

SEA GIRT PLANNING BOARD

WEDNESDAY, NOVEMBER 15, 2017

The Regular meeting of the Sea Girt Planning Board was held on Wednesday, November 15, 2017 at 7:05 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 and the Borough Clerk fixing the time and place of all hearings. After a Salute to the Flag, roll call was taken:

Present – Larry Benson, Karen Brisben, Mayor Ken Farrell, Eileen Laszlo,
Councilwoman Anne Morris, Ray Petronko, Robert Walker, John
Ward, Norman Hall

Absent - Carla Abrahamson, Jake Casey

Kevin Kennedy, Board Attorney was also present and Board member Karen Brisben recorded the Minutes. There were 10 people in the audience.

The Minutes of the October 18, 2017 meeting were approved on a motion by Mayor Farrell, seconded by Mr. Ward and then by voice vote, all aye.

OLD BUSINESS:

The Board turned to a discussion on Block 84, Lot 8, 617 Beacon Boulevard, owned by Richard and Cynthia Bott, deck construction variance. The Board had received, this afternoon, a letter from Gregory Vella, Esq., attorney for the Botts, withdrawing this application for a variance as they have applied to the Zoning Officer for a permit to build a conforming deck, they are going to remove the piece of the deck that goes into the side yard setback.

Mr. Kennedy had prepared a Resolution accepting this withdrawal and the following was presented for approval:

WHEREAS, as a result of a Violation Notice, Agents of Richard and Cynthia Bott submitted a Development Application to the Borough of Sea Girt; and

WHEREAS, the said Application involved the property located at 617 Beacon Boulevard, Sea Girt, New Jersey, more formally identified as Block 84, Lot 8;

WHEREAS, the said Application sought approval to restore/relocate/reconstruct a deck; and

WHEREAS, in response thereto, the Borough's Zoning Officer (or agent thereof) issued a Denial of Development Permit, advising that such a proposal would need Approval from the Sea Girt Planning Board; and

WHEREAS, the Applicants' representatives appealed the decision, and, in the alternative, applied for Variance Relief; and

WHEREAS, the matter was scheduled for a Public Hearing on or about October 18, 2017; and

WHEREAS, at the said time, testimony was presented in support of said Appeal/Application; and

WHEREAS, at the conclusion of the October 18, 2017 meeting, the Bott Application was adjourned until November 15, 2017, without the need for any further re-noticing; and

WHEREAS, subsequent thereto, on or about November 14, 2017, the Applicant's Attorney advised that the Applicant would be withdrawing the Appeal/Variance request; and

WHEREAS, under the circumstances, it is appropriate to officially dismiss the Appeal/Application, without prejudice, so as to avoid the possibility of a legislatively-mandated approval of the Appeal/Variance Request;

NOW, THEREFORE, BE IT RESOLVED by the Members of the Sea Girt Planning Board as follows:

1. That at the request of the Applicants' Attorney, the subject Application is hereby dismissed, without prejudice.
2. The Applicants shall cause all outstanding escrow charges (and other appropriate charges) to be satisfied in full.
3. That upon satisfaction of all applicable charges, any remaining escrow can be returned to the Applicants.
4. That the Board Secretary, the Board Attorney, and Zoning Officer representatives are hereby authorized to take all reasonable actions necessary to effectuate the intentions of the within Resolution.
5. That a true copy of the Resolution shall be forwarded to the following:
 - a) The Applicants;
 - b) The Board Attorney.

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

Ayes: Larry Benson, Mayor Ken Farrell, Councilwoman Anne Morris, John Ward, Norman Hall, Eileen Laszlo

Noes: None

Not Eligible to Vote: Karen Brisben, Ray Petronko, Robert Walker

NEW BUSINESS:

The Board turned to an application for variance relief for Block 9, Lot 6.01, 647 Ocean Avenue, owned by Peter & Ellen Forlenza, to allow construction of a new 2 ½ story dwelling, detached garage, accessory structure and pool. Maximum Building Height – 35 feet allowed, 37.91 feet proposed, 2.91 foot variance requested. Maximum Garage Height – 16 feet allowed, 17.89 feet proposed, 1.26 foot variance requested. Roof Pitch – 9/12 pitch maximum allowed, 12/12 pitch proposed. Deck – allowed in rear yards, front yard 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 this started, Mayor Farrell stepped off the dais as he lives within 200 feet of 647 Ocean Avenue and

Chairman Hall stepped off the dais as he has had recent dealings with the attorney firm representing this application. Mrs. Laszlo took over as Vice-Chairperson.

Mr. Kennedy then marked the following exhibits:

A-1. The application.

A-2. The plot plan dated 9/8/17.

A-3. The architectural plans dated 10/19/17.

A-4. The survey dated 3/10/16.

A-5. The report from Avakian Engineering dated 10/6/17.

A-6. The application checklist.

A-7. The Zoning Officer's letter of denial dated 7/17/17.

Ms. Jennifer Krimko, Esq. came forward to present this application to the Board, stating they are asking for construction of a new home that fronts on Ocean Avenue. She then submitted Exhibit A-8 which were two rendered views of the east side of the home, Exhibit A-9 with a view of the southern elevation of the proposed home including the driveway, Exhibit A-10 two views of the home from the west side, Exhibit A-11, a view from the south side, Exhibit A-12, view of the north side of the home, Exhibit A-13, the lowest level of the home (she noted this is the same as Exhibit A-3 only bigger), Exhibit A-14, the primary level, Exhibit A-15, the upper level and Exhibit A-16, an aerial photo prepared by their engineer done today.

At this time the architect, Mr. James Anderson, came forward and was sworn in, he has been licensed in New Jersey since 1992 and has testified on front of many Boards; the Board accepted him as an expert witness.

Mr. Anderson started saying they needed height relief and Mr. Kennedy explained this height variance can be either a C variance or a D variance, a D variance would create a need for a Use Variance. However, as this is less than 10% it is considered a C variance. Mr. Anderson said the height is taken from the street on Carriage Way which is 170 feet away from the proposed residence and 126 feet from the proposed garage, the elevation goes from 1 $\frac{3}{4}$ feet to over 3 feet to the proposed home and there is also a dune between the home and ocean. The one home adjacent to this one has a height of 1 $\frac{1}{2}$ feet more than what is allowed and the home on the other side is 1 $\frac{1}{2}$ feet less, so this home will fit in. He then referred to Exhibit 8 and felt this shows how it will look like from the dunes at the ocean, it will not be all wall and glass, they tried to soften the look. The building, on the west side, is 1 $\frac{1}{2}$ stories and then goes up so you are not looking at all building. This can also be seen on Exhibit A-10.

Ms. Krimko added that the house itself is 35 feet, maybe a little less, it is the elevation of the land that creates the variance need. Mr. Anderson said the garage

would comply as well if the land were level. He then referred to Exhibit A-9 which shows gables on the roof to stop the line from going straight across, he felt it was important to make this roof pitch, a 12/12 is better and more picturesque. These variances will have no detriment to the Zoning Ordinance or Master Plan. Ms. Krimko said they also need a variance for a patio/deck that will be in the front yard. Mr. Anderson told the Board they are also using different materials for the home, there will be stone on the base and cedar shingles on the upper portion and a cedar roof.

Mr. Walker asked if they were aware of the heights restrictions when they designed this home and the answer was yes, they did work on this and decided they needed the height variance. Mr. Ward asked about the roof pitch and was told this is only the garage, it needed to be made steeper. Mr. Petronko asked about the run on the end gable and if that was done to match the top ridge on the other gable and the answer was yes.

Mrs. Brisben asked about the engineer's report and Ms. Krimko said they will comply with all the recommendations. Mrs. Brisben then asked if that included the swimming pool and Ms. Krimko said all that goes through the engineer and they will comply. Mrs. Brisben then asked about the CAFRA permit that was mentioned in that report and Ms. Krimko said a CAFRA permit was issued and they need to go back to CAFRA after this is heard and approval is received by the Planning Board. Mrs. Brisben noted this original CAFRA permit was not given to the Board for the file and Ms. Krimko said a copy will be sent, also a copy of the final one will be sent to the Board for their records.

As the Board had no further questions to Mr. Anderson, Ms. Jennifer Schwenker came forward and was sworn in. She is a Professional Engineer and has been licensed in New Jersey for 14 years, she had testified before several Boards and has worked for the Borough of Seaside Park. She was accepted as an expert witness.

In answer to a question from Mrs. Brisben regarding where the pool elevation was measured from, she said the 2.37 feet above the flood table was measured from the bottom of the pool and was in compliance. Mrs. Brisben then asked about the landscaping that was in the Engineer's report and Ms. Schwenker said they will comply with the engineer's report as well as the pool requirements. Councilwoman Morris reminded them that any improvements to the driveway and dune walkover will have to go to Council, and Ms. Krimko said she was aware of this, approval of this application is step one.

As there were no further Board questions, the hearing was opened to questions to the architect or engineer and, hearing none, that portion was closed and the hearing was open for general comments; again there were none so that portion was closed and Ms. Krimko gave her summary.

She said the applicant took pains to create a proper home in Sea Girt and did not seek variances to make that work, however, this home will fit in the neighborhood.

The Board then went into discussion and Mr. Benson said he would be for approval of this application, Mr. Ward felt it will fit in with the height variance and the experts' explanations were helpful. The rest of the Board agreed and Councilwoman Morris commented it will be nice to see another Forlenza in town, nice to see them coming home. She added that she would like to see both the CAFRA permit and pool permits and Mr. Kennedy said that will be added to the Resolution.

Mr. Kennedy then went over the conditions of the Resolution and then Councilwoman Morris made a motion to approve the application, as presented, this seconded by Mr. Ward and then by the following roll call vote:

Ayes: Larry Benson, Karen Brisben, Eileen Laszlo, Councilwoman Anne Morris, Ray Petronko, Robert Walker, John Ward

Noes: None

Chairman Hall and Mayor Farrell came back on the dais; the next application was for Block 26, Lots 11-12, 116 Trenton Boulevard, owned by Nicholas Brophy, to allow construction of a new two-story addition and porch. Front Yard Setback – 40 feet required, 26.68 feet existing & proposed. Setback for front steps above 16 inches – 40 feet required, 24.74 feet existing & proposed. Impervious coverage – 35% maximum allowed, 35.57% proposed, .57% variance requested. Front Porch – existing porch is nonconforming, reconstruction of front porch will be expansion of an existing nonconformity. Garage – 500 square feet maximum allowed, 529.47 square feet existing & proposed. Swimming Pools – 800 square feet maximum water surface required, 807.38 square feet existing & proposed. Swimming Pools – not allowed to be constructed within 10 feet of rear or side lot line, existing side yard setback is 9.23 feet.

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 this hearing started, Councilwoman Morris stepped off the dais as she lives within 200 feet of this property.

Michael Rubino, Esq. came forward to present this application; before he started Mr. Kennedy marked the following exhibits:

- A-1. The application.
- A-2. The Zoning Officer's Letter of Denial dated 7/28/17.
- A-3. The plot plan dated 6/4/17.
- A-4. The architectural plan dated 6/10/17, 4 sheets.
- A-5. The survey of the property.
- A-6. The Engineering report from Leon S. Avakian, dated 10/26/17.

Mr. Rubino also presented Exhibit A-7, a rendering of the proposed home after the addition, done by Chris Rice, Architect. He also had Exhibit A-8, the engineering plan along with 7 pictures on the back of the board.

At this time Chris Rice, Architect, came forward and was sworn in. As the Board was very familiar with Mr. Rice he was accepted as an expert witness. Mr. Nicholas Brophy, owner of the property, also came forward and was sworn in.

Mr. Rubino stated the applicant has asked for relief for an addition to an existing home, the porch is existing in the front and Mr. Brophy wanted to make it a wrap-around porch and extend it to the side; the porch now is 26.68 feet long and they will match this up with a 9 foot porch on the west side and put another step on the front porch. Mr. Rice explained this is a large lot at 100x140 feet and the west side almost looks like a vacant lot; he referred to Exhibit A-7 which shows the proposed addition added on. This is now an old Sea Girter, they want to reconfigure the first floor and put on the addition which makes sense. Mr. Rubino said this was originally only one lot 50 feet wide but Mr. Brophy bought the vacant lot next door which has enlarged the property.

Mr. Rice said the average front setback of homes on this side of the block is over 40 feet but that is due to one home that is set back 80 feet. The other homes around Mr. Brophy have a front setback of 27, 31, & 34 and a few are at 40 feet, if you take off the home that is 80 feet back you have an average front yard setback of 33 feet. The addition conforms with 45 feet back which is more than enough; as far as the front porch it will continue to wrap around the side of the existing home and, if this is not done, the addition will almost look like a second home. There are now steps on the side but they want to have steps in the front, off the porch. He added that the property now has 35% impervious coverage but the steps will make it 35.57%. There was then a brief discussion on getting back to 35% impervious coverage, they may have to remove the steps but Mrs. Brisben suggested doing something in the rear yard, there are 3 patios back there and Mr. Rice felt this can be done so the steps can stay.

Mr. Rubino asked Mr. Rice if the porch makes a nicer design and Mr. Rice said yes, the home is only 27 feet tall and they want to keep the same architecture by wrapping the porch around. Mr. Petronko asked what entrance is used when they come home from shopping if there are no front steps now and Mr. Brophy answered and said they use the back door. Mr. Rice said the front steps will be there more for looks and visitors. Mr. Walker asked about the impervious surface areas and Mr. Rice said they are shown on the plot plan. Mr. Benson asked where the rear entrance is now and it was shown to him and Mr. Rice said there is also an exit out to the rear yard. Mrs. Brisben asked if the .57% or 80 square feet can be taken off to make the impervious coverage conforming and Mr. Rice said yes, they will look at the back yard and he felt they can take something off to comply. Mr. Rice said he thought they complied when doing the plan but they will go back and look to reduce it.

Mr. Ward did not want to see a subdivision here in the future and Mr. Brophy said the lots have been combined and are now one on the tax map. Mayor Farrell asked if he built the pool and Mr. Brophy said yes, the plans complied when he put in the for permit, he just found out it doesn't. Mr. Rubino spoke up and said he had stopped in Sea Girt Borough Hall and looked over the permitting file and all was in order, he then stopped in at Spring Lake Construction Office and saw the approving CO. Chairman Hall commented if the Board grants variance relief tonight then this pool will be included in that variance approval and there will be no problem. Mr. Rubino said the CO did say the pool is 10 feet from the home and all the plans said it was 10 feet.

At this time the hearing was opened to the public for questions and, hearing none, that portion was closed and it was then opened for comments. Ms. Marjorie Kane of 400 Crescent Parkway came forward and was sworn in; she met Mr. Brophy back in 2005-2006 and was glad to see the home being saved, she was glad to see the addition. As there were no further comments that portion of the hearing was closed and Mr. Rubino did a summary. He said there are existing conditions here and he asked for relief to be granted, the extra lot was purchased and they wish to put in an addition.

The Board then went into discussion, Mrs. Brisben was happy to see the original home being saved and was for approval, Mrs. Laszlo agreed. Mayor Farrell liked the plan and was glad they were staying under 20% coverage, he had no problem with the slight overage on the impervious coverage and felt the steps in the front are needed. The rest of the Board were also in favor of approval and the addition will be a credit to Sea Girt.

Mr. Kennedy then went over the conditions and noted revised plans will have to be submitted as the Engineer found an error on the garage information and they are going to reduce the impervious coverage. Mrs. Brisben told Mr. Rubino the Board needs 5 sets of revised plans, signed and sealed.

At this time Mr. Walker made a motion for approval, this seconded by Mrs. Laszlo and then by the following roll call vote:

Ayes: Larry Benson, Karen Brisben, Mayor Ken Farrell, Eileen Laszlo, Ray Petronko, Robert Walker, John Ward, Norman Hall

Noes: None

OTHER BUSINESS:

The Board then turned to the review of proposed Ordinance amendment 17-2017, regarding the definition of window wells and supplement to Zoning Permits. Mayor Farrell explained this came to Council as Ordinance 5-2017 because they were trying to eliminate window wells/stairs within the side yard setback. Council felt this is a safety hazard and window wells will not be allowed in the side yard setback. There was a home built with a 15 foot side yard setback and they wanted to put in window wells/stairwells and Council did not think this was safe, they felt it had to be addressed

and now have this Ordinance amendment. Chairman Hall asked if they can be in the rear yard and Mayor Farrell said yes, but not in the setback line. Mr. Petronko noted that would have to be at least 30 feet. Mr. Walker then addressed the second portion of this amendment, the gravel road maintenance, he noted the wording of "vehicles over 10,000 lbs." was crossed out. Mayor Farrell explained there already is an Ordinance covering this requirement, this part of the Ordinance amendment is just for permit fees. The Board was in agreement of this amendment being adopted and Mrs. Brisben was instructed to write to Mayor and Council and letting them know of the Planning Board's support, this done on a motion by Mr. Petronko, seconded by Mr. Ward and then unanimously approved by voice vote, all aye.

Before adjourning, Mr. Kennedy wanted to speak about JTAS Realty and the Resolution that was approved at the October meeting. Mr. Kevin Callahan, the attorney for that matter, has requested some small changes in the wording in the Resolution and Mr. Kennedy went over them, two changes in wording: confirm, in item 4, the reconstruction of the first floor and correct, on page 8, the parking space size, it says Lot/Width and it should say Length/Width. The Board members had no problem in an amended Resolution being sent out. The amended Resolution will be attached to the end of these Minutes for future reference.

Mrs. Brisben wanted the Board to know that the minor subdivision for 321 Stockton Boulevard has yet to be perfected and she asked Mr. Kennedy how long an applicant has to do this; Mr. Kennedy responded 190 days but this subdivision approval is past that. Mrs. Brisben was told to write to the applicant, Jeff Wosc Zack, and ask him to get a letter to the Board, as soon as possible, to ask for a one year extension for approval.

Mrs. Brisben then wanted to remind all the Board members that next year, in 2018, the Board will be considering an Update to the Master Plan, it has to be done every 10 years and the last update was in 2008. Mayor Farrell said that things may be absent from the Master Plan and this is the chance to clean up matters and Mr. Kennedy said if we ever go to Court we need an updated Master Plan, this has to be done. Mrs. Laszlo commented that the Board had received a letter from Mr. Kennedy in regards to COAH and this can also be addressed, Council is working on this and Mr. Avakian will be doing this as well. Mrs. Brisben offered to send everyone a copy of the 2008 Update so they know what is being looked at in an update.

As there was no other business to come before the Board a motion to adjourn was made by Councilwoman Morris, seconded by Mrs. Laszlo and unanimously approved by voice vote, all aye. The meeting was adjourned at 8:35 p.m.

Approved: December 20, 2017

