

Wednesday, July 21, 2010

THE BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY
MINUTES OF THE MEETING OF
THE SEA GIRT PLANNING BOARD
WEDNESDAY, JULY 21, 2010

A Regular meeting of the Sea Girt Planning Board was held in the Sea Girt Elementary School on Wednesday, July 21, 2010 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:

Larry Benson	Norman Hall
Karen Brisben	Donald Laws
Paul Cerami	Kathryn Matthews
Coun. Ken Farrell	Christopher Randazzo
Robert Ferguson	

Absent: Coun. Raymond Bogan, Susan Boriotti

Scott Thompson, Board Attorney, was also present for the meeting as well as Sandra Sears, Administrative Board Secretary; Board member Karen Brisben recorded the Minutes. There were 12 people in the audience.

Chairman Hall and the rest of the Board welcomed new Alternate Member #2 Robert Ferguson; he will be taking the place of Michael Mastrocola who had to resign as he has moved out of town. Mr. Ferguson had been sworn into office by Mr. Thompson prior to this meeting.

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Chairman Hall asked then for a motion to approve the Minutes of the June 16, 2010 meeting and this was done by Mrs. Matthews, seconded by Councilman Farrell and approved by unanimous voice vote, all aye.

NEW BUSINESS:

The Board turned to an application for variance relief for Block 99, Lot 4, 707 Brooklyn Boulevard, owned by Kurt and Stephanie Sackariasen, to allow construction of a new 2 ½ story dwelling. Front Setback - 40 feet required, 17.92 feet existing on house to be razed, 24.62 feet proposed for new home. Lot Coverage - 20% maximum allowed, 24.3% existing on house to be razed, 24.38% proposed for new home.

Mr. C. Keith Henderson, Esq. came forward to represent the Sackariasens, who are the owners/applicants of 708 Brooklyn Boulevard which is in the 1-West Zone. As all notices were in order, Mr. Thompson marked the following exhibits: A-1, application; A-2, survey; A-3 site plan and architectural drawing, B-1, Board Engineer's letter of 7/20/2010.

Mr. Sackariasen then came forward and was sworn in. Before starting testimony, Mr. Thompson wanted it put in the record that Mr. Sackariasen's mother was his secretary about 10 years; both the Board and Mr. Henderson accepted this with no conflict issue and the application proceeded. Mr. Sackariasen said the existing house is small and they now have a seven year old daughter and a three year old son; he grew up in this house but his family now has grown out of the home. They will demolish the current home but leave the existing garage.

Mr. Henderson asked about constructing drains to dry wells and this will address the garage problems? Mr. Sackariasen said yes and all mechanical equipment will be in the rear yard as stipulated in the Zoning Ordinance. Mr. Henderson asked if the new home will have a basement and the answer was yes; he then asked if there was a problem with water and again the answer was yes and they plan to work with the builder to remedy this through new drainage; if they need a sump pump they will put one in.

At this time Mr. Tom Petersen was sworn in, he is the architect for this home and is a Professional Planner in N.J. He has been before this Board before so the Board accepted him as an expert witness. He said he designed this new dwelling with three bedrooms, the current home has only two. There was an issue with the garage as the lot is deficient in depth, they need 150 feet and only have 100 feet. There also is a problem with the front yard setback as they need 40 feet and can't do that with the depth they have, however, they want to keep a reasonable distance between the house and garage so they are going with a 24.62 foot front setback which is in keeping with the other homes on this block. The existing house now stands with a front yard setback of only 17.92 feet so they are lessening this nonconformance. He stated the block average is 28.5 feet in frontage; other homes are set back less than this one so this new home will not look out of place.

He felt the new house will be a better fit in this neighborhood and will comply with all the codes where the existing older home does not; it will be safer as far as fire hazards. There are also neighbors here this evening who will speak in favor of this application. Mr. Henderson asked about the negative criteria and Mr. Petersen said he did not see any detriment to this plan.

Mr. Petersen then went over Mr. Avakian's report. Item "1g" spoke of averaging on the front setbacks which was addressed, and item "1j" which asked about the height; Mr. Petersen said the height of the new building will be 35 feet high so no variance is necessary as it will comply. They also will comply with the general comments that Mr. Avakian spoke of. Mr. Laws asked about any trees coming down and Mr. Petersen said they will have to take some down but they will be replaced,

Mrs. Brisben asked about the height of the home next door as that is a newer structure and was told that is 35 feet, their proposed house will be the same height.

As there were no further questions from the Board, the meeting was opened to the public and Mr. Devin Clancy came forward and was sworn in, he

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lives at 705 Brooklyn Boulevard, next door and has the newer home that is 35 feet high. He felt this application is reasonable and will add value to the neighborhood. Next to come forward was Mary Beth White of 708 Brooklyn Boulevard who was sworn in. She, too, was in full support of this application and noted the Sackariasens keep their home and yard meticulous and she hoped they can go forward with this. They desire to have a nicer home and this will improve the neighborhood.

Mr. Hall asked if the lot were 50x150 what would be the percentage of coverage and Mr. Petersen said it would be under 20%.

Next to come forward was Danielle Donnelly of 711 Brooklyn Boulevard who was sworn in. She agreed that it will add value and will be a better home.

Mr. Petersen then summarized this application and felt it was a straight forward one; there is a hardship due to the depth of the lot to meet the front yard setback. They want to maintain the setback from the garage to the house so they need a variance, as well as for going over in lot coverage. They discussed the positive and negative criteria and there is no detriment to the neighborhood, this confirmed by the neighbors.

The Board then gave their comments: Mr. Randazzo used to live around the corner and felt this will be a positive improvement for the town. Mr. Laws could now understand why the house will be located on this lot this way and asked if it is a one or two car garage. Mr. Petersen said maybe two volkswagons could fit in but it really is a 1 ½ car garage. Mr. Laws agreed there is a hardship that exists here and he supported this application. Mr. Benson felt it was a good use of the land and is well designed with the home in almost the identical location; he had no objections. Mrs. Matthews felt it will enhance the neighborhood and be a great family home. Councilman Farrell agreed with the other Board members and commented they are only going over what presently exists by 215 square feet. If they wanted to, they could take the garage down and make a larger home but are not. He was concerned with the lot coverage but felt this will be a tasteful home and fit in; he felt having neighbors come forward is a good thing and he would be in favor of approval.

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Mr. Cerami noted the small amount of coverage being added and was in support of the application. Mr. Ferguson commented the ink is not dry on his oath of office yet but he said he would be for approval. Mrs. Brisben's concern about the height was answered and agreed with the rest of the Board regarding the lot coverage and setbacks. Chairman Hall also agreed with the rest of the Board and asked for a motion for approval; this was done by Councilman Farrell, seconded by Mr. Cerami and approved by the following roll call vote:

Ayes: Councilman Ken Farrell, Larry Benson, Karen Brisben, Paul Cerami, Robert Ferguson, Norman Hall, Donald Laws, Kathryn Matthews, Christopher Randazzo

Noes: None

OLD BUSINESS:

The Board then considered approval of a Resolution for Block 24, Lot 29.01, 218 Chicago Boulevard, owned by Ajit and Karin Ajmani. Mr. Thompson read the following Resolution to the Board:

"WHEREAS, Ajit and Karin Ajmani, whose mailing address is 136 E. 76th Street, #3D, New York, N.Y. 10021, have applied for relief from Municipal Zoning Ordinances affecting premises located on Lot 29.01, Block 24, as designated on the tax map of said Municipality, commonly known as 218 Chicago Boulevard, Sea Girt, New Jersey and

WHEREAS, a public hearing was held on the said application on June 16, 2010 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;

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

1. The tract in question has an area of 7,500 square feet.
2. The tract in question is in the District 1, East Single Family Zone.
3. The Applicant is requesting approval to construct a covered front porch.
4. Mrs. Ajmani testified as follows, to wit:
 - A. She and her husband and her two children use this property primarily as a second residence. Both she and her husband have lived in the Sea Girt area their entire lives.
 - B. They have been spending summers with their parents and approximately two or three years ago they purchased this home for the use of their growing family.
 - C. The house was in need of significant work and they undertook to remodel the interior of the house completely.
 - D. They come down from New York City almost every weekend year-round and not just in the summer.
 - E. The original plot plan appears to have a front porch as part of the original design. It also appears that this front porch was never constructed.
 - F. The proposed porch will not block any views from the neighboring property as the property is heavily treed along each property lines.
 - G. She and her husband are willing to accept as a condition of approval that the porch never be enclosed (including with screens) and the roof above can never be used for any purpose.
 - H. In her opinion the proposed front porch, as designed, would improve the look of the neighborhood. Almost every other home on her section of the street (the 200-300 block of Chicago Boulevard) does have a porch.
5. The applicant's architect, Paul A. Damiano, testified as follows, to wit:
 - A. The addition of a porch will give the house a more conforming look with other homes in the neighborhood.
 - B. It is his opinion that the proposed porch lines up with the porch on the house to the east of the applicant's house. On both

property lines there are heavy trees and shrubs so that there will be no obstruction of any views as a result of this construction, if approved.

- C. There is existing 20.4% lot coverage as well as an existing side yard setback violation. The side yard setback violation was conforming and not a violation when the house was built but as a result of a change in the side yard setback requirement, the house as built has become a pre-existing nonconforming structure as it relates to its side yard setbacks. The applicant is looking to continue the side yard setback line along the new porch if the same is approved.
 - D. There are no access doors proposed for the second floor onto the proposed roof area. There are windows that look out over the roof area but there will be no doors to access that portion of the roof. Because of the existing bedroom windows it was impossible to create a roof with a pitch that would properly deal with water and snow accumulation.
 - E. The proposed new porch is approximately 19 feet long and 7.9 feet wide. The width was designed to accommodate chairs on the proposed porch area. In addition, the length matches the gable end of the roof of the existing structure. The proposed covered porch will represent a 140 square foot net increase in lot coverage.
 - F. In the witness's opinion, the proposed porch would not be a detriment to the intent and purpose of the Zone Plan. It would, in fact, improve the look of the house and better blend what is now an unusual looking colonial structure into the pattern of the neighborhood which is more beach-type homes.
6. No person appeared in opposition to the application.
 7. The Board reviewed the following into evidence:
 - A. A-1 - The Application.
 - B. A-2 - The new survey showing the proposed porch.
 - C. A-3 - The Site Plan.
 - D. A-4 - A picture board.
 - E. A-5 - Old Survey showing a porch that was never built.

F. B-1 - Board Engineer's letter dated May 21, 2010.

8. The Board makes the following findings, to wit:

A. In order to approve this application, the Board would have to approve an increase in the lot coverage from 20.4% existing to 22.37% proposed; in addition the Board would be extending the current pre-existing nonconforming condition of the 15 foot side yard requirement, wherein a minimum of 5 feet on one side is required with a total of 15 feet; the proposal would continue the existing nonconformity of a total of only 11.8 feet provided.

B. The Board finds that in support of the application:

- i. There is existing heavy shrubbery on both sides of the property so that the proposed new porch will not infringe on anyone's views nor would it violate the front setback requirements;
- ii. The proposed porch will improve the aesthetic look of the property and make it blend in better with other homes in the neighborhood;
- iii. The proposed continued side yard violation is a diminimus violation; the proposed lot coverage violation, although more significant, is not significant enough to outweigh the good of approving the application as proposed.

NOW, THEREFORE, BE IT RESOLVED by the said Board, that on this 21st day of July, 2010, based on the findings hereinabove stated, it does hereby approve the application.

- A. Applicant should obtain any other approvals with respect to the submission from any other Federal, County, State or Municipal Agency having jurisdiction over same.
- B. Applicant 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.

- C. Applicant shall construct, at applicant's sole cost and expense, all improvements reflected on the submitted documents or required by this Resolution.
- D. The relief granted hereunder shall be rendered null and void should the applicant fail to commence construction within 1 (one) year of the date of this Resolution.
- E. This grant of approval is subject to the following special conditions:
 - a. The proposed porch as approved herein shall never be enclosed in any fashion (including the use of screens);
 - b. The flat portion of the roof being approved herein shall not be accessible by doorway from the house and there shall be no use of that portion of the roof whatsoever other than for maintenance purposes."

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

Ayes: Councilman Ken Farrell, Karen Brisben, Norman Hall,
Kathryn Matthews, Christopher Randazzo

Noes: None

Not Eligible to Vote: Larry Benson, Paul Cerami, Robert Ferguson,
Donald Laws

As there was no other business to come before the Board a motion to adjourn was made by Mr. Laws, seconded by Councilman Farrell and unanimously approved, all aye. The meeting was adjourned at 8:08 p.m.

Approved: