

Wednesday, May 20, 2009

THE BOROUGH OF SEA GIRT  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY  
MINUTES OF THE MEETING OF  
THE SEA GIRT PLANNING BOARD  
WEDNESDAY, MAY 20, 2009

A Regular meeting of the Sea Girt Planning Board was held in the Sea Girt Elementary School on Wednesday, May 20, 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:

Coun. Raymond Bogan	Michael Mastrocola
Paul Cerami	Kathryn Matthews
Coun. Ken Farrell	

Absent: Larry Benson, Susan Boriotti, Karen Brisben, Norman Hall, Donald Laws, Christopher Randazzo

Scott Thompson, Board Attorney, was also present for the meeting as well as Sandra Sears, Administrative Board Secretary. Oaths of Office were given to new Board members Paul Cerami and Michael Mastrocola.

Approval of the Minutes of the March 18, 2009 meeting were carried to the June meeting of the Board.

**OLD BUSINESS:**

The Board considered approval of a Resolution for Block 26, Lots 8-9, 117 & 121 Stockton Boulevard, owned by Elmer & Marjorie Matthews. The following was presented to the Board:

"WHEREAS, Elmer & Margery Matthews, whose mailing address is 121 Stockton Boulevard, Sea Girt, New Jersey 08750, have applied for relief and final subdivision approval with variances affecting premises located on Lots 8 & 9, Block 26, as designated on the tax map of said Municipality; commonly known as 117 and 121 Stockton Boulevard, Sea Girt, New Jersey, and

WHEREAS, such proof of service as may be required by New Jersey Statutory and Municipal Statutory and Municipal Ordinance requirements upon appropriate property owners and Governmental bodies has been furnished; and

WHEREAS, a public hearing was held on the said application on March 18, 2009, in the Sea Girt Elementary School in said Municipality and testimony and exhibits were presented on behalf of the applicant and all interested parties having been heard; and

WHEREAS, the said Board, having considered said application, testimony exhibits submitted, and from its inspection of the site, it makes the following determinations:

1. The tract in question has an area of 22,500 square feet.
2. The tract in question is in the District 1, East Single Family Zone.
3. The Applicant is seeking to take a portion of existing lot 8 and a portion of existing lot 9 and combine the two into a third lot to be located between the two existing homes, which shall remain.
4. The Applicant's son, Stephen Matthews, testified as follows:
  - a. His family has owned the above lots 8 and 9 for many years.
  - b. In 2001 the witness's father, the property owner, applied for a building permit to construct a home at 121 Stockton Boulevard.
  - c. Mr. Matthews, Sr. specifically requested an interpretation from the Borough Zoning Officer as to the proposed attached garage which would have storage above but no habitable living space.
  - d. The Zoning Officer approved the building plan subject to the removal of an existing detached garage on a flag portion of existing lot 9, once the new structure was completed. That detached garage was subsequently removed.
  - e. Witness is unaware as to why there is a jog in the rear portion of lot 9 but he assumes it was done to permit access to the existing garage which sat on that portion of the lot but has since been removed.
  - f. The applicants would not object to a condition of approval that required a recording of the Deed for 121 Stockton Boulevard stating that the garage space can never be used for living space of any kind.
  - g. The house currently existing at 117 Stockton Boulevard is the older home and is one of the oldest homes on the block. It was built with a front setback of 38 feet. The average setback on the block is 39.13 feet (see A-4 in evidence). There is no change proposed to the existing home on lot 8 and, therefore, the existing front & rear yard setback is not changed or exacerbated by the proposed subdivision.
  - h. There is going to be a slight change to the lot coverage for the house at 117 Stockton Boulevard. The proposed subdivision will create a lot coverage on new lot 8.01 and (old lot 8) of 20.4% which exceeds the 20% required lot coverage.

- i. It is the applicant's position that by not counting the space over the garage at 121 Stockton Boulevard as habitable living space, the lot coverage for that lot is at ore below the permitted 20%, which was confirmed by the Zoning Officer when the building permit for the house was issued.
  - j. It should also be noted that five of the nine houses existing on this block do not conform with the front yard setback requirement and because the house at 117 Stockton Boulevard is partially made of stone, it would be impossible to remove a portion of it to conform.
5. No one appeared in opposition of the application.
6. The Board reviewed the following in evidence, to wit:
  - a. A-1 The Application.
  - b. A-2 The Survey.
  - c. A-3 A Photo Board.
  - d. A-4 The Surveyor's Certification of average front yard setback on the block.
  - e. A-5 The site plan from the house originally constructed at 121 Stockton Boulevard.
  - f. A-6 A letter from the Zoning Officer dated August 9, 2001 approving the building plans for the home constructed at 121 Stockton Boulevard.
  - g. B-1 Engineer's letter dated December 8, 2008 and revised January 6, 2009.
7. The Board makes the following findings, to wit:
  - a. The proposed subdivision will create three conforming lots as to lot width, lot depth and lot area.
  - b. The new subdivision will create a new variance requirement for the house remaining on proposed lot 8.01. The existing house currently meets lot coverage requirements. If the subdivision is granted the existing home will need a lot coverage variance of 4%.
  - c. The existing variance affecting the front setback of the structure which is to remain on proposed lot 8.01 is neither changed nor exacerbated by the proposed application.
  - d. The relief requested is not of such a magnitude as to be a detriment to the public good nor an impairment of the intent and purpose of the zone plan. The Board, however, would require that the applicant meet all the conditions as set forth in the engineer's revised letter in paragraph 3 and paragraph 4.
  - e. Applicant should comply with applicant's testimony wherein applicant agreed to re-record applicant's Deed to contain a clause for proposed lot 9.01 affecting the use of the space over the garage and making same not inhabitable by way of Deed Restriction.

NOW, THEREFORE, BE IT RESOLVED by the said Board, that on this 20<sup>th</sup> day of May, 2009, based on the findings hereinabove stated, it does hereby grant the application subject to the following conditions:

1. Applicants should obtain any other approvals with respect to the submission from any other Federal, County, State or Municipal Agency having jurisdiction over same.
2. Applicants should re-submit this entire proposal should there be any deviation from this Resolution or the submitted documents, which are hereby made a part hereof and shall be binding on the applicants.
3. The Applicants shall comply with the following special conditions:
  - (a) The applicants shall comply with all conditions as set forth in the engineer's letter dated December 8, 2008 and as revised January 6, 2009 in paragraphs 3 & 4.
  - (b) The applicants shall re-record applicant's Deed to reflect in that re-recorded Deed Restriction affecting the dwelling on proposed lot 9.01 and indicating that the space above the garage shall never be used as habitable space without further action of this Board."

A motion to approve this Resolution was made by Councilman Bogan, seconded by Mrs. Matthews, and approved by the following roll call vote:

Ayes: Councilman Raymond Bogan, Kathryn Matthews

Noes: None

Abstaining: Councilman Ken Farrell, Paul Cerami, Michael Mastrocola

#### NEW BUSINESS:

The Board then turned to a Variance application for Block 14, Lot 3, 713 Philadelphia Boulevard, owned by Thomas and Cathleen Masterson, to allow construction of a new two-story addition extending from the rear of the dwelling and for a new front porch.

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. Mr. James Sabaitis, Esq. came forward to represent the Mastersons.

The two-story addition that will extend from the rear of the existing dwelling did not require any variances, however, the front porch will encroach into the front yard setback. The porch will be 8.8 feet wide and will intrude

approximately 4 feet into the front yard setback; the lot has approximately 11,000 square feet.

Paul Damiano, Architect, was sworn in and, as he has appeared before this Board before, was accepted as an expert witness. He told the Board the proposed rear addition will meet all the zoning rules and does not need any variances. The proposed front porch will have a setback of 35.35 feet and noted that the existing porch has a setback now of 29.37 feet so the new porch will lessen the non-conformity that exists now; he felt it will also help soften the elevation of the house. It will have a shed type roof, will have about 150 square feet and will be raised slightly so it cannot be called a patio.

The following exhibits were marked into evidence:

- a. A-1, the application.
- b. A-2, letter from the Zoning Officer.
- c. A-3, the survey.
- d. A-4, the property owners' list.
- e. A-5, the architectural renderings.
- f. A-6, a picture of the existing property.
- g. A-7, aerial photo of the neighborhood
- h. B-1, Engineer's report of April 2, 2009

The attorney summed up the application by stating that the application complies with the zoning except for the proposed front porch and the encroachment will be less than what exists now. The property owners are aware they could tear this home down and build a much bigger one but they want to work with this existing home and the relief requested will not be a detriment to the public good nor impair the intent and purpose of the Zone Plan. Also, this proposed porch will blend well with the neighborhood and will be a lower impact than a new home.

The Board then gave their comments and all agreed this will enhance this home and fit in with the surrounding neighborhood. As there were no objectors to this application, Councilman Bogan made a motion to approve this application, as presented, this seconded by Councilman Farrell and approved by the following roll call vote:

Ayes: Councilman Raymond Bogan, Councilman Ken Farrell, Paul Cerami, Michael Mastrocola, Kathryn Matthews

Noes: None

As there was no other business to come before the Board a motion to adjourn was made by Councilman Bogan, seconded by Councilman Farrell and unanimously approved, all aye. The meeting was adjourned at 8:26 p.m.