. Survey updated 11/16.
- A-6. Letter from Board Engineer dated 1/31/17.

At this time Mr. Larry O'Connell came forward; Chairman Hall asked him if he had an attorney and the answer was no, he was presenting this application himself. Chairman Hall then explained the procedure to him, then he was sworn in. He told the Board he and his wife have owned the property for 13 months and live there, they purchased the home on 12/23/15. They plan to have this home permanently and retire here and he appreciated the Board's volunteers, he served on a school Board so knows about the time served.

They have 3 adult daughters and would like to have them have a place to come and visit, one daughter married a Sea Girt person which is how they discovered Sea Girt and love it. They want to update their Cape Cod style home as well as add curb appeal, they want to put a roof over the front door as well as add dormers for use and better ventilation. They also want to resurface and improve the deck which will add to the lot coverage as it is over 16 inches; the roof over the porch will also increase the lot coverage. The proposed dormers go into the front yard setback which is why there is a variance request for them. Mrs. Brisben asked for clarification on the front setback figures as the application doesn't match the Zoning Officer Denial and it was explained that it is the porch roof that is causing the setback issue & building coverage. Mrs. Abrahamson asked if there will be any further work on the porch other than the roof and Mr. O'Connell said they will rebuild the steps. Mr. O'Connell said his architect can address that further.

Mr. Petronko noted this home was built in 1985 and already exists with over 20% lot coverage and he questioned this. Mrs. Brisben said she can look over the Planning Board files to see if a variance was previously granted but not until she gets back in the

office. Mr. O'Connell said the footprint of the porch will actually be 6.5 square feet smaller when completed.

At this Mr. Paul Damiano, Architect, came forward and was sworn in. He had Exhibit A-7 marked, it is Exhibit A-1 but larger, as well as two pictures of the dwelling with the enlarged plot plan. Exhibit A-8 is Exhibit A-4 with 3 pictures showing the surrounding area, taken from Google Earth & one by Mr. Damiano. They are reducing the porch by 6.5 square feet, from 50 to 46. The porch will be at 29.5 feet setback which adds intensity and the stoop is above 16 inches so it is in the building coverage also. They are not going any higher with the ridge of the roof but they are adding a gable. He tried to add architecture to the home and symmetry, he had to push the dormer out to be able to put in a window. The gable over the roof is one that needs a variance as it's within the 40 foot front yard setback.

Chairman Hall questioned if this even is considered a variance but Mr. Kennedy felt, out of an abundance of caution, that a variance need should be addressed, Mr. Violette agreed with Mr. Kennedy. Mr. Damiano went on to say they also want to reconfigure the deck and this will add to the lot coverage by 30 square feet. Mr. Violette asked if there is dirt under it and the answer was yes, this is not an impervious surface. Mr. Violette said if the deck can be put at under 16 inches it will not count in lot coverage and Mayor Farrell suggested lowering the deck. Mr. O'Connell said that now the deck is even with the door going out to it and he did not want to have steps there, that may become an issue; Mayor Farrell understood but was just trying to help get the lot coverage lowered.

There was then a short discussion on setback lines and coverage, Mr. Damiano & Mr. O'Connell said there is no change to the front yard steps and no change to the impervious surface coverage. They did look at having two levels for the deck but they found that out to be a hazard. Mrs. Abrahamson asked how high the deck is now and was told 24 inches. Mayor Farrell suggested the two tier deck with the lower deck for guests and make that part under 16 inches. Mr. Damiano said the plan is to just resurface the deck and not re-deck the area. The discussion went on about lowering the new portion of the deck to keep the lot coverage lower. Mr. Violette asked about the code on removing railing on the deck and Chairman Hall said if a deck is over 30 inches a railing is needed, this deck is at 24 inches so there is no code violation if they remove the railing. Councilwoman Morris asked if they are doing anything to the garage and shed and the answer was no, they are within the Ordinance as they stand now and are compliant.

At this time it was decided to give Mr. Damiano and Mr. O'Connell a 5 minute recess so they can discuss the deck issue. They came back and told the Board making the deck larger, as suggested, may be a problem and green space may be lost; they are going to remove the application for the addition to the deck and leave it as it is now. Mr. O'Connell said his wife wants the green space for gardening and he would rather lose

the addition as he did not want to go farther out into the yard with a lower deck. Chairman Hall asked if there is a barbeque on the deck and Mr. O'Connell said no, it is off the deck. Mr. Ward questioned the shed again and was told it is compliant, it is only a 6x12 foot shed and he did not need a building permit for it.

Mrs. Brisben commented that, when she looked at the property, it appeared that the neighbor's home next to this one had steps that went farther out the front yard setback than the O'Connells' and she was shown the picture on Exhibit A-8 which showed the front yard areas of the homes on this side of the block as taken by Google Earth.

As there were no further comments and no questions or comments from the audience, the Board went into discussion. Mrs. Brisben said she has seen Mr. Damiano's work and he does a great job, this home is begging for dormers and the neighbor's home is even closer to the street. She had no problem with approval. The rest of the Board agreed and thought it was a great plan and thanked Mr. O'Connell for working with the Board. Chairman Hall commented that there are a lot of homes being taken down and he appreciated seeing one being fixed up.

Mr. O'Connell summed up his application by stating they are creating a place for retirement and they want an inviting place for friends & family to visit. They are not going to expand the deck and he again thanked the volunteer Board for hearing his application.

Mr. Kennedy then went over the conditions that will be on the Resolution: compliance with the Board Engineer's report, clarification on the proper setbacks, drainage plans to be submitted if necessary, and revised plans to be submitted showing the variance application with the reduced deck, 5 copies needed.

A motion was then made by Mayor Farrell to approve the application with the conditions as noted by Mr. Kennedy, this seconded by Mr. Petronko and then by the following roll call vote:

Ayes: Carla Abrahamson, Karen Brisben, Ken Farrell, Anne Morris, Ray Petronko, Bret Violette, John Ward, Norman Hall

Noes: None

OTHER BUSINESS:

Mr. Kennedy just wanted to comment on other towns having problems with the Open Public Meetings Act and wanted to clarify our meeting dates. The Board approved the 2017 dates at their December meeting, at the request of Mr. Kennedy, but now wanted to re-affirm those dates as approved; this was done on a motion by Mayor

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Farrell, seconded by Councilwoman Morris and approved unanimously by voice vote, all aye.

Mr. Kennedy then went briefly over the Sitar application that has been remanded back to the Planning Board, a May 17, 2017 hearing date is the one they are trying for and copies of the transcripts of the 2012 hearing will be emailed to all members; Mr. Kennedy asked for all to look over these transcripts, even those Board members who were on the Board for the original hearing, so they can be familiar with the proceedings. Mr. Thomas Hirsch, attorney for Mr. Sitar, said there will be no witnesses to testify but they will be in the audience to answer any questions and he hoped to get this done in one night. He asked the Board members to pencil May 17th on their calendars for this hearing as it involves a Use Variance, Mayor Farrell & Councilwoman Morris can't hear this and a Board of 7 members is needed. Mrs. Brisben was keeping this night open for just this hearing, the Board just has one application pending now and she was hoping to get that on for the March hearing date and, as of now, there is no new date for the Valentino application.

As there was no further business to come before the Board a motion to adjourn was made by Mayor Farrell, seconded by Councilwoman Morris and approved unanimously by the Board, all aye. The meeting was adjourned at 8:15 p.m.

Approved: March 15, 2017

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