

SEA GIRT PLANNING BOARD
WEDNESDAY, JUNE 17, 2020

The virtual Regular Meeting of the Sea Girt Planning Board was held on Wednesday, June 17th, 2020 at 7:00 p.m. 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.

As this was a virtual meeting there was no Flag Salute; roll call was taken:

Present: Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Absent: Raymond Petronko

Note: Larry Benson had submitted his resignation as he was moving out of town so he was not in attendance.

Kevin Kennedy, Board Attorney was also present and Board member and Secretary Karen Brisben recorded the Minutes.

The Minutes of the February 19, 2020 meeting were approved on a motion by Councilwoman Anthony, seconded by Mayor Farrell and then by a roll call vote:

Ayes: Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Mayor Ken Farrell, Norman Hall

Noes: None

Abstained: Carla Abrahamson, Eileen Laszlo, Robert Walker, John Ward

NEW BUSINESS:

Before starting, Mr. Kennedy first wanted to have it on the record that the Board did put a notice in the two official newspapers (Coast Star & Asbury Park Press) that gave the log in information to take part in this virtual meeting so this is a lawful meeting of the Board. Also, the plans & application to be heard tonight (405 Boston Blvd.) was put on the Borough website more than 10 days before this evening, it was also noted on the notice that if anyone had any issues they could contact the Board Secretary. The attorney for this matter, Michael Rubino, has also notified properly and put the Zoom meeting information in his notice. Mr. Kennedy commented this is our first time on a virtual meeting and he felt that an extensive job was done in getting ready for this. Mr. Rubino commented this application does not have objectors and he agreed on proceeding.

Before starting the application for the evening, the Board first turned to consideration of a Resolution for Block 76, Lots 4 & 5, 523-533 Washington Boulevard, owned by Just Us 3, LLC, to dismiss the Planning Board application to allow the conversion of an existing mixed-use building as the plan has been revised to comply with current Zoning laws and no longer requires Planning Board approval.

Mr. Kennedy noted this is an odd situation as Just Us 3, LLC had obtained variance approval for allow a non-permitted use at 523-533 Washington Boulevard and they now want to go back to a permitted use on this site; after some considerations they redid their plans to comply with the Zoning Ordinance so this application can now be Dismissed Without Prejudice; we do have a letter saying they are abandoning the prior use.

Mrs. Brisben explained that the Use Variance granted years ago let them use the upstairs area for office space instead of apartment use as it is zoned for. They now want to use the upstairs for apartments and abandon using this for office space, so they are now going into compliance. Mr. Ward asked if any successor to this property can go back to using this as office space and Mr. Kennedy said no, this has been abandoned and can only be used for apartments.

As there was no further discussion on this matter, the following was presented for approval:

WHEREAS, Agents of Just Us 3, LLC / Paglia Family, LLC previously submitted a Development Application to the Borough of Sea Girt; and

WHEREAS, the said Application involved the property located at 523-533 Washington Boulevard, Sea Girt, New Jersey, more formally identified as Block 76, Lots 4 and 5; and

WHEREAS, the said Application sought Variance Approval to effectuate the following:

- Conversion of an existing mixed-use building (commercial / office use) (previously approved by the Planning Board) to a mixed-use building (commercial on the first floor and 2-residential apartments on the 2nd floor); and

WHEREAS, though the proposed mixed-use is a permitted use, the Application, as initially presented, required a Variance for certain parking stall dimensions, etc.; and

WHEREAS, the Sea Girt Planning Board has jurisdiction to grant such Variance relief; and

WHEREAS, upon further review, the Applicants' representatives caused the Plans to be revised so that the parking design / layout / count complies with all Prevailing Zoning Requirements; and

WHEREAS, the Applicant's representatives previously indicated, in writing, that the Applicant has perpetually and knowingly abandoned any rights associated with the previously approved Application; and

WHEREAS, as such, and as a Variance-free compliant proposal, there is no longer a need / basis for any official Planning Board review / action; and

WHEREAS, under the circumstances, it is appropriate for the Planning Board to officially dismiss the Application, without prejudice; and

WHEREAS, dismissal of the Application, as aforesaid, without prejudice, will a) allow the matter to be cleared from the Planning Board calendar; b) allow the Borough / Board officials to officially close-out the Application; and c) allow any remaining escrow funds, if any, to be returned to the Applicant;

NOW, THEREFORE, BE IT RESOLVED, by the Sea Girt Planning Board as follows:

1. That at the request of the Applicant's Representatives, coupled with the submission of a Zoning-compliant proposal, and the abandonment of the prior approval, the subject Just Us 3, LLC / Paglia Family, LLC Application is hereby dismissed, without prejudice.

2. That the Applicant shall cause all outstanding escrow charges (and other appropriate charges) to be satisfied in full.

3. That upon satisfaction of all applicable charges, any remaining escrow can be returned to the Applicant.

4. That the Board Secretary, Board Attorney, and Zoning Office Representatives are hereby authorized to take all reasonable actions necessary to effectuate the intentions of the within Resolution.

5. That a certified true copy of the within Resolution shall be forwarded to the following:

- A. The Applicant's Attorney;
- B. The Board Attorney; and
- C. The Borough's Zoning Office

A motion to approve the above Resolution was made by Mr. Ward, seconded by Mr. Walker and then by the following roll call vote:

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Noes: None

The Board then turned to an application for variance relief for Block 60, Lot 3, 405 Boston Boulevard, owned by Michael & Margaret Sullivan, to allow construction of a new addition to the rear of an existing dwelling and an addition to the front porch. Lot coverage – 20% allowed, 17.97% existing, 21.8% proposed. Front Yard Setback – 40 feet allowed, 35.8 feet existing, 34.1 feet proposed. Side Yard Setback – 5 feet minimum, combined total 15 feet minimum allowed; existing & proposed total 12.9 feet. Existing Variances: Side Yard Setback, Accessory Structure – 5 foot minimum required, 4.55 feet existing & proposed. Rear Yard Setback, Accessory Structure – 3 foot minimum required, 2.7 feet existing & proposed.

The proper fees were paid, taxes are paid to date and the property owners within 200 feet as well as the official newspaper were properly notified. Mr. Kennedy had gone over the notices with the Secretary and said it was all done correctly, he then

asked if anyone in the virtual audience had any problems or issues with the notice and there was no response.

Mr. Kennedy then proceeded to mark the following exhibits:

- A-1 – The entire application package and addendum.
- A-2. Plot Plan done by KBA Engineering dated 12/3/19, revised 1/3/20.
- A-3. Architectural plans done by Virtuoso Architecture, Paul Grabowski, dated 12/20/19, 7 sheets.
- A-4. Survey done by The Cannon Group, P.C., dated 4/22/19.
- A-5. Leon S. Avakian memorandum dated 4/14/2020.
- A-6. 6 pictures, put on the website and showing the property.

At this time Mr. Rubino was invited to speak and noted that both Mr. and Mrs. Sullivan were on a computer and able to testify. He said the application is for 405 Boston Boulevard and the Sullivans, the owners, plan to move here permanently when they retire. The addition is to the back of the existing home and that addition is compliant, it is the eastern side yard that is in violation. Also they want to improve the front porch and it will create a violation of 34.1 feet setback where it is now already in violation at 35.8 feet where 40 is required. These additions will also increase lot coverage to 21.8% where 20% is the maximum allowed. Mr. Rubino felt the front porch addition will enhance the home and he did not feel the lot coverage of 21.8% was out of line. The porch addition will come up to 140 square feet more on the porch.

At this time Mrs. Margaret Sullivan was sworn in, she owns the property along with her husband Michael, they have owned this home for 3 years. They are planning retirement and she commented that once the additions are done they will be living here full time. They used to come down back in the 80s and did the Spring Lake 5, did rentals here and had a dream to buy a home in Sea Girt, they now live in Chatham. Their children are now all grown and they want to be here in town for the grandkids. The existing home is a Cape Cod style and they are not changing it, just want to add a nice front porch to use; they have met with their neighbors and have gotten support for this project. She also wanted to comment that she felt this will give better curb appeal. Right now there is a family room in the back that used to be a porch, it is not heated so they can't use it year around, they want to remove that and put in a true family room, with a fireplace, and put a third bedroom above it. Mrs. Brisben asked if any trees will be removed and Mrs. Sullivan said no.

As there were no other questions from the Board or public, the hearing was opened to Paul Grabowski, Architect, who is a licensed NJ Architect; he was sworn in. He said the Sullivans love the Cape Code look and do not want to knock it down. They are putting in a Master Bedroom on the first floor, the existing screened porch will be removed and made into a great room off of the kitchen. He then referenced Exhibit A-3, the architectural plans where he showed all he spoke of as well as the front porch area, which now is 5x5 feet and is too small; he is going to relocate the front door and redesign the porch for better usage, also, this will have a southern exposure so it needs

a cover. On the second floor bedroom #4 is staying intact other than adding a dormer, bedroom 3 will now have a hallway to the back of the home. He noted this is a 1 ½ story home so they extended the roofline and he showed an architectural photo of the proposed front porch and dormer. There also will be metal roof details and overhang details as shown on the photos. The addition on the rear of the house is 390 square feet and there is 140 new square feet for the front porch. Mr. Rubino commented the front porch will be 22.5 feet wide by 6 feet deep so it will be a modest porch and they are reducing the impervious coverage as they are removing part of the pavers. Mr. Walker asked how much more square footage will the great room be and Mr. Grabowski said it will go from 290 square feet to 390 square feet. Mr. Casey asked how much further out from the first floor is the porch and the answer was 6 feet. Mr. Ward asked if work will be done in a basement and Mr. Grabowski said it will be finished with new crawl space. Mayor Farrell asked when the home was built and the answer was late 40s, early 50s.

As there were no further questions to Mr. Grabowski Mr. Joe Kociuba of KBA Engineering was sworn in, he is the Engineer and Planner for this project and is licensed in N.J. He put on the screen Exhibit A-2, the plot plan for this 50x150 foot property on Boston Boulevard in the middle of the block. This home has a basic front porch about 4 feet off the home and is in the front yard setback, the proposed porch will extend another 21 inches forward. The existing nonconformities for the garage will not be affected by this project. Mr. Rubino asked Mr. Kociuba if most of the homes on this street will match this proposed extension and Mr. Kociuba said the home to the right at 403 Boston is at 39.8 feet for the front yard setback and the home at 407 Boston is back farther at 44 feet, he said this porch will be further out. He then referenced the C1 and C2 Criteria and said this is a unique condition as the existing structure lawfully exists and porches are a prominent feature on homes in the area. As far as the C2 Criteria the purpose of zoning is promoted and this project provides a visual environment, they are not knocking down the existing home and are bringing it up with renovations. On Negative Criteria there is no detriment and the existing porch is now within the setbacks; there will be no impact on light, air and open space, no detriment to the Zone Plan or Zoning Ordinance.

Mr. Kociuba noted the Master Plan Update which says there should be an exception to allow changes for porches that will not project more than 8 feet further in the area and this porch is not a substantial size. Mrs. Brisben asked if drywalls are there now and the answer was no, they will be putting in two as shown on the plans. Mr. Ward commented that the Master Plan Update does not say that a porch should have a story above it. He also said the driveway looks like it is 7 feet wide and Mr. Kociuba agreed and said this is an existing non-conformity. Mr. Ward then asked about window wells and was told there are two; Mr. Grabowski said they do not count and Mr. Kociuba clarified this by explaining egress wells are not permitted but these type of window wells are okay and Chairman Hall agreed with this statement.

Mr. Ward then asked if pavers are being removed and the answer was yes. Councilwoman Anthony asked for clarification on how much over on the side setbacks

they are and Mr. Kociuba said they are 5.9 feet from the neighbor to the right, the other side (east side) is 4 feet; he noted the neighbor to the east has their home back further. Councilwoman Anthony noted the basement plans show a bedroom, office, etc. and wondered about structural concerns and Mr. Kociuba said there were no concerns. She said she wanted to be sure due to fire concerns for emergencies. Mr. Grabowski added there is one door out and a 3x3 egress well. Mr. Casey asked how high is the existing front stoop, he sees it as 8 inches and Mr. Kociuba agreed. Mr. Casey asked about the construction above the porch and was told this will be attic space. Mr. Grabowski said this is a Cape Cod style home and this is the way they took this approach by putting in a $\frac{1}{2}$ story attic, the nature of the home calls for this as it is not a 2 $\frac{1}{2}$ story home – from an Architect's view the look is better.

At this time the hearing was open for any questions or comments from the audience and Laura DePietro of 407 Boston Boulevard asked to comment and was sworn in. She is the neighbor to the west and supports this as it will be a great asset to the neighborhood and commented they are wonderful neighbors; both she and her husband are on board with this. Next to be sworn in is Derick Serpe of 307 Ocean Avenue who also supported this application and commented that Mr. Grabowski designs beautiful homes. As there were no further comments Mr. Rubino was asked to summarize the application.

Mr. Rubino said the Sullivans are trying to fix up this existing home and want to fix the front porch, he commented the bump-out above is a better architectural design and will be attractive, this is a modest porch and addition and it will enhance the look of the home.

The Board then went into discussion and comments. Mrs. Brisben said she is in favor of porches, she looked at the property and did not think it will even be noticed with the trees in the area. Mr. Ward also was in favor but would like to have seen the back addition made a little smaller due to the lot coverage overage. Mr. Robert Walker also was concerned with the addition size but agrees the application is okay as presented. Mrs. Abrahamson was glad they were not knocking the home down and felt it will look great, she was in support. Mayor Farrell also was supportive of this application, too many people come into town and built to the max. This is a 1 $\frac{1}{2}$ story home and there should be plenty of room for the family, he said he spoke to a neighbor across the street who is also in favor of this. Mrs. Laszlo thought it was a beautiful design, she loved the proposed porch and she wished the Sullivans the best. Mr. Casey was concerned about the porch affecting the neighbors but they are okay with it so he was as well. Councilman Anthony thought there was charm in the existing home and loved the front porch addition as well, she thanked the Sullivans for doing the improvements. Chairman Hall said all comments were made and he was in favor of it as well.

At this time Mr. Kennedy went over the conditions of the Resolution and noted revised plans will have to be submitted showing the 7 foot nonconforming driveway and showing the plans with the proposed pavers removed. Mr. Ward asked Mr. Kennedy to

be sure to have a statement in the Resolution concerning the maintenance of the drywells; Mr. Kennedy said that is standard and will be in there.

At this time a motion was made by Mayor Farrell to approve the application, as presented, this seconded by Mrs. Laszlo and then by the following roll call vote:

Ayes Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Noes: None

Before adjourning, Mr. Ward said he would like some time in the July meeting to present his Committee report on the Downtown recommendations, he would need maybe 45 minutes. Mr. Kennedy asked the audience if anyone had any public comments to make and, as there were none, a motion was made by Mayor Farrell to adjourn the meeting, this seconded by Mr. Ward and unanimously approved, all aye. The meeting was adjourned at 8:26 p.m.

Approved: July 15, 2020