

SEA GIRT PLANNING BOARD  
WEDNESDAY, MAY 15, 2019

The Regular Meeting of the Sea Girt Planning Board was held on Wednesday, May 15, 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: Larry Benson (arrived 7:09), Karen Brisben, Jake Casey, Eileen Laszlo, Councilman Michael Meixsell, Raymond Petronko, Robert Walker, Norman Hall

Absent: Carla Abrahamson, Mayor Ken Farrell, John Ward

Also present was Kevin Kennedy, Board Attorney; Board member and Secretary Karen Brisben recorded the Minutes. There were 7 people in the audience.

The Minutes of March 20, 2019 meeting were approved on a motion by Mr. Petronko, seconded by Councilman Meixsell and approved with a voice vote, all aye with Mrs. Laszlo abstaining.

Before starting the meeting, Mr. Kennedy made an announcement that the hearing for Kristen Davey scheduled for this evening has been postponed, by the applicant's attorney, to the July 17<sup>th</sup> meeting; there will be no further notice for this application hearing.

NEW BUSINESS:

The Board turned to the application for variance relief for Block 20, Lot 12, 110 Chicago Boulevard, owned by Eric & Karen Hinds, to allow construction of an in-ground pool (which conforms), replacing the driveway, putting on an addition to the dwelling and construction of a 10x10 foot shed. Lot Coverage – 20% maximum allowed, 28.2% existing, 22.92% proposed. Side Yard Setback – 15 feet combined, 13.48 feet existing, 13.3 feet proposed. Existing Nonconformities: Front Yard Setback – 14.7 feet (average depth on this block is 17.18 feet). Freestanding garage – 500 square feet allowed, 548 square feet existing. Rear Yard & Side Yard Setback for garage – 3 feet rear & 5 feet side required, rear yard existing 2.8 feet, side yard existing 4.83 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. Mr. Kennedy marked the following exhibits:

- A-1. The application package dated 1/11/2019.
- A-2. The Zoning Officer's denial letter dated 11/29/2018.
- A-3. The Plot Plan done by KBA Engineering, revised 3/13/2019.

- A-4. Architectural plans done by Virtuoso Architects dated November 2018.
- A-5. Survey dated 1/9/18.
- A-6. Review letter from Peter Avakian dated 4/3/2019.
- A-7. Photo board with pictures of the architect's plans.
- A-8. Colored plot plan done by KBA Engineering.
- A-9. Photo board with 8 pictures of the property, taken yesterday by Michael Rubino.
- A-10. 5 photos done by KBA Engineering.

Mr. Kennedy then asked the audience if anyone had a problem or question with the notice received and there was no response; Mr. Kennedy then noted he had reviewed the notice and also had no issues.

At this point Mr. Michael Rubino, Esq. came forward representing the owners for this application at 110 Chicago Boulevard which is an older home. The Hinds purchased the home after Hurricane Sandy and currently live in Holmdel, they plan on moving to Sea Girt after their last child leaves home; they wish to make the home more livable for that time when they do move in permanently. The building coverage is over 20% and part of this is due to a large deck in the back, they want to take that deck off and make two small additions to square off the sides of the home; this will bring the lot coverage down to 22%. The building itself will be increasing but the deck coming will bring the lot coverage down.

He went on to say the side line setback does violate the code and the one addition will also be in violation of the side line setback and asked that the architect come forward and explain this. As there were no questions to Mr. Rubino Mr. Paul Grabowski of Virtuoso Architects came forward and was sworn in. Chairman Hall know Mr. Grabowski and said he was acceptable as an expert witness.

Mr. Grabowski said there was an addition put on in 1999, the home's back section was made into a master bedroom with a walk-in closet, this is almost a disconnect from the first floor; he also commented the kitchen is very tight. What they want to do is make the kitchen open up to a great room instead of a bedroom and they want to take the porch on the other side and extend it two feet; by doing this they are squaring off the kitchen. They are going to get rid of the deck and recess a portion of a porch to make a mud room and outdoor shower. Mr. Rubino said the addition on the west side is 18 square and the addition on the east side is 28 square feet and goes into the existing setback which is two feet in violation.

Mr. Grabowski referenced Exhibit A-10 and showed the Board the areas of the additions and explained them. Chairman Hall asked about the driveway that is being replaced and will it be done with pavers? The answer was yes. Mr. Grabowski then presented Exhibit A-11, a drawing of the final home that he did. He noted the existing fireplace is staying and the home is not over on height, it is less than 35 feet and that is not being changed. Mr. Casey felt the setbacks on the side yard may be different than

what is being presented and Mr. Grabowski agreed they could be through a deviation in the area.

The hearing was opened to the public and there was no response for questions to Mr. Grabowski so Mr. Eric Hinds came forward and was sworn in. He said he owns the property with his wife and did purchase the home after Hurricane Sandy in 2012. He wants to live in Sea Girt as it is a great town and he has visited it a lot from childhood, they purchased the first home they looked for a summer home and now they want to improve it for future full time living; they are excited to be a part of Sea Girt and hope to get this application approved. They love entertaining and want to have a home that the kids will want to visit; they want to make a wide-open home and modernize the kitchen. Mrs. Brisben asked how old the home is and was told it was built in 1920, torn down to the studs in 1999 and the third level was done in 2006.

As there were no questions to Mr. Hinds Mr. Joe Kociuba of Kociuba Associates Engineering came forward and was sworn in; as he is known to the Board he was accepted as an expert witness. He said this is an existing conforming lot with some existing variances and a non-conforming front yard setback but noted all the improvements are to be done in the rear yard of the home and he said he will do revised plans to correct the side yard footage error. They are making the addition on one side within the existing variance side yard setback to square off the home and commented the existing deck is between 28 and 32 inches above grade and equals 442 square feet which will be removed. He also told the Board they are not touching the existing garage which is non-conforming, all the existing nonconformities are remaining. There is a shed on the property which conforms and that is to remain, they are also adding a pool that is in full compliance with the code.

Mr. Kociuba then stated that this variance applies to the C-1 and C-2 criteria, C-1 is the building legally exists and C-2 – this will benefit planning as the lot coverage will be reduced and squaring off the home will bring it more in conformity, this benefits the visual environment. They are not tearing down and building a new home so there will be no detriment to the public good or the neighbors, the benefits outweigh the detriments. Mr. Rubino referenced Mr. Avakian's review letter and Mr. Kociuba had no objections to his report and will comply.

Chairman Hall asked about Impervious Coverage and Mr. Kociuba said it complies and will be under 35% when they redo and shave back the driveway; he noted he did include the existing shed in his calculations. Chairman Hall asked if the shed is elevated and the answer was no. Mr. Casey asked when the garage was constructed and Mr. Hinds thought it was 1999. Mrs. Brisben noted Mr. Avakian's comments on pool lighting conformance and Mr. Kociuba said they will comply with this, they are not putting in lighting now but it is planned. Mr. Rubino commented Mr. and Mrs. Hinds are doing the renovations first and will do the pool when that is done.

He summarized this application by stating this is a modest addition, 18 square feet on one side and 28 square feet on the other side, 46 square feet total and removing

the deck of over 400 square feet; this will allow the home to be more accessible and is not an aggressive application.

The Board then went into discussion and started with Councilman Meixsell who said that people are getting upset on the number of knockdowns being done and this one is not so that is a plus, he felt this will be an improvement and will reduce lot coverage; he was for approval. Mr. Petronko agreed and likes the look of the home, he would also approve. Mr. Walker said it was still above the lot coverage allowed but it was a nice plan and he was also in favor of it, Mr. Benson added he thought it was fine with the testimony given. Mr. Casey agreed with all that has been said and liked the architecture but the proposed coverage is still over at 22.92%, he calculated that to be 15% more. He was wondering about not having a shed on the property as part of this application as there is an oversized garage; Mr. Grabowski said they want the shed for the pool equipment. Chairman Hall said he calculated 10%, not 15% and told the applicant they can say yes or no to the shed.

At this point Karen Hinds came forward and was sworn in, she wanted to keep the shed as the thought is to store the pool chemicals in it and it can be locked, she wants it to be separate from the garage area as they would not have the security. Mr. Rubino summed up this matter by stating the Hinds do not want to get rid of the shed. It was Mrs. Laszlo's turn to speak and she was in agreement with the application and keeping the shed, Mrs. Brisben felt it was a nice home and the additions will be in the back; she felt they would be good and would be for approval as presented. Chairman Hall had no problem with the shed and would approve the application.

At this time the hearing was opened to the public for comments or questions and, hearing none, that portion was closed and Mr. Kennedy went over the conditions, including the need for revised plans showing the correct side setbacks. Mr. Walker then made a motion for approval, this seconded by Mrs. Laszlo and then by the following roll call vote:

Ayes: Larry Benson, Karen Brisben, Jake Casey, Eileen Laszlo, Councilman Michael Meixsell, Raymond Petronko, Robert Walker, Norman Hall

Noes: None

#### OTHER BUSINESS:

The last item on the agenda was consideration of a Resolution of Dismissal for a Zoning Officer appeal for Block 27, Lot 6, 108 Stockton Boulevard, owned by Carl & Heather Scaturo. Mr. Kennedy explained this was going to be an intense application but there was a problem with getting a date for the hearing and paying the fees; it was decided, by the person filing the appeal, to withdraw it.

He then presented the following Resolution:

**WHEREAS**, Agents of Rachael and Margaret Fiorino (the Appellants) previously submitted an Appeal to the Borough of Sea Girt; and

**WHEREAS**, the said Appeal involves the neighboring property (owned by Heather Scaturo), located at 108 Stockton Boulevard, Sea Girt, New Jersey, and more formally identified as Block 27, Lot 16; and

**WHEREAS**, the said Appeal involved numerous issues associated with the Zoning Officer's administrative approval of the Heather Scaturo request to, among other things, construct an addition or various additions at the site; and

**WHEREAS**, the Appeal was in the process of being scheduled for a Public Hearing; and

**WHEREAS**, on or about March 27, 2019, Edward F. Liston, Jr., Esq., the Attorney for the Appellants, submitted a written letter indicating that the Appellants were withdrawing the subject Appeal; and

**WHEREAS**, under the circumstances, it is appropriate to officially dismiss the Appeal, without prejudice, so as to avoid the possibility of any legislatively-mandated approval of the request; and

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

1. That at the request of the Appellants' Attorney, the subject Appeal is hereby dismissed, without prejudice.
2. That the Applicants shall cause all outstanding escrow charges (and other duly authorized / appropriate charges) to be satisfied in full.

3. That upon satisfaction of all applicable charges, any remaining escrow shall be returned to the Appellants.

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. Edward F. Liston, Jr., Esq.;
- B. The Board Attorney;
- C. The Borough's Zoning Office; and
- D. Andrew Karas, Esq..

A motion was made by Mrs. Brisben to approve the above Resolution, this seconded by Mr. Casey and then by the following vote:

Ayes: Larry Benson, Karen Brisben, Jake Casey, Eileen Laszlo, Councilman Michael Meixsell, Raymond Petronko, Robert Walker, Norman Hall

Noes: None

Before adjourning Councilman Meixsell told the Board that both he and Councilwoman Morris had met with William Sitar who is asking for two apartment buildings for those over 55 years of age and they requested him to come before Council to request a Conditional Use in the Commercial Zone on this. Chairman Hall said he had met with Mr. Sitar as well a few months ago and also suggested going before Council with his plan. Mr. Petronko asked if the town has a COAH obligation and Mr. Kennedy said he would have to refer to the Borough attorney for that question.

As there was no other business to come before the Board a motion for adjournment was made by Councilman Meixsell, seconded by Mrs. Laszlo and unanimously approved, all aye. The meeting was adjourned at approximately 8:00 p.m.

Approved: July 17, 2019

