

SEA GIRT PLANNING BOARD  
WEDNESDAY, March 20, 2019

The Regular Meeting of the Sea Girt Planning Board was held on Wednesday, March 20, 2019 at 7:00 p.m. at the Sea Girt Elementary School, Bell Place, Sea Girt. 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: Carla Abrahamson, Larry Benson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Councilman Michael Meixsell, Raymond Petronko, John Ward, Robert Walker

Absent: Norman Hall, Eileen Laszlo

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

The Minutes of January 16, 2019 meeting were approved on a motion by Mr. Ward, seconded by Mr. Benson and approved with a voice vote, all aye.

OLD BUSINESS:

The Board considered an approval of a Resolution accepting withdrawal of an application for MLZ Corp., LLC, Block 8, Lot 10, 804 First Avenue. Mr. Kennedy explained the applicant's attorney has sent a letter requesting the application be withdrawn so a Resolution of Dismissal without Prejudice is needed and he presented the following:

WHEREAS, Agents of MLZ Corp., LLC previously submitted a Development application to the Borough of Sea Girt; and

WHEREAS, the said application essentially sought Variance Approval to install an in-ground swimming pool in a front yard area; and

WHEREAS, the matter was initially scheduled to be heard by the Sea Girt Planning Board on or about February 20, 2019; and

WHEREAS, in furtherance thereof, the Applicant's representatives publicly noticed for the said meeting; and

WHEREAS, the February 20, 2019 Planning Board meeting was canceled as a result of a snowstorm, and

WHEREAS, the matter was rescheduled to be heard by the Planning Board on or about March 20, 2019, and

WHEREAS, on or about February 27, 2019, the Applicant's Attorney advised, in writing, that the Applicant's representatives were withdrawing the subject Application, without prejudice; and

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

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

1. That at the request of the Applicant's Representatives, and/or agent thereof, the subject Application is hereby dismissed, without prejudice.
2. That the Applicant 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 Applicant.
4. That the Board Secretary, Board Attorney and Zoning Office Representatives are hereby authorized to take all reasonable actions necessary to effectuate the intentions of the within Resolution.
5. That a certified true copy of the within Resolution shall be forwarded to the following:
  - A. The Applicant's Attorney;
  - B. The Board Attorney; and
  - C. The Borough's Zoning Office

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

Ayes: Carla Abrahamson, Larry Benson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Councilman Michael Meixsell, Raymond Petronko, John Ward, Robert Walker

Noes: None

#### NEW BUSINESS:

The Board then heard an application for a Minor Subdivision for Block 85, Lot 13, 602 Beacon Boulevard, owned by the Estate of Claudia Monteverdi, Applicant – Andrew Repoli. Front Yard Setback – 40 feet required, 34.7 feet existing & proposed (the existing home is remaining on the site). Lot Coverage – 20% maximum allowed, existing home will be 22.7% on newly subdivided lot.

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. Before this hearing started, Ray Petronko and Karen Brisben had to recuse themselves as they both live within 200 feet of the property. Mrs. Brisben did ask if she can stay on the dais as she is recording the Minutes as Secretary and Mr. Accisano, the attorney for this application, had no problem with this.

Mr. Kennedy asked if there were any comments from the audience on the notice and there was no response; he then marked the following exhibits into the record:

- A-1. The application
- A-2. The application checklist.
- A-3. Addendum dated 12/20/2018.
- A-4. Memo from the Tax Assessor agreeing with the lot numbers assigned.
- A-5. Memo from the Subdivision Committee.
- A-6. Supplemental report from Board Engineer Peter Avakian dated 3/19/19.
- A-7. Subdivision Development Plan dated 10/16/2018.
- A-8. Topographic survey dated 1/2/2018.
- A-9. Original report from Board Engineer Peter Avakian dated 3/6/19.

At this Mr. Patrick Accisano, Esq. came forward; he told the Board he has an office in Sea Girt and is here for the Claudia Monteverdi Estate which has 3 heirs, her sons. Two of the sons are here, the third one is overseas, he also has a professional witness to testify.

They are here for a Minor Subdivision and he said they only noticed for a pre-existing frontage variance and just found out there are other variances needed for side yard setbacks. He then presented Exhibit A-10, color photos of the Right-of-Way for the utilities next to the property, these were taken by Mr. Accisano this evening before the meeting. Exhibit A-11 is an aerial Google photo, taken about a week ago. Exhibit A-12 is a section of the Tax Map; The exhibits were passed around the Board members.

At this time Mr. Andrew Repoli was sworn in, he is one of the three executors of the estate and told the Board there also is Matthew and Christopher. His grandfather purchased the property in the early 1950s and then his mother, Claudia, inherited the property. They now wish to subdivide this into two buildable lots and he noted the property has been taken care of and will continue as such, they want to build a home on the new lot and keep the existing home. Mr. Repoli said he is an Architect in New York and has not yet designed the proposed home but the family will be the ones to build here and the new home will conform to the neighborhood, they plan a 4-bedroom cape or mission style home which will be like the rest of the homes on Beacon Boulevard in this neighborhood; it will be energy efficient.

At this time the Board was asked if they had any questions. Mr. Ward asked what are the plans for the existing home and Mr. Repoli said they plan on fixing it up and keeping it; they may sell it in the future but they do not know at this time.

As there were no further Board questions the hearing was opened to the public for questions to Mr. Repoli. Megan Pacetti of 300 Washington Boulevard came forward and was sworn in; she wanted to know how big the lots will be after subdivided and was told there will be further testimony on this.

As there were no other questions that portion of the hearing was closed and Mr. Marc Cifone, a Licensed Land Surveyor, came forward and was sworn in. He is licensed in New York and New Jersey, he graduated in 1997 and became licensed in 1998. He was accepted as an expert witness by the Board. Mr. Cifone testified that this is one property with two tracts of land, the total square footage of the lot is 20,999.3. It is District 1W Single Family Zone & the two lots to be created will conform with the area regulations, the new actually exceeds the coverage by 2,000 square feet. The proposed Lot 13.01, the one with the house, will be 77.46 feet wide and the new lot will be 77.86 feet wide. Mr. Kennedy confirmed that Lot 13.01 will have 11,619 square feet and Lot 13.02 will have 9,380.3 square feet, the minimum lot size is 7,500 square feet.

Mr. Cifone said the front yard setback for the house is a pre-existing nonconformity done when the home was erected in 1950, the requirement is 40 feet and existing is 34.7 feet. Mr. Accisano then referred to Exhibit Z-11 and asked how this frontage compares with the rest of the homes on this side of the block and Mr. Cifone said it seems to go along with them as far as frontage setbacks. Mr. Accisano said the google map shows this, most of the homes here are non-conforming.

Mr. Accisano noted the report from Mr. Avakian, Board Engineer, regarding a new variance that was discovered due to a new Ordinance being adopted back in December which changes the side yard setback for an oversized lot. The requirement now is 20% on one side and 10% on the other and he referred to Exhibit A-6. Mr. Accisano told the Board he had just received this and it is now shown on the submitted plans and agreed this creates another variance, this one for side yard setback as they are proposing 15 feet combined. He continued that this property sits next to the paper street Edgemere Place and is a paper Right-of-way as shown on the tax map. The new side-yard setback that is now needed is 23.24 feet and they have 15 feet. He referred to Exhibit A-10 which shows the utility easement and across from the Right-of-Way is Edgemere Park which is owned by the town.

Mr. Accisano then went over the Engineer's report of 3/6/19, Exhibit A-9 where it references the old side yard requirements. He then went to the Engineer's comments that structures over 16 inches are included in lot coverage and there are two decks that they did not include in their calculations, their error. So now there is a variance need for lot coverage as, with the deck coverages, they are 2.2% over lot coverage; they are going to ask for a variance for this as they want to keep the decks. As far as the request for drainage and dry well plans, they will provide them, Mr. Cifone said their Engineer will do that and Mr. Accisano asked that the Resolution says this will be done at time of construction, Mr. Kennedy was okay with that. Mr. Cifone added that there is no change to elevations proposed, the curb and sidewalk are in good condition and will not need to be repaired, as questioned in the Engineer's report, Section 3C. Mr.

Accisano also said the location of the new underground utilities will be done at the time of building and the subdivision will be perfected by deed.

It was then time for Board questions and Councilman Meixsell felt that both lots, not just one, were in violation of the new setback rules; he asked if the property line could be moved a little bit to the east to make the one new lot conform, Mr. Accisano said they did not want to move the lot lines as this will affect the porch and deck that exist and they want to keep those. There was then a brief discussion on the new Engineer's report that only referenced one new lot and the need for variances on both lots and it was agreed that another variance will be needed, for Lot 13.02 as well. Mr. Accisano did not want to move lot lines as the lot they will be creating matches the lot behind this property that fronts on Chicago Boulevard and they want to keep it even.

At this time Mr. Accisano asked for a brief recess to speak to his client and, at 7:56 he came back and asked for an extension on this hearing so they can bring in new, revised plans to show the variances. Mr. Kennedy suggested re-noticing as there are now new variances to be considered and asked that Mr. Accisano agree to a waiver to extend the time period for approval and Mr. Accisano said yes. Mrs. Brisben suggested bringing in new plans and then having them sent for another review by the Board Engineer, once the Engineer deems them complete a new date will be set for continuation and this was agreeable to all. It was announced to the audience that new notices will be sent out when this application is ready to be continued.

#### OTHER BUSINESS:

Mr. Ward asked if the Board can considered having a time to stop the meeting for the evening, he didn't think people were very responsive after 11:00 p.m. Mrs. Brisben said that Chairman Hall will stop a meeting at 11:00 p.m. but this is not written in stone and Mr. Kennedy said he will prepare a memo to the Board members on this and felt it was a good idea.

Mr. Kennedy then went over, briefly, the fact that the Board has to have a hearing for an Appeal, this is a very difficult to set up as not all the attorneys can meet on a regular meeting night so there has to be a special meeting date and there are conflicts, however, he wants to have this done properly. Mrs. Brisben said she has been working with all to get this meeting set up and, as of now, it will be either May 7<sup>th</sup> or May 9<sup>th</sup>, those are the only two dates that the school is open and no attorneys have conflicts. Mr. Kennedy said there is a payment that has not yet been paid for this special meeting and he is addressing this, he again said this is a big production and it will be advertised once an official date is set and the fee paid. Mr. Ward asked if it is required to have it at the school and Councilman Meixsell suggested using the Firehouse but Mrs. Brisben said that, by law, the meeting has to be recorded; she said they could meet at Brielle Borough Hall as she works there but when this was suggested, in the past, she was told the hearing has to stay in town. Mr. Kennedy said he will check this out, he wasn't sure if that is the law or not but he wanted to keep the

Board up to date on what is going on with this, it was supposed to be heard tonight but the attorney that filed the appeal, Mr. Ed Liston, could not be present.

As there was no other business to come before the Board a motion to adjourn was made by Mr. Ward, seconded by Mr. Benson and then by voice vote, all aye. The meeting was adjourned at 8:09 p.m.

Approved: April 17, 2019