

Wednesday, March 18, 2009

THE BOROUGH OF SEA GIRT  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY  
MINUTES OF THE MEETING OF  
THE SEA GIRT PLANNING BOARD  
WEDNESDAY, MARCH 18, 2009

A Regular meeting of the Sea Girt Planning Board was held in the Sea Girt Elementary School on Wednesday, March 18, 2009 at 7:30 pm. Notice of the time, date and place of the meeting was transmitted to all members and proper notice had been published in accordance with the provisions of the "Open Public Meetings Law".

After the Salute to the Flag, roll call was taken and the following members were present:

Raymond Bogan  
Larry Benson  
Susan Boriotti

Karen Brisben  
Kathryn Matthews  
Christopher Randazzo  
(arrived 7:35)

Absent: Ken Farrell, Donald Laws, Norman Hall

New member Michael Mastrocola was also present but could not be sworn in as he had not yet been appointed by Council.

Scott Thompson, Board Attorney, was present for the meeting as well as Sandra Sears, Administrative Board Secretary; there were 4 people in the audience.

As the Chairman and Vice-Chairman were both absent, Mr. Benson, as senior Planning Board Member, chaired this meeting. The Minutes of the Organizational Meeting of January 21, 2009 were approved on a motion by Councilman Bogan, seconded by Mr. Benson and unanimously approved, all aye.

NEW BUSINESS:

The Board then turned to a Minor Subdivision application for Block 26, Lots 8 & 9, 117 & 121 Stockton Boulevard, owned Elmer & Marjorie Matthews.

Mr. C. Keith Henderson, Esq. came forward to represent the Matthews. He noted that all property owners within 200 feet had been notified as well as the newspaper and all fees had been paid. The Board accepted jurisdiction in this matter.

Mr. Thompson commented that most subdivisions that come before this Board have been mostly conforming; what is unusual about this one is that one house violates the setback by 2 feet. The Engineer stated, in his report, that the house on the corner has lot coverage of over 26% as he included the garage; the applicant does not feel it is an integrated garage but an attached garage.

Mr. Thompson then marked the application as Exhibit A-1, the site plan and survey, dated June 16, 2008 and done by Paul K. Lynch as Exhibit A-2; the first Board Engineer's report from December 2008 was marked as Exhibit B-1 and the report from January 2009 as B-2. Aerial photos were marked as Exhibit A-3 and Exhibit A-4 was an averaging report from Paul Lynch on the average setbacks on this side of Stockton Boulevard. Exhibit A-5 was a two-page site plan by the Architect back when the home on the corner was built. Exhibit A-6 was a letter by then Zoning Officer Richard Fury, dated August 9, 2001, stating this lot would have 24% coverage; he then reduced this to 20%.

Mr. Stephen C. Matthews, son of the applicants, came forward to testify and was sworn in. He said when the home was built his father retained an architect to prepare the home in conformance with the zoning and this was okayed by the Zoning Officer. He testified that there is a dogleg in the rear of this lot where the original garage was; this garage stayed in place until the new home was built. One of the reasons they are here is to have this dogleg removed and a 100x150 foot lot created.

Mr. Henderson then referenced Exhibit A-6 where Mr. Fury, the Zoning Officer, settled that the property is 20% lot coverage. Mr. Matthews offered that over the existing garage now is storage space only. Mr. Henderson asked him when the other home in this subdivision was built, the one located at 117 Stockton Boulevard and Mr. Matthews believed it was in the early 1930s and was originally owned by the Army Camp Commandant. He then referenced Exhibit A-4, the averaging report, stating this house violates front yard setback requirements, yet on this block the average home is set back only 39.13 feet; the house near the First Avenue corner is set back 55 feet and, if that home is taken out of the equation, the home at 117 Stockton Boulevard is set back farther than the average home on this block. Five out of the nine homes do not conform with the front yard setback. He spoke with the architect and any part of the home cannot be removed as it is too old.

Councilman Bogan asked if there was any intent to use the garage as living space and Mr. Matthews said no. They cannot use this space for anything else. It was asked if this could be a condition of approval and Mr. Henderson said they had no problem with putting this in as a deed restriction. Mrs. Boriotti asked how they get into that space and Mr. Matthews said access is

from the second floor, you have to go through the laundry room to get to the garage. She then asked about the pitch and he said he didn't know but he could stand in it. She asked if there is heat here and the answer was no.

Mr. Benson asked about the home at 117 Stockton Boulevard with the front porch - he wanted to know if that was an unheated porch and Mr. Matthews said yes. Mr. Boriotti asked if this home had a garage and Mr. Matthews said this property was once subdivided from 115 Stockton Boulevard, a long time ago, and the existing garage was taken down; there is now a concrete pad on the site.

Mrs. Brisben noted there are a lot of large trees on the lot in the middle, the lot that is to be created from the existing two lots. Mr. Matthews said they have no intention of taking down any trees or developing this property at this time; they just want to get the minor subdivision with no building.

Mr. Henderson explained that they are trying to get rid of the dogleg on the corner lot. The Matthews obviously own both homes and would like to give Stephen, the son here tonight, the old home at 117 Stockton Boulevard.

Councilman Bogan noted that Exhibit A-6, Mr. Fury's letter, refers to 20% maximum coverage. He couldn't figure which garage he was speaking about in this letter. Mr. Henderson said this was all based on old drawings and he showed Councilman Bogan on the paper where the garage was that was referred to.

Mr. Thompson asked when the garage was taken down at 117 Stockton Boulevard and Mr. Matthews said it was before 1970, before his parents purchased the property. He would guess it was done sometime in the early 1950s.

Mrs. Boriotti asked about clarification on integrated garage and attached garage and Mr. Thompson said the Ordinance is not clear. Integrated means it has living space above it and attached does not. In this case there is a problem as there could be habitable space, but the applicant has stated that will not be done and the Board does not have figures on how much square footage there is.

Mr. Henderson reminded the Board they were willing to have a deed restriction on this issue and if someone comes along and there is this deed restriction as well as a Resolution stating no living space above the garage, they will not be able to put in living space. Mr. Thompson noted that the concern would be that someone would do it without permission. Mr. Henderson agreed that can be done but it would be a problem when they go to sell. Mr.

Thompson felt the town was covered by a deed restriction and Resolution compliance.

As there were no further questions or comments by the Board the hearing was opened to the public. As there was no response, that portion of the hearing was closed and Mr. Henderson summed up this application. He said the easterly structure has a 38 foot front setback and the average here is 39.13 and it would be 37.15 without the one house that sits back 55 feet, so there is nothing peculiar with this house as it does not stick out. The existing structures are lawfully existing which makes this a hardship issue with protection from the municipal land use law. All this was originally done before this present zoning came into being, these are de minimus variances and there are no objectors present. The applicants worked with the Zoning Officer when the corner home was built to make sure it was in conformance. He then spoke of 40:55D 70c(2) which shows the applicants are entitled to the variances as this will make a more efficient use of the property and they agree to the deed restriction.

The Board then gave their final comments: Mr. Randazzo had no comment, Mrs. Brisben was glad to hear the trees were not to be taken down and did not feel the setback was out of line here. Mrs. Boriotti was in favor of it but wanted to add that if a home is built on this middle lot it will be fully conforming and Mr. Thompson agreed that should be in the Resolution. Mr. Benson commented that the tree in the middle, the large holly tree, has to be about 150 years old and he was glad to hear it was staying. Councilman Bogan felt the variances were minor for this circumstance. His concern about lot coverage had been addressed as well as the conditions for the garage. He, too, was concerned about the trees and wanted to say a home can be built around trees, he did it with his new home. Mrs. Matthews had no problem with the application as long as there was a deed restriction.

Mr. Benson felt the consensus was to approve this application as it shows no detriment to land use; Councilman Bogan then made a motion to approve this application with the restrictions on the garage that there be no habitable space and the other conditions as set forth in Mr. Avakian's letter of January 6, 2009. Mr. Randazzo seconded this motion and the application was approved by the following roll call vote:

Ayes: Raymond Bogan, Larry Benson, Susan Boriotti, Karen Brisben,  
Kathryn Matthews

Noes: None

Before adjourning for the evening Mr. John O'Grady, from the audience, asked to speak to the Board. He wanted to know how much pervious surface

should be allowed on a lot that is 50x150; Mr. Thompson said the Board has not addressed that. Mr. Avakian has referenced the State regulations would apply to lots of an acre or more; the Board is looking into several things and the Chairman is not present this evening to be more specific.

Mr. O'Grady then noted that Councilman Bogan, at a Council meeting, talked about the smell from Wreck Pond due to runoff and he felt this should be addressed as it will be a detriment to the properties in Sea Girt. Mr. Benson said he lives on Beacon Boulevard and the odor is not pronounced now but may be in the summer, dredging and silt buildup is a big problem but to dredge costs a lot of money and this has been discussed in the past. He agreed that most other towns have a percentage of pervious surface allowed, but this is not in Sea Girt's Ordinance.

Mr. O'Grady then referenced a brochure that he said was sent to homeowners in town in January which told of eliminating grass. The Board was not aware of this and Mrs. Boriotti offered that the town does not pick up grass clippings that perhaps this is what he was referring to but Mr. O'Grady insisted the problem is that grass has to be mowed and fertilized and this adds to the pollution, thus, no grass.

Councilman Bogan did not know of any brochure stating this and did not think Council wants to eliminate grass. He did, however, agree with the question of pervious/impervious surfaces affecting runoff. He told Mr. O'Grady to get him a copy of that brochure and he will look into it.

Mr. O'Grady then spoke of a dumpster at a house on Beacon Boulevard that has been there for a couple of years and wanted to know if the town had an Ordinance regulating this. Mr. Thompson said "probably" but told Mr. O'Grady that is a Police matter. Mr. Benson knew of the dumpster and said it has been replaced a number of times and Mr. O'Grady agreed that it had.

He then asked about a Temporary CO and how long it is good for. Mr. Thompson referred him to the Building Department for that answer, he should contact Mr. Sandy Ratz.

As there was no other business to come before the Board a motion to adjourn was made by Mr. Randazzo, seconded by Councilman Bogan and unanimously approved, all aye. The meeting was adjourned at 8:15 p.m.

Approved:

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Karen S. Brisben,  
Recording Secretary