

Wednesday, August 18, 2021

SEA GIRT PLANNING/ZONING BOARD
REGULAR MEETING
WEDNESDAY, AUGUST 18, 2021

The Regular Meeting of the Sea Girt Planning Board was held on Wednesday, August 18, 2021 at 7:00 p.m. virtually. 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.

Roll call was then taken:

Present: Karen Brisben, Jake Casey, Mayor Donald Fetzer (arrived 7:07 pm), Stan Koreyva, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Absent: Carla Abrahamson, Councilwoman Diane Anthony, Ray Petronko

Board Attorney Kevin Kennedy was also present, Board Engineer Peter Avakian was absent, and Board Secretary Karen Brisben recorded the Minutes. Mrs. Brisben noted a typo error in the Minutes for July (found by Mr. Ward) they were corrected and, on a motion by Mrs. Laszlo, seconded by Mr. Walker, the amended Minutes for 7/21/21 were approved, all aye.

It was then announced that the hearing for 201-205 Trenton Boulevard, Mark & Maureen Angelo, was being postponed as notices were not sent out for this continuation of a Use Variance hearing and the applicant's professionals wanted to meet with the Board's professionals before proceeding. A consent to waive the time frame for approval was given by the applicant's engineer. New notices will be sent out to property owners & the newspaper for a Wednesday, November 17, 2021 meeting.

NEW BUSINESS:

The Board turned to an application for variance relief for Block 34, Lot 14, 204 Crescent Parkway, owned by David & Caroline Rahill, to allow construction of a covered front porch. Building Coverage – 20% allowed, 21.56% existing, 23.66% proposed. Front Yard Setback – 40 feet required, 39.5 feet existing, 34 feet proposed. Total Side Yard Setback for lot over 50 feet in length – 22.5 feet with a minimum of 7.5 feet on one side, 11.29 feet existing with 4.95 foot setback on one side, proposed setback of 6.34 feet on one side (expansion of existing non-conformity).

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 did ask the audience if anyone who had received a notice had an issue with it and there was no response. Mr. Kennedy then asked Mrs. Brisben to give her email in case someone needed to reach the Board and she gave it, kbrisben@seagirtboro.com.

Mr. Kennedy then marked the following Exhibits:

A-1. The application.

A-2. The application checklist.

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- A-3. Architectural Plan done by Jeremiah Regan, dated 1/30/21.
- A-4. Survey prepared by Paul Lynch, dated 1/25/2021.
- A-5. Board Engineer's report dated 7/29/2021.

It was then time to swear in the applicants, David and Caroline Rahill, and this was done. Mr. Rahill said they are the owners of the property and have lived there 4 years. He had his architect, Jeremiah Regan, present beside him if he needed to testify. Mr. Rahill said he had hired Wayne Dreyer to help him with his updates to the home, they have replaced the patio and decking as well as adding a pergola.

He and his wife have taken bike rides around town and have seen porches all over and they wish to add a front porch to their existing home. They worked on the building coverage and setbacks and looked at other homes, such as 405 Boston Blvd. & 501 Philadelphia Blvd. that did not seem to line up with front yard setbacks. He said this gave them hope that they could do this here and noted their neighbors, the Connellans, had written a letter asking the Board to allow this. Chairman Hall said the Board all has a copy of the letter from the Connellans and, as they are present this evening, they will be asked to give comments later. Mr. Rahill said, in the Engineer's report, he wants them to install a drywell and make a new, more permeable driveway and they agree.

At this time the architect, Jeremiah Regan, was sworn in; he gave his address as 147 Brighton Avenue, Long Branch. He is a Licensed Architect in NJ and has been for over 30 years, he has been before many Planning Boards in the area and noted it may be about 10 years since he was before the Sea Girt Board. The Board then had some questions for Mr. Regan and Mr. Walker wanted to know the coverage % for the driveway but Mr. Regan said they are keeping the driveway size and only reducing the permeable coverage. Mrs. Brisben noted the "porch" on the plans but said she didn't see one when she looked at the home and Mr. Rahill answered and said it is 2 steps made of brick and concrete. Mr. Casey asked Mr. Regan to describe the proposed front exterior and Mr. Regan said the home is now two stories, straight up. He designed a porch that breaks up that look, it will be an open porch with columns and will be at a higher grade than what is there, it will be over 16 inches. Mr. Ward asked about the other homes on this side of the street and their front yard depth and Mr. Regan said he did not take measurements on them and just worked on this home.

Mayor Fetzer noted on the key map this home is much more forward and Mr. Regan said they are into the front setback by 6 inches now, Mayor Fetzer was concerned about going closer to the road. Mrs. Laszlo asked for confirmation that the lot was 75 feet wide and how old is the home? Mr. Rahill said the lot is 75 feet wide and the home was built in 1960. She then asked if they considered taking the home down and Mr. Rahill said they did but the home is well built so they want to keep it. Chairman Hall asked if they were doing anything else to the home and Mr. Rahill said the only other thing is to replace the driveway and walkway. Chairman Hall asked if this is approved do they agree to never enclose it or add a second story and Mr. Rahill was agreeable to this stipulation. Mr. Rahill also wanted the Board to know the properties on Crescent Parkway are about 8 feet from the sidewalk (Borough property) so they are really about 48 feet back if the sidewalk area is included. Chairman Hall was aware that

some properties are 8 feet from the sidewalk and some are 10 feet, this was done by Planners years ago.

As there were no questions from the audience, the hearing was opened for comments by the public and J.P. Conellan was sworn in. He said he used to be on the Planning Board and was Chairman for a time so he can appreciate all the Board does; as far as this application, they have known the Rahills for 4 years and they have really fixed up their home, they are by a corner lot and then there is First Avenue with woods to the east of that with an empty lot to the west. He was aware they are going into the front yard setback but Crescent Parkway has an island in the middle so this uniqueness of the property means nothing will be by it. If he were still on the Planning Board he would approve it.

As there were no other comments the Board went into discussion. Mrs. Brisben looked at this home and agreed it needed a porch to break up the lines, she was for the application. Mr. Walker felt it was a nice design but was on the fence about the setbacks. Mr. Ward was in support of the application, he understood the issues and the conditions agreed to. He felt this is a unique situation and this will not be a mega mansion. Mr. Casey would have liked to have had this application after the Board had their meeting on porches they have spoken about having. He thought this was the most forward house on the block and has an empty lot next to it; he was concerned about the setbacks. Mrs. Laszlo said that, when she joined the Board, she wanted to wear a shirt that said "I Love Porches". She did not think they can comply with the Zoning here and have renovated an existing home on a wide lot on a wide street. She was in favor. Mr. Koreyva said this is an existing home and they are not tearing it down, he felt the architectural design is great; he seconded what Mrs. Laszlo had said and was in favor of the application.

Chairman Hall took this time to welcome the new Mayor and panelist. He understood the desire to put the porch on, this home is already over coverage and this will make it more so as well as violating the setbacks. He was concerned about it, there is a vacant lot next door and if a new home is built the new home will be set back more. However, he realized it is an open porch and was in favor of approval as it is a renovation and not newly constructed home, he was okay with front porches as long as there is nothing above them or they are enclosed. He felt this should be approved. Chairman Hall then asked Mr. Rahill that, after hearing the discussion, did he want a vote tonight and Mr. Rahill said absolutely.

Mr. Kennedy then went over the conditions of the application approval: compliance with the Board Engineer's report, no enclosing of the front porch or building above it, any future building would need further approval from the Board. He then went over the usual conditions that are in each Resolution. Mrs. Brisben asked about item #H in the engineering report about a correction needed on the plan description and Mr. Kennedy felt that needs to be added and 4 copies of a revised plan need to be submitted. Mr. Ward asked if the home is taken down in the future does this variance still apply and Mr. Kennedy was not sure but he will put it in the Resolution that any new home will have to comply with zoning. Mr. Rahill commented they may move the home back in the future and he understood what was being considered and agreed to it.

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A motion to approve the application was then made by Mrs. Laszlo, seconded by Mr. Ward and then a roll call vote was taken:

Ayes: Karen Brisben, Stan Koreyva, Eileen Laszlo, John Ward, Norman Hall

Noes: Jake Casey, Mayor Donald Fetzer, Robert Walker

OTHER BUSINESS:

Chairman Hall asked the public if anyone wanted to make any comments on any matter other than the application this evening and there was no response.

Mr. Ward reminded Chairman Hall he wanted to address the Ordinance that allows 2 kitchens in a home and Chairman Hall asked Mr. Kennedy about this. Mr. Kennedy said when an application is filed, what laws are on the books are the laws that apply at the time of filing. The Board can speak on this issue but not mention any specific applications. Chairman Hall then said he would like to wait until after the application in question is heard before discussing this, Mr. Kennedy agreed.

Mrs. Brisben told the Board that several years ago the Board discussed front porches being allowed on homes already built, allow a 6 foot front porch but it was decided that each application will be decided on its own and the Ordinance wasn't changed.

Mrs. Laszlo understood that variances run with the land but if a home is taken down how could this still apply? Mr. Kennedy felt it was not practical to keep a variance approval of a property where the home was taken down so he did put it in the Rahill Resolution but it should be clarified. Chairman Hall asked if that can be put in every Resolution and Mr. Kennedy said he would do some research on this matter. Mayor Fetzer thought if a home is destroyed more than 50% it now has to conform when rebuilt; Mr. Kennedy agreed but thought this applies to a non-conforming use.

Mr. Ward then asked about the Zoom meeting procedures the Board was supposed to review but still haven't. Mr. Kennedy said he thought we were past that but things change. This Board has gone out of its way to comply so far but we don't know what the future holds, some Boards have gone back to being live and there have some complaints made about this so we don't know as yet. The Sea Girt Board has been following procedures, the big concern was public participation but there has been more than having a live meeting. Mr. Kennedy did not know what will happen in the next few months.

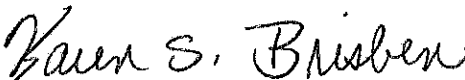
Chairman Hall said he was told we can go back to the school for meetings but he wasn't sure when that will happen, maybe October; he agreed we get a lot more participation through the Zoom meeting. Even if it is allowed for September to go back to the school we can't meet live then as notices have already been sent out, by applicants, for the September meeting stating it will be virtual and the same notice was stated at the last meeting for the Cerami application that will be continued in September.

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A question was posed to Mr. Kennedy if the Board is opening itself to litigation to allow setback variances and he said this is why each application is taken on its own merit. Just because you gave "X" a variance does not mean you have to give others variance relief. The Board has the right to not approve an application if it feels it won't work.

A there was no other business to come before the Board a motion for adjournment was made by Mrs. Brisben, seconded by Mr. Walker and unanimously approved, all aye.

Approved: September 15, 2021



Karen S. Brisben, Secretary