

SEA GIRT PLANNING BOARD
WEDNESDAY, NOVEMBER 20, 2019

The Regular Meeting of the Sea Girt Planning Board was held on Wednesday, November 20, 2019 at 7:00 p.m. at the Sea Girt Elementary School, Bell Place, Sea Girt. 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.

After a Salute to the Flag, roll call was taken:

Present: Carla Abrahamson, Larry Benson, Karen Brisben, Mayor Ken Farrell, Eileen Laszlo, Raymond Petronko, Robert Walker, John Ward, Norman Hall

Absent: Jake Casey

Also present was Kevin Kennedy, Board Attorney; Board member and Secretary Karen Brisben recorded the Minutes. There were 4 people in the audience.

The Minutes of the October 16, 2019 meeting were questioned by Mr. Ward, he found some errors in the Resolution the Board had approved at that meeting. As these were changes to a Resolution that was already approved and sent to all applicants and attorneys, Mrs. Brisben questioned Mr. Kennedy as to procedure on how to handle this. Mr. Kennedy said he will have to look at the changes recommended by Mr. Ward and decide if an amended Resolution will have to be sent out. Mr. Ward felt the approved Resolutions should be an annex to the Minutes and not an actual part of them; Mr. Kennedy again said he will look into it. At this time there was a motion to carry the approval of the October Minutes, this made by Mr. Walker, seconded by Mr. Ward and approved with Mayor Farrell abstaining and Mrs. Brisben opposing.

NEW BUSINESS:

The Board then turned to the only application for the evening, an application for a Minor Subdivision for Block 85, Lot 13, 601 Beacon Boulevard, owned by Estate of Claudia Monteverdi, applicant – Andrew Repoli, Proposed new construction for new lot 13.02, easterly lot: Front Yard Setback - 40 feet required, 34.93 feet proposed. Setback requirement along Edgemere Place (paper street along the tracks), 15 feet required, 5.9 feet proposed. Existing home for new Lot 13.01, west lot: Building Coverage – 20% maximum allowed, 22.3% proposed. Front Yard Setback – 40 feet required, 34.7 feet existing & proposed. West Side Setback – 6 feet existing, TOTAL side setback for Lot 13.01 – 23.24 feet required, 15 feet proposed.

Before starting this hearing, both Mr. Petronko and Mrs. Brisben had to recuse themselves as they both live within 200 feet of the property. Mr. Petronko left the dais and Mrs. Brisben asked if she can stay as she records the Minutes. Mr. Accisano

asked if that was the only reason she was recusing herself and she answered yes, Mr. Accisano had no problem with her staying on the dais.

Mr. Kennedy said he had written to Mr. Accisano on this application; it was first heard back in March 2019 and, with several revisions made, as well as the length of time to come back to the Board for amended relief, Mr. Kennedy felt this should be treated as a new application. Adding to his decision was that two Board members (Chairman Hall and Mrs. Laszlo) were not present at the original hearing, he again stated with so much time passing he felt this should be treated as a new application. Mr. Kennedy then received an email from Mr. Accisano agreeing with his decision, thus this is to be considered a new application.

Chairman Hall then spoke and said the Board does not have a plot plan for the new construction for Lot 13.02 and yet this proposed construction is shown on the subdivision plan. He questioned if it was proper for the Board to approve this without seeing plans, he felt this should be a Board decision.

Mr. Kennedy first wanted confirmation that Chairman Hall was comfortable with considering this a new application and he was. He then wanted to know if anyone in the audience that received a notice had any issues with same and there was no response; Mr. Kennedy said he had gone over the notice that was sent out and all was in order with property owners within 200 feet being served as well as the newspaper.

He then asked Mr. Accisano to address Chairman Hall's concerns regarding the proposed new construction. Mr. Accisano said they absolutely will comply with the Ordinances regarding building, all they are asking for now is to show the line where the home will be, they do not know what the home will look like yet. Mr. Repoli, the applicant, is an architect but he will not be building this; Mr. Accisano said he had a illustrative photo of what will be presented as a sample home which will be shown later. Chairman Hall said they never had approval for variance relief that the Board did not see the plans. Mr. Accisano said the Engineer's report says the home will be subject to approval of the Engineer and Zoning Officer; it is not as if they are approving it without seeing it and all plans will be submitted to the proper authorities as the Engineer asks. Chairman Hall said he was okay with proceeding if the Board agrees.

Mr. Accisano then said the new building right now has a variance request for less than a 40 foot frontage and they are removing that request so that part is taken off the application. Mr. Ward said he was concerned with the side setback and Mr. Accisano explained the sole reason for this is due to the paper street that affects this one lot and this is what creates the side yard variance need; he commented the paper street will never be built and Mr. Ward was okay with going forward. Mayor Farrell agreed that the Zoning Officer and Engineer will review the plans and rule on them, if a variance is needed they will get a letter of denial. Also, the rest of the Board was in agreement that the application should go forward.

At this time Mr. Kennedy marked the following exhibits:

- A-1. The Planning Board application.
- A-2. Minor subdivision plan done by Lakeland Surveying dated 10/16/18.
- A-3. Topographic plan done by Lakeland Surveying dated 1/2/19.
- A-4. Avakian Engineering review dated 10/8/19.
- A-5. Subdivision Committee review dated 1/30/19.
- A-6. Kevin Kennedy letter to Patrick Accisano dated 11/4/19.
- A-7. Email from Patrick Accisano dated 11/4/19.
- A-8. Memo from Borough Tax Assessor approving lot numbers, dated 3/7/19.
- A-9. Plot Plan done by KBA Engineering, revised 10/8/19.
- A-10. Photo of aerial bird's eye view of property and surrounding area.
- A-11. Aerial photo of neighborhood from Google maps.
- A-12. A color photo of the Right-of-Way on Edgemere Place showing the utilities, taken with Mr. Accisano's phone.
- A-13. A color photo of the existing home which is to remain, taken by Mr. Accisano.
- A-14. A color photo of the existing side yard for the new lot.
- A-15. Illustrated photo of what the new home will look like.

Mr. Accisano was then asked to identify all the applicants and he said the property is in the name of Estate of Claudia Monteverdi and her three sons are the co-executors of the Estate, Matthew, Andrew and Mark Repoli. The witnesses here tonight are Joe Kociuba of KBA Engineering, who is testifying as an expert Engineer and Planner and Andrew Repoli, co-executor; they were sworn in. Mr. Repoli said he and his brother Matthew are here tonight, his other brother just got out of the military service and is in Virginia.

Mr. Accisano told the Board they are asking for a minor subdivision for two lots with variance relief, they were here back in March 2019 and there was some confusion over the details of the subdivision so they are back with revised plans and to answer all questions. Proposed Lot 13.01 will have the existing home and proposed Lot 13.02 is now the vacant side yard where the new home will be built. The minimum lot size in Sea Girt is 7,500 square feet and the lot is a foot less than 21,000, it is 20,999 square feet so is oversized. There are a number of variances requested, one is for the home's front porch for lot 13.01 which is 34.7 feet existing. The rest of the variances come from the paper street Right-of-Way which puts this property on a "street" even though it's a paper street and side yard setback relief if needed. He showed this on Exhibit A-3 where Edgemere Place is shown as a paper road; this will not become a street and, if this was not there they would be in full compliance.

At this time Mr. Andrew Repoli came forward, giving his address as 3616 Henry Hudson Parkway, Apt. 5C North, Riverdale, N.Y. He testified that this property has been in his family for close to 70 years, his grandparents had it and then his mother inherited it back in the 90s; she passed away in 2016 and the 3 sons inherited it. They love Sea Girt and have been good stewards to this property and plan to maintain it,

there are 3 families involved and they want to create another home on Beacon Boulevard. There also is a lot on Chicago Boulevard they own and plan to build a home on that. Mr. Accisano said the Board is concerned about what will be built and Mr. Repoli explained he is an architect but he is a Research Architect for New York University, doing homes is not something he does; he plans on working with Atlantic Modular and putting a modular home up. Mr. Accisano noted this is shown on Exhibit A-15, the home will not be exactly like this but will be along the lines. Mr. Repoli agreed it will be similar and he felt it will fit in the neighborhood, it will be a shingle style revival home as is typically found in Sea Girt, Manasquan and Brielle. They are not doing this for an investment, they want to make a family compound. Mr. Walker asked if Exhibit A-15 was an actual photo and the answer was yes, it is a home on Ocean Road in Spring Lake Heights. Chairman Hall asked if the existing home is staying in the family and Mr. Repoli said yes, their intent at this time is to keep it.

Mr. Ward asked what happens if the home is sold, does the variance for the front yard setback still apply? Mayor Farrell said Sea Girt has a 50% volume Ordinance so if more than 50% of the existing home is knocked down then they have to comply. Mr. Kennedy offered to have this in the Resolution.

As there were no audience questions Mr. Joe Kociuba of KBA Engineering came forward and he was accepted as an expert witness. He said this lot is uniquely shaped and is wider at the front than at the rear and also fronts on Edgemere Place, the paper street that was never built and electric and water lines now run through it so he did not think it would ever be improved; it is grassy and wooded but it creates a frontage for the Monteverdi lot so the proposed garage will not comply with a 15 foot setback, they need a variance for 5.02 feet. He also said he will bring in revised plans showing the porch variance removed for the proposed new home. Both lots are in the residential zone but are across from Edgemere Park; they will conform in size and width.

The existing home does have a porch closer than 40 feet but it seems in line with many of the homes on this street, the home was conforming when it was built but the Ordinance has been changed, it requires a total side yard setback of 30% and they have 19.36%. He looked at the home to the west and it is about 11 feet from the existing home and there will be 16 feet between the existing home and the new home to be built on the easterly lot. He continued that there are homes that seem to have 10-12 feet between dwellings but he did not do measurements, however, these new lots are wider and have to comply with the Ordinance. He referred to Exhibit A-10 to show what the area.

He then addressed the need for building coverage relief and, after reviewing the plans, did not think they would need this variance relief. They took into account all the buildings and, technically, a one-car garage is not included in building coverage but there is storage there so they included it but now realize they didn't have to. There is also a 1 foot above grade issue for deck coverage and they can re-grade if needed; if they do these two changes they do comply with the 20%, they need to reduce coverage by 268 square feet and they will reduce it by 286 square feet. They are doing no

changes but around the deck. However, the garage on the new lot 13.02 needs relief but if this were a true side yard it would comply; it makes more sense to have the garage here in this location and they feel it's natural to request this relief. As far as drainage, all goes from the back to the front so there is no problem with this, the utility lines will be underground and they will have new curbing and sidewalks.

He then defined the C-1 and C-2 criteria here. Under C-1 – this is a unique lot with no land to purchase so a hardship exists. Under C-2 – The benefits of Zoning are promoted and this will improve the neighborhood with two overly large lots, this equates to 2.7 units per acre and the norm here is 5.8 units per acre. There will be ample open space as the homes will be 16.4 feet apart and there will be no detriment to the public good. He ended by saying he felt the Board can grant the variances. Mr. Accisano asked him what size home could be built on the existing lot, Mr. Kociuba said a 10,000 square foot home could be built which would be out of character in this neighborhood. Mr. Accisano said the neighbors are the Railroad Tracks and then Sixth Avenue so there is a lot of space.

There were no questions from the audience so the Board asked questions. Mr. Ward said the Subdivision Committee report asked about saving trees and was told Lot 13.02 will have trees removed, they will be identified and go through the process with the town, the trees on the existing lot are okay. Mr. Ward asked about the detached garage not being considered in lot coverage and Mr. Kociuba agreed this is strange but the Ordinance says a detached garage is not part of building coverage; Chairman Hall added if there were a room above the garage it would be different.

As there were no further questions from the Board, Mr. Accisano summed up the application and felt the positive and negative criteria were proven, Edgemere Place has utilities running through it and they feel it will never be built. This request for a Minor Subdivision will result in the building of a home that will fit in and there will not be a 10,000 square foot home. They are asking for approval.

Chairman Hall asked Mr. Kociuba asked about the average setback on Beacon Boulevard and he said he did not check this but felt other homes may be non-conforming. Mayor Farrell said some other homes here are not within the 40 foot setback.

At this time the Board gave their comments, Mr. Benson had no problem with the application & the variances, both Mr. Ward and Mr. Walker were also in support. Mayor Farrell had no problem with the lot coverage and agreed the garage does not count; he also did not think Edgemere Place will ever be developed and felt the proposed garage is being put in the proper place. Mrs. Abrahamson was also for approval as well as Mrs. Laszlo. Chairman Hall commented that he is always glad to see an existing home stay.

The hearing was then opened to the public and, as there was no response that portion was closed and Mr. Kennedy went over the conditions, including the point that if

the building is destroyed by more than 50% it will have to conform and the front yard variance will not apply, the new proposed home will need approval from the Zoning Officer and Engineer, the front yard variance for the proposed home is eliminated and there will be compliance with the Engineer's report and the deck will be regraded.

Mayor Farrell then made a motion for approval with conditions as noted above, this seconded by Mrs. Laszlo and then by the following roll call vote:

Ayes: Carla Abrahamson, Larry Benson, Mayor Ken Farrell, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Noes: None

Mr. Petronko returned to the dais at this time.

OTHER BUSINESS:

Chairman Hall asked Mr. Ward to give a brief report on the Downtown Revitalization Committee and Mr. Ward said the plan is to have a report in April before the Planning Board. They are starting off with plain paper and they just are trying to figure out what to do with the downtown, they hope to categorize suggestions, they are meeting at his home. Mr. Petronko asked if the Board will get feedback and Chairman Hall said Mr. Ward give a report at every meeting. Mr. Ward said there will be a series of ideas and they will have reports, he had also passed out a list of the committee members which is attached at the end of these Minutes.

Before adjourning Mrs. Brisben asked Mayor Farrell about the status of the Borough subdivision along the railroad tracks; the Mayor said they have decided to take it off as there will be a referendum on a new Borough Hall next year, they want to see what this referendum brings so they are pulling the application off the December meeting. Mr. Kennedy said the standard is to do a Resolution to Dismiss without Prejudice and commented he has spoken to the Borough Attorney, Nicholas Montenegro who did not want this Resolution to be done tonight, there is another meeting of Council so the Resolution will be presented at the December meeting.

Mr. Petronko suggested putting out a flyer on the referendum and Mr. Farrell said they are working on a better website. Mr. Petronko then asked if the Board has to continue to meet at the school auditorium can there at least be seats for the audience and not the benches that are used now. Mrs. Laszlo asked Mr. Ward if he was pleased with his committee and the answer was yes, Mr. Ward commented there is even a "snowbird" on it.

As there was no other business to come before the Board, a motion to adjourn was made by Mr. Petronko, seconded by Mayor Farrell and unanimously approved, all aye. The meeting was adjourned at 8:38 p.m.

