

THE BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY
MINUTES OF THE MEETING OF
THE SEA GIRT PLANNING BOARD
WEDNESDAY, SEPTEMBER 21, 2011

A Regular meeting of the Sea Girt Planning Board was held in the Sea Girt Elementary School on Wednesday, September 21, 2011 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:

Councilman Fred Buonocore
Susan Boriotti
Karen Brisben
Paul Cerami

Robert Ferguson (Alternate)
Norman Hall
Donald Laws
Kathryn Matthews

Absent: Councilman Michael Mulroy, Larry Benson, Chris Randazzo

Also present were Board Attorney Ben Montenegro and Administrative Secretary Sandra Sears; Board member Karen Brisben recorded the Minutes. There were 6 people in the audience.

OLD BUSINESS:

The Board turned to the approval of a Resolution for Block 87, Lot 6, 304 Bell Place, owned by Daniel & Jamie Herzog. Mr. Ferguson noted a correction needed on page 2 and felt that the word "revised" should be changed to "revision". Mr. Montenegro agreed and, as there were no other changes or recommendations, the following was presented for approval:

"WHEREAS, Daniel & Jamie Herzog, whose mailing address is 304 Bell Place, Sea Girt, New Jersey 08750, have applied for variance relief for the construction of a one and one half story addition/alteration to the existing single family dwelling affecting premises located on Lot 6, Block 87, as designated on the Tax Map of said Municipality; and commonly known as 304 Bell Place, Sea Girt, New Jersey.

WHEREAS, public hearing was held on the said application on August 17, 2011 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 5,000 square feet.
2. The tract in question is in the District 1, West Single Family Zone.
3. The applicant is requesting variance relief to construct a one and one half story addition with open air front porch to the existing one story single family dwelling. Existing non-conformities for lot depth, lot area, building side setback and combined side yard setback are proposed to remain without modification. Variance relief is required for maximum building coverage whereas 20% maximum is allowed and 23.9% is proposed; and front building setback whereas 40 feet from the front lot line is required and 18.2 feet is proposed to the entire length of the open air porch.
4. Applicant submitted the following in support of the application:
 - a. The Architectural Plan consisting of three (3) sheets prepared by Paul Lawrence, R.A., dated April 8, 2011, with revision to the site plan sheet dated May 26, 2011.
 - b. The Survey of Property consists of one (1) sheet prepared by Charles O'Malley, P.L.S., dated August 27, 2010 with no revision.
 - c. A key map sheet indicating all structures and roadways within 500 feet of the site.
5. Daniel Herzog testified on behalf of the applicant as follows, to wit:
 - A. He and his wife are the owners of the subject property and reside in the home existing on site.
 - B. The existing home is a single story home with enclosed front porch as depicted on the survey presented.
 - C. The existing home is seventy (70) plus years old.
 - D. The intent of the applicant is to increase the livable space by adding the one and one half story addition onto the existing footprint of the current home while eliminating the enclosed porch in lieu of an open air porch that would extend the width of the home.
 - E. He testified that the variance relief required is a function of the undersized nature of the property whereas the existing lot is 50 by 100 feet in a 7,500 square foot zone. He further noted that the existing home size and location on the lot contributes to the need for the variance relief requested as applicant seeks to utilize the same footprint for an addition rather than demolishing the existing structure.

- F. He testified that the existing location of the home and its proposed front setback is consistent with the neighboring property. He testified that the proposed addition and open air porch will be an improvement to the aesthetics at the site.
 - G. He testified that there are no current existing drainage problems at the site.
6. No persons appeared in opposition to the application.
7. The Board makes the following findings, to wit:
- A. The application as presented meets the positive and negative criteria for the variance relief requested based on the following:
 - a) The need for variance relief requested is precipitated by the undersized nature of the lot dimensions in conjunction with the location of the existing structure and the strict application of the relevant Zoning Ordinance regulations would result in undue hardship upon the applicant.
 - b) The proposed one and one half story addition stays within the confines of the existing one story building footprint.
 - c) The proposed application eliminates the existing enclosed porch in lieu of an open air porch to extend the width of the home which is an aesthetic benefit to the structure and site and promotes the general welfare of the community.
 - d) The proposed home as depicted on the architectural plans submitted is an aesthetic improvement to the site and surrounding neighborhood.
 - e) The proposed addition with open air porch is consistent with the size and location of homes in the immediate area and deviation from the Ordinance requirements will create no significant detriment to the surrounding properties or the zone plan.
 - f) Based upon the applicant's testimony that there are no existing drainage issues on site and the minimal increase in lot coverage created by the application, the Board waives the recommendation in the Board Engineer's Report at Paragraph 2(A)(1) and no recharge pad or under drains are hereby required by this approval.

NOW, THEREFORE, BE IT RESOLVED by the said Board, that on this 17th day of August, 2011 based on the findings hereinabove stated, it does hereby approve 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. Applicants shall construct, at applicants' sole cost and expenses, all improvements reflected on the submitted documents or required by this Resolution.
4. 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.
5. The applicant shall comply with all representations and agreements made by the applicant or applicant's representative during the consideration of this application.
6. The Applicant shall comply with all of the requirements set forth in the Board Engineer's Report dated July 6, 2011, unless specifically exempted by the Board and/or Board Engineer at the time of hearing on the application."

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

Ayes: Councilman Fred Buonocore, Karen Brisben, Robert Ferguson, Norman Hall, Kathryn Matthews

Noes: None

Not Eligible to Vote: Susan Boriotti, Paul Cerami, Donald Laws

The Board then turned to the approval of the Minutes of the August 17, 2011 meeting and a motion was made by Mrs. Matthews to accept these Minutes, this seconded by Mr. Ferguson and approved by voice vote, all aye, no nays with Mrs. Boriotti, Mr. Cerami and Mr. Laws abstaining.

NEW BUSINESS:

The Board then considered a Variance application for Block 67, Lot 17, 4 Sixth Avenue, owned by John and Karen Peterson, to allow an addition of a patio on the north side of the existing home. The property is a corner lot with two front yards; the patio will be to the left side of the house that is technically a front yard. Patios are not a permitted use in the Front Yard, variance requested; also a new air conditioning condenser will be in the Front Yard (Ordinance requires these to be in the Back Yard), variance requested.

The proper fees were paid, taxes are paid to date and property owners within 200 feet as well as the newspaper were properly notified. Mr. Montenegro explained to the Board the Petersons wish to construct a two-level

patio, replace the existing front walkway and install new French doors; as the patio is going to be in a "Front Yard" a variance is necessary.

Mr. Kevin Callahan, Esq. then came forward to represent the Petersons. He asked that the Architectural Site Plan be marked as Exhibit A-1, the Survey of 10/20/2009 be marked as Exhibit A-2, a series of 4 pictures of the property be marked as Exhibit A-3, the Borough Engineer's report of 6/10/2011 and 9/7/2011 be marked as Exhibit A-4 and the Letter of Denial from the Zoning Officer, dated 4/18/2011 be marked as Exhibit A-5.

John Peterson then came forward and was sworn in; he gave his address as 535 Locust Road, Flemington, N.J. He and his wife purchased the property at 4 Sixth Avenue 6 years ago and they have two children, a boy that is nine and a girl that is six. The Sea Girt property is a second home and is not used as a rental property.

Mr. Callahan asked Mr. Peterson if there have been any changes done since the survey, Exhibit A-2, was done and the answer was no. He then asked Mr. Peterson to review Exhibit A-4, the photos. The first one is the north side of the home and this is where they want to put the patio, the dark area in the back is the neighbors' property, Dick and Mary Grubaugh. The second photo is looking at the railroad tracks that are across the street; the third photo is looking north down Sixth Avenue where there is a vacant lot that is next to their property which is completely unkempt. Mr. Peterson said he has spoken to the town about having it cleaned up - it is not passable now. Photo four shows a computer enhanced shrubbery that will be shielding the proposed patio. He also stated they live on the end of a cul-de-sac where there are four homes total.

Mr. Peterson told the Board they want to straighten out the front walk and put in a patio as they have no back yard, the side yard is basically a driveway. Mr. Callahan asked about the air conditioner condenser in the front yard setback and Mr. Peterson said it was there when they purchased the home and they do not have plans to move it.

At this time Mr. Joseph Pillari, Landscape Architect, came forward and was sworn in. He has been a Landscape Architect since 1991 and is licensed in New Jersey and New York. Every two years he has to renew his certification through CE credits; he has appeared before Boards before and has been accepted; he also stated he has a BS in Planning and Design from Rutgers. The Board accepted him as an expert witness.

Mr. Pillari said he has visited the site and has read Sea Girt's Zoning Ordinance. The Board was informed that, when the lot coverage was calculated originally, the 522 square foot garage was included and then it was discovered

that it did not need to be included, so the coverage now is 13.79% where 20% is the maximum allowed. Mr. Callahan asked him about the closest neighbor and Mr. Pillari said that would be the Grubaughs who have a driveway adjacent to the subject property.

Mr. Callahan asked about any site triangle issues and Mr. Pillari said it was not mentioned in the Engineer's report. Mr. Callahan asked about any blocking of views from the Grubaughs' driveway and Mr. Pillari said there is about 20 feet there.

In regards to drainage, they are staying with the contours so there will be no surface flow change. He said there is very little area to work with for the patio and they did not want to elevate the actual grade so they came up with 3-4 feet from the porch to the patio through steps which also will take one out to the front walk. There will be screening for the Peterson property, for the railroad tracks and also a buffer from Sixth Avenue, a new landscape plan with flowers. Mrs. Boriotti asked about the French doors, you come out of the French doors to step down and Mr. Pillari said it will be about 12 inches. She then asked about a utility box in the northwest corner and Mr. Pillari said it is an electric box.

Mrs. Brisben noted on the plan they are going to put in holly trees and she commented she has them on her property; the leaves they drop are sharp and many. She asked why they are not using arborvitae for a buffer instead. Mr. Parilli thought this was a good question and explained that the holly trees they are planning on using are "Nelly Stevens" holly, not the American holly that is around Sea Girt. The Nelly Stevens holly is much nicer and has softer leaves.

Mr. Ferguson asked for clarification on the steps again and Mr. Parilli said they will be about 12 inches high, the steps will be 4 feet x 12 feet wide, the other elevation is from the ground itself. Mr. Cerami asked how much above grade will the patio be and the answer was there will be only a six inch grade change, the grade slopes down; the grade itself by the air conditioning unit is 17.7 feet and they propose 18.25 feet so it is a small grade change. Mr. Cerami then asked about the outdoor kitchen shown on the plans and Mr. Parilli said it is just a grill with maybe bar space, no water; it will be run on propane.

As there was no further testimony to be given, the meeting was opened to the public for questions or comments and Richard Grubaugh came forward and was sworn in. He said they have been looking forward to a good neighbor for quite some time and now there is one; he and his wife have no objection to this plan. They have lived at this property for 34 years and would be happy to see this happen.

As there were no further questions or comments, that portion of the hearing was closed and the Board went into discussion. Councilman Buonocore, Mr. Laws and Mrs. Boriotti had no further comments to make; Mrs. Matthews saw this as an improvement. Mr. Cerami had a question for Mr. Montenegro in regards to using a corner lot for a patio and was wondering if they were starting something by allowed this one. Mr. Montenegro said there is no precedence being set, each application is based on its own merit. The particular property is unique as it is on a cul-de-sac and the Board has heard findings on how this will work, it is also across from the railroad tracks; all items are specific to this application.

Mr. Cerami then commented this will be a lovely improvement; Mr. Ferguson wanted to complement the applicant on the technology used to show a computer image of what the property will look after the landscaping is done. His first reaction was "no way" and he felt the neighbors would be against it, but he has been convinced this will work here, it is a quiet street and will have no effect across the street as there are railroad tracks there. Mrs. Brisben said she would have been against this if the neighbors were but, as the only neighbors that appeared were in total favor of this, she would be for approval.

Mr. Callahan wanted to supplement Mr. Montenegro's comments and referred to the Zoning Ordinance and corner lots. This property does not have two intersecting streets but is still considered a corner lot; also there is no site triangle issue so there will be no adverse impact as there is no traffic on this street other than the owners of the four homes.

As there were no further comments or discussion, a motion was made by Mr. Laws to approve the application as presented, this seconded by Mr. Ferguson and approved by the following roll call vote:

Ayes: Councilman Fred Buonocore, Susan Boriotti, Karen Brisben,
Paul Cerami, Robert Ferguson, Norm Hall, Donald Laws,
Kathryn Matthews

Noes: None

OTHER BUSINESS:

Before adjourning for the evening, Chairman Hall wanted to ask everyone to try to keep the meeting nights open for the coming time periods as William Sitar will be submitting an important application and Chairman Hall would like to have a full Board to hear it. Mr. Cerami asked if this application will take up more than one night and Chairman Hall said the Board goes to 11:00 pm and he asked that, when that application is to be heard, it is the only one on the agenda; if it does have to be carried it would be to the next month.

Mr. Montenegro said sometimes questions come up which require carrying an application to do research to get the answers, it's up to the applicant to have the answers. Mr. Cerami commented there can be a substantial difference to taxes if a property is business or personal and Mr. Montenegro said the Board can ask for their own professionals to appear, such as the Board Engineer and can use their own discretion as to other experts. As far as ratable, it is not a real zoning issue for the Board to approve or disapprove, it's not in the Board's purview to look at an application this way. The applicant has to show the Board that their use is suited for the area and a ratable is not part of the zoning purpose, however, the applicant can submit this information if they want to; the Board cannot pursue it. Also, even if the Assessor were asked to attend, she would not be able to make a determination from the information that will be presented at the hearing, she could not do it "on the fly".

Mr. Cerami asked if the Board can get an education on what is in the Zoning and Mrs. Matthews suggested looking in the Zoning Ordinance book that each Board member has and review it. Mr. Montenegro agreed and said that on page 1731 there is an explanation on Limitations.

Chairman Hall also commented that there should be a review of the Air Conditioning Ordinance; he felt it should be revised as air conditioning units are not always in the rear yard anymore, especially corner lots.

As there was no other business to come before the Board a motion to adjourn was made by Councilman Buonocore, seconded by Mr. Laws and unanimously approved, all aye. The meeting was adjourned at 8:25 p.m.

Approved: