

Wednesday, May 17, 2023

SEA GIRT PLANNING/ZONING BOARD
REGULAR MEETING
WEDNESDAY, MAY 17, 2023

The Regular Meeting of the Sea Girt Planning/Zoning Board was held on Wednesday, May 17, 2023 at 7:00 p.m. at the Sea Girt Elementary School on Bell Place as well as being a hybrid meeting.

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.

Kevin Kennedy, Board Attorney, and Peter Avakian, Board Engineer were present and Board Secretary Karen Brisben recorded the Minutes, there were 13 people in the audience and 3 people online.

A Salute to the Flag was done, then the following roll call:

Present: Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben, Tom Britt, Jake Casey, Mayor Don Fetzer, Stan Koreyva, Eileen Laszlo (arrived 7:06) Robert Walker, John Ward, Norman Hall

Absent: None

Chairperson Hall asked if anyone in the audience or on the Zoom meeting wanted to discuss any item not on the agenda and there was no response. He then noted the correspondence the Board had received: Notice of a CAFRA permit for the Sea Girt National Guard Training Center to allow construction for a storage building and running track, as well as a Notice of a DEP permit for the Training Center. Mr. Avakian said this is just a formality to let the town know and it will be reviewed by his office.

Before going any further, Mr. Kennedy wanted to state that this meeting and the logon information had been advertised and, therefore, was a lawful meeting. Mrs. Brisben was then asked to explain the June meeting and she said the Board is not able to use the school in June due to graduation activities so the next meeting of the Board will be on Zoom only and not live. The Board will be meeting again at the school on Wednesday, July 19th at 7:00 as well as being hybrid.

He then asked about the Minutes of the April 19, 2023 Minutes and Chris Willms, who was the Acting Secretary for that meeting, stated the Minutes were not finished as yet; they will be approved at the June 21, 2023 meeting.

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OLD BUSINESS:

The Board turned to the continuation of a variance hearing for Block 100, Lot 3, 705 New York Boulevard, owned by Brent & Diane Ireland, to allow renovations/alterations to an existing home.

Mr. Kennedy asked to have both Mr. Avakian, Board Engineer and Chris Willms, Zoning Officer sworn in and this was done. He then wanted to mark new exhibits into evidence as follows:

- A-7. Architectural Plan, sheet A-S1 revised 5/1/23.
- A-8. Aerial map, one sheet, prepared by Charles O'Malley, PLS, dated 4/24/23.
- B-1. Board Engineer review memorandum dated 3/23/2023, revised 5/15/2023.
- B-2. Certification of listening to the Tape of the April 19, 2023 meeting by Karen Brisben, who was absent at that meeting and is now eligible to vote.
- B-3. Certification of listening to the Tape of the April 19, 2023 meeting by Tom Britt who was absent at that meeting and is now eligible to vote if necessary

Mr. Kennedy explained to the audience that if a Board member is absent at a hearing that is carried, they are not eligible to vote for or against the application; if they listen to a tape of that hearing they are then eligible to vote. Mr. Walker spoke and said he was also absent at the April meeting but did not listen to a tape and Mr. Kennedy then explained that he can participate in the hearing this evening but is not able to vote on the matter.

At this time Mr. Mark Aikins, Esq. came forward to present this continuation and confirmed the members eligible to vote and commented on the amount of neighbors in the audience who support this application. He noted at the last meeting the Board had asked him to provide proof of the average setback, through a map showing the setbacks on this side of the block and this has been done, Exhibit A-8.

He then asked that the Architect, Mark Marcemerget, come forward and it was noted he was sworn in at the last meeting and is still under oath. He explained that Exhibit A-8 was done by Charles O'Malley showing the front yard setbacks and this is referenced in the revised Architectural Plan, Exhibit A-7, revised to show this information and he said his plans are consistent with the averages calculated. Mr. Aikins asked if Exhibit A-8 shows the property to the east of 705 New York Boulevard, 703 New York Boulevard and the answer was yes and the setback to that front porch is 30.4 feet, the applicant is proposing 32.3 feet, almost two feet farther back.

Mr. Aikins then spoke about a variance that was granted by the Sea Girt Zoning Board back in October of 2001 and had a copy of that approving Resolution, this was marked as Exhibit A-9 by Mr. Kennedy, Resolution dated 3/17/2001. Mr. Marcemerget said that, according to the Resolution, the Board granted approval of a front porch which ran the whole width of the structure and was granted a variance for the front yard setback. This replaced an existing porch that was there and the new one is wider and

deeper than the original. Mr. Aikins noted the variance approval was for 28 feet but the porch was built at 30.4 feet.

This concluded the Architect's testimony and Chairman Hall opened it up to the Board for questions and Mr. Ward asked Mr. Avakian how the average is determined. Mr. Avakian said that, typically, the survey will show the measurement to the house structure, if there is a basement wall it would be to the basement and then to the structural foundation to the porch, that's why two different measurements are given. In terms of setbacks it is typically measured to the porch. Councilwoman Anthony asked if there was a hardship requested in the old Resolution and Mr. Aikin said they concluded that the relief requested was not a detriment to the public good and not against the zone plan, so it was a Flexible C variance and not a hardship. Mr. Britt added that this property was under the 20% coverage allowed; Mr. Aikins said the Resolution says they "believe" it was less than 20% coverage. Chairman Hall and Mr. Kennedy reminded everyone that each application is taken on its own merit and no precedent is set, Mr. Aikins agreed.

Mayor Fetzer asked if the average setback they used is the existing one and did they calculate what it will be with the change in the average front setback and Mr. Avakian said it will go from 36.24 feet to 35.75 feet. Mayor Fetzer then asked about the back patio/deck, he did not hear any testimony on it and Mr. Aikins said it complies with the Ordinance and Mr. Marcnemerget explained the wood frame deck and how it complies with the side and rear yard setbacks.

It was then time for audience questions and there was no response so Chairman Hall opened it up for audience comments and Sue Blasi, who lives across the street from the applicants, came forward and it was stated she was sworn in at the last meeting and is still under oath. She said that she was part of the Master Plan update and they wanted to discourage tearing down homes and building large homes, so the Irelands are fulfilling the Master Plan as they could have demolished the home and built a monstrous one. The home needs a porch and would beautify the whole neighborhood; this variance application is less than what 703 New York Boulevard asked for, if it were extending way out she would be the first to protest. These homes were built in the 1950s in the old race track area and are different from others; she felt they are being handcuffed due to the way these homes are built and to fit in an Ordinance that really doesn't relate to over there where the homes are all built alike. If one drives down Chicago Boulevard or other parts of town there are homes being demolished and larger ones being built. She again stated the Irelands are doing the right thing and the whole block supports this application. The next person to speak, online, was Matt Mastrorilli, 701 New York Boulevard, who was sworn in. He agreed with what Ms. Blasi said, porches are good for the town; he is on the other side of 703 New York Boulevard, the Prindiville's home with the porch that received the variance back in 2001 and the porch for the Irelands doesn't go out as far. He was not concerned with the front yard setback and agreed that a lot of the neighbors on this block are for this application as well. Next to be sworn in was Patricia Prindiville of 703 New York Boulevard who lives next door

and fully supports the application. She felt it adds to the aesthetics of the neighborhood.

As there were no further comments from the public that portion of the hearing was closed and the Board went into discussion. Mr. Casey appreciated the support of the neighbors but still has concerns as the building coverage will be 18% over what is allowed and he felt that was significant. The Master Plan does encourage front porches but not going over the 20% building coverage so he didn't feel this is consistent with the Master Plan and was also concerned over the creeping towards the sidewalk of the front yard setback which could become significant if other homes do this. Mr. Ward supported what Mr. Casey said and noted that 5 of the 7 homes on this block have turned over in the last two years and he felt this may encourage others to do the same with their homes. He also felt that the application from 2001 that was approved may not be relevant today as this was before Hurricane Sandy and also felt the 18% over in building coverage is excessive. Councilman Anthony, too, considers the front yard setback in regards to the Master Plan; this is nonconforming and she was not in favor and had the same decision on this as she had at the last meeting.

Mr. Britt had listened to the tape as he was absent at the April meeting and felt that the Board seems to do well where the strict application of the Ordinance applies. The Board has granted these at times and felt this was a simple application in as they are asking for something they don't have and they want more for their home, that is what is driving this request. Porches are great and he noted that 701 New York has a porch that is carved out and this is one way to do this, he found it difficult to approve something that has nothing around it to support the desire to have more than what is there now. Mayor Fetzer thanked all for coming out this evening and their comments but he, too, was troubled by the excessive encroachment on the setback and felt it was a severe constraint. The porch architecture is beautiful but he cannot support it due to the setback.

Mr. Koreyva stood by his comments from the April meeting and is looking forward to voting for this application as presented. Mrs. Abrahamson agreed with Mr. Koreyva and was for approval. Mrs. Brisben said this is the Zoning Board of Adjustment which means this Board can adjust the zoning and reiterated that each application stands on its own. Ms. Blasi explained how the homes were built back in the 1950s and the zoning of today was not in effect back then, there are far too many beautiful homes coming down in town and she was in support of this application, this is about a foot more in the setback and it is an open porch, not a big enclosed addition. She asked Mr. Aikin if the porch would ever be enclosed and he said it would not; she then asked Mr. Kennedy to have that in the Resolution and he said it would. Mrs. Laszlo was a yes on the application as she did last month and noted the neighbors stated this would add to the aesthetic of their neighborhood. She did not feel it was the Board's purview to worry about the "creep" of the setback as each application is on its own merit and used buying in a flood zone as an example, if you don't want to be in a flood zone then don't buy in a flood zone. It is not the Board's job to be worried about the next application and how this may impact the future. She thanked Mr. Aikins for his time and effort on behalf of

this application. Chairman Hall felt the Master Plan has to do with new construction and really not on existing structures. The Master Plan does reference front porches. He felt the big thing here are the people supporting this, they want this done, this is their neighborhood and he questioned why is the Board not allowing it. The neighbors want to see front porches and not major structures being built here and he was totally in favor of this application. Mr. Walker then commented, he can't vote on this application as he was absent last month but he felt this is what this block needs.

Mr. Aikins gave his summary and thanked the Board for their consideration in this matter, there were two very thorough hearings. He also wanted to thank the neighbors for coming out, he has been doing this for 40 years and doesn't remember a time when every neighbor came out to support an application and no neighbors came out against. There is no substantial detriment to the Zoning Ordinance or Master Plan as evidenced by the neighbors coming out in support. He quoted "A porch is a place where you can sit and birdwatch, feel the breeze, rock your chair, take a nap, visit friends, slow down and last but not least, watch the sunset."

Mr. Kennedy then went over the conditions of the Resolution if it is approved: compliance with the testimony given, compliance with the Leon S. Avakian Engineering report, compliance with Affordable Housing rules, 24 months to obtain a building permit, grading and drainage details to be approved by the Board Engineer, landscaping maintained as replaced as needed, drywell requirement as per the Board Engineer, approval is for only what has been approved by the Board, obtaining outside approvals, compliance with all building/construction code requirements, no enclosure of the open porch, no roof and drain on the rinsing station, prevailing requirements with the roof pitch. Mr. Aikins was okay with the conditions noted.

At this time Mrs. Laszlo made a motion to approve the application with the conditions as stated by Mr. Kennedy, this motion seconded by Mrs. Abrahamson and then by the following roll call vote:

Ayes: Carla Abrahamson, Karen Brisben, Stan Koreyva, Eileen Laszlo,
Norman Hall

Noes: Councilwoman Diane Anthony, Jake Casey, Mayor Don Fetzer, John
Ward

Not Eligible to Vote: Tom Britt, Robert Walker

NEW BUSINESS:

The Board then turned to an application for Site Plan/Variance relief for 535-541 Washington Boulevard (Evolution Auto Spa), owned by 519 Washington Boulevard, LLC, to allow the second floor to be converted from an apartment to a customer lounge area. Variance required for no off-street parking spaces. Existing Nonconformities: Minimum Lot Depth – 150 feet required, 125 feet existing. Minimum

Side Yard Setback – 6 feet required, 1.6 feet on West side existing. Minimum Rear Yard Setback – 30 feet required, -0- feet existing. Building Coverage – 7,040 square feet maximum allowed, 7,068 square feet existing.

The correct fees were paid, taxes are paid to date and the property owners within 200 feet and the newspaper were properly notified. Mr. Kennedy asked if anyone in the audience had any issues with the notice if they received one and there was no response. He then had Peter Avakian, Board Engineer and Chris Willms, Zoning Officer, sworn in.

Mr. Kennedy then marked the following exhibits:

- A-1. The application package.
- A-2. Architectural plans done by Barlo Governale Associates dated 10/14/22, 1 sheet.
- A-3. Plot plan done by Morgan Engineering and dated 3/24/21, revised 2/13/23.
- A-4. Survey done by Morgan Engineering, dated 3/24, 2021.
- A-5. Report from Board Engineer, Peter Avakian, dated 4/23/23.
- A-6. Land Development application checklist.
- A-7. Letter from the Monmouth County Planning Board, dated 3/15/23.
(Note – there is no Letter of Denial for this application).

Mr. Jonathan Goodelman, Esq. of the firm ColeSchotz came forward to present the application. The applicant is asking for Site Plan approval and this is a straight forward application. The applicant is operating an existing auto detailing business on the premises and the bulk variances are existing and not being expanded. The applicant is requesting a variance for parking, he is present tonight and can explain the business and the current parking situation. Mr. Goodelman explained that the car detailing shop details vehicle and moves them around as they work on them. Above the first floor are two apartments that they want to convert into a lounge for customers to wait for their vehicles to be done.

At this time Mr. Alfred D'Alessandro, the owner/applicant, came forward and was sworn in, he is the owner of 519 Washington Boulevard SG, LLC; the principals are himself, his wife and children. Mr. Kennedy then asked if any member of the Board has any conflict with this Limited Liability Corporation and there was no response. Mr. D'Alessandro said the business, Evolution Auto Spa, is run by him and his son Michael. It takes 4 hours to detail a car and people drop off their car, maybe get a cup of coffee or go to Ray's for something to eat but they still have hours to wait for their vehicle, so he wants to put in a waiting area with wi-fi & a tv so they have a place to be in while waiting for their vehicle. He wanted all to know they are not adding any additional cars or parking. They normally have 4 to 6 cars coming in for the day and they are put on the lot itself, there is enough parking; 13 spaces on the lot and 3 spaces inside the facility. The customers do not maneuver the vehicles, that is done by the staff and, when the car is done, it is pulled from the back lot and the customer is told his vehicle is ready. Some people drop the car off in the morning and pick it up at the end of the day.

Mr. Goodelman noted the Ordinance requires 13.5 spaces for parking and they have 16 spaces but they are not striped and sometimes cars are parked in tandem. Mr. D'Alessandro noted sometimes they can have up to 8 cars but there is room on the lot itself to park them all. Also, there are 4 spots for the apartments that now are used for the business as the apartments are going to be a waiting area instead.

The testimony was finished and Chairman Hall asked if anyone on the Board had a question. Mr. Ward asked Mr. Avakian if eliminating these two apartments does anything to the Affordable Housing mandate of the Borough and Mr. Avakian said no, they do not qualify for Affordable Housing. Mr. Kennedy asked, for the record, how the apartments are identified, apartment A and apartment B for example? Mr. D'alessandro said they were called Apartment East and Apartment West, Apartment East had 2 bedrooms and one bathroom and apartment West had the same. The apartments have been taken apart and they were in the process of getting permits to bring all up to code; he noted the previous owner had not done much upkeep.

At this time Chris Willms, Zoning Officer, was asked to speak to the Board on this matter and explained that, after they purchased this building there was a CO for the apartments but they were substandard and the tenants had been there for many years. When the renovations started, it was noted this was being done so Mr. Willms spoke to both Mr. De'alessandro and his son and they explained what they were doing. At that time Mr. Willms told them they needed Planning Board approval for this due to variances. A Stop Work Order was not issued but they were told they were doing this at their own risk and Construction Permits were issued. All inspections so far have not failed and everything has passed inspections, the work is not done, it is still in progress and the permits were issued only for the conversion of the second floor, to convert it to a lounge area.

Mr. Willms noted some of the positives for doing this to the second floor: the exterior stairs to the second floor were not in good shape and, if he had known about this, he would not have let anyone use them, the porch that was out there was not safe and he felt someone could have fallen from it as it had no railing; the renovations are making it much safer for anyone going up there to use the lounge area. Councilwoman Anthony asked if the access to the second floor will be from these exterior stairs and the answer was yes.

Mrs. Laszlo asked if this is limited to business hours and the answer was yes. Mayor Fetzer noted this is in the Business District which allow 2 apartments on the second floor of buildings but this is not a Use Variance? Mr. Willms said he and Mr. Avakian has discussions on this and the Schedule of Limitations permits two apartments, it is not mandatory and does not say this is the only thing allowed there. It says it is permitted so there are no prohibitions on what can be on the second floor. He went on to explain the applicant is here this evening due to the parking situation, the spaces are not striped and both he and Mr. Avakian felt this created a variance request, the Ordinance says parking spaces have to be lined. It was also felt Planning Board approval should be asked for as an affirmation that this can continue.

Chairman Hall felt this should be a Council matter and not the Planning Board and Mr. Avakian asked to speak on this and do a review of his report for the Board. He started by stating Mr. Willms does a wonderful job in evaluating the Ordinances and this matter is an interpretation of the Ordinance. There are 3 considerations: 1) Permitted Use in the Zone. He read the Permitted Uses in this Zone and agreed with Mr. Willms that apartments are not mandated, they are permitted and the second floor can be used for commercial use. 2) the second consideration is the lot and structures on this property are nonconforming, the lot depth is only 125 feet where 150 feet is required and side yard setbacks are not conforming, 6 feet is required and 1.6 feet on the west side is existing; also, the rear yard setback is -0- feet which is common in the Business Zone but 30 feet is required. 3) The building coverage is over the maximum allowed, they have 7,068 square feet and 7,040 square feet is allowed so there are nonconformities on this property. Mr. Willms review the Site Plan review chapter in the Ordinance that states if interior renovations are proposed, they are exempt from the requirements as long as there is no change in the use. Both Mr. Avakian and Mr. Willms felt changing from apartments to a waiting area was a significant change and should go before the Board; also, it is a good thing to let the public know as well what is going on.

Mr. Avakian went on and said the applicant accurately came up with 16 parking spaces and 13.7 are required, a variance is needed as the spaces are not striped. He added that he felt it may be a little detrimental if they were striped as people do not drive their cars onto the property, that is done by the staff. He again stated he felt the Board should hear this application and vote on it for resolution of the matter. Mr. Casey asked if the spaces were striped, are there minimum dimensions for striping and would they lose spaces? Mr. Avakian did not have that exact information but felt they would lose spaces, the minimum is 10x20 ft. & he also felt that accessibility would be impacted. He thought that perhaps they can get close to 14 spaces if this happened. He also reminded all that they do not use all the parking they have now, they do not need 16 spaces. Mayor Fetzer commented that, if the spaces were striped, people would use them to go to other places, like Rod's. They run their business with the staff handling the cars, not the public; he also agreed with Mr. Avakian's thought that this should come before the Board as there would be a lot of questions if this were done otherwise, his final comment was not to call it a lounge area but a waiting area.

Mr. Kennedy then summed it up and said there is a need to grant Site Plan approval as well as granting variance relief for the parking situation, there is no change of use and it will be called a waiting area for business use and not a lounge area. Mr. Casey asked Mr. Avakian about spot elevations and drainage and Mr. Avakian said they will look at it again after approval but he did address it and the drainage was functioning properly. On the parking, he suggested maybe having some sort of notification to people not to enter this property, this is reserved for use of the facility only. Mr. D'alessandro said they have not had a problem with this but he can put up a sign saying no parking, private property.

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Mr. Koreyva made a comment that they are removing 4 spaces for apartment use and these will now be used for the business and this adds to the business parking, he felt this is a great application. Mr. Kennedy asked Mr. D'alessandro if this is going to change the number of employees or hours and the answer was no, but they do hope to get more business. Mr. Kennedy then asked him if he was changing the business area, the garbage produced, the noise level or the footprint of the building and the answer again was no.

Chairman Hall then asked if there is anyone on the Board that was against this and there was no response. Councilwoman Anthony asked about the business Shore Pour that is part of this building and Mr. D'alessandro said they have a high planter between their two businesses, she also has outside tables and noted this also was done for safety reasons. Councilwoman Anthony felt they accomplished two things, safety and aesthetics.

Chairman Hall then asked if there were any public comments on this application and there was no response, so Mr. Kennedy went over the conditions he had for the Resolution: Compliance with all the testimony given, compliance with any Affordable Housing Regulations, obtaining any outside approvals that may be necessary, if the application changes they will come back to the Board, compliance with the Board Engineer's review memorandum, apartments will be abandoned, compliance with any ADA requirements, obtaining all necessary permits, clarify the wording to say it is a waiting area for customers only, no outside activities, limited to business hours, no formal entertainment, grading and drainage to be reviewed by the Board Engineer, and installation of a No Parking sign if the Board Engineer deems it necessary. Mr. Kennedy asked Mr. Goodelman if these conditions were acceptable to him and his client and they were. Mr. Ward questioned the ADA condition that was mentioned, he did not hear anything on a ramp accessible to the second floor; Mr. D'alessandro said they have a small waiting area downstairs that is existing and has a tv and wifi and that is in their plan; it is a small room and is right next to the front desk but it does meet the requirements. Mayor Fetzer asked about drainage and Mr. Avakian said he did go out to the site and there were no drainage problems, it runs to the street and is moderate. It was asked if the exterior stairs were part of the coverage and it was said they were, they were just replaced. On the drainage, Mr. Willms said that since he has worked for the Borough there have been no complaints on runoff from this property.

As there was no more Board discussion, Mr. Walker made a motion for approval as presented with the conditions Mr. Kennedy noted, this seconded by Councilwoman Anthony and then by the following roll call vote:

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

Noes: None

Not Eligible to Vote: Tom Britt, Stan Koreyva (Alternate Members)

OTHER BUSINESS:

Mr. Casey came forward to speak for the Ordinance Review Committee and had one item to discuss with the Board. It is not within the purview of the Planning Board but the Committee wanted to share it anyway. It is a Light Ordinance and is found in Chapter 13, this is where Mr. Willms suggested it go. Chairman Hall noted that the Ordinance Review Committee is not here just for the Planning Board, they are addressing issues for Ordinances, it is made up of Planning Board members as well as Council members and the public; some items that are heard are for the town.

At this point Mr. Casey handed out two pages of this Lighting Ordinance information that he wanted to review and, while that was being done, Mayor Fetzer asked Mr. Kennedy if this is not in the Zoning Ordinance and someone came in with a Site Plan or something, wouldn't they have to comply with this Ordinance? The answer was yes, there are Zoning Ordinances and then everything else, Mr. Avakian said this lighting information can be put in the Zoning Ordinance if that is what the Planning Board wants and Mayor Fetzer gave the example of the lighting in a parking lot as an example. Mr. Casey said the Committee submits what they and the Board approved and Mr. Gant works with the other professionals for the proper wording and it would be where they determine.

At this time Heather Scaturo, one of the Committee members who worked on this, came forward and told the Board that right now the Borough of Sea Girt does not have anything on outside lighting for homes, there are lighting regulations for the pool area and the Commercial Zone only. An email came in asking the Committee to look at this as they are seeing new homes installing elaborate lighting that is very bright and spills onto neighboring properties. She then looked at this in other towns and found that they do have regulation in their Property Maintenance Regulations Ordinance and not in Zoning and this is shown on page 2 of the handout, regulations from Spring Lake, Brielle, Avon and Mantoloking. This is what the proposed language would be under Ordinance 13-2, Maintenance of Property Regulations - "Illumination: Illumination devices such as, but not limited to, exterior lighting, floor or spotlights shall be placed, buffered, directed and shielded in such a way as to prevent the rays of illumination from being cast into, or becoming a nuisance or annoyance to, neighboring properties". (Note: the handout on the proposed Lighting Ordinance is attached at the end of these Minutes.)

Mr. Ward felt that some people may split hairs on this so he would like it to say "not leaving the property." Chairman Hall commented that this should be proposed to Council to adopt so they will handle this and not the Planning Board. Mayor Fetzer felt this was good and wanted confirmation that they are leaving the swimming pool regulations as is, Mr. Casey said yes. Mayor Fetzer also commented that RSIS (Residential Site Improvement Standards) implemented by the State cover lighting issues. Ms. Scaturo referenced some of the Ordinances other towns have that are

more detailed but Mr. Willms wanted to keep this simpler and something he can work with and this is why this is going under Property Maintenance. Mayor Fetzner suggested putting this in the Borough Code under Chapter 13 and then, by reference, it can be in the Zoning Ordinance and Mr. Kennedy agreed with him.

Mr. Casey said he did not need a vote on this but he wanted a vote from Mayor Fetzner and Councilwoman Anthony that this will apply to Chapter 13 and they both said Yes.

Mr. Koreyva then asked to speak on another matter and said he has been on the Board for 3 years and has seen a few applications for front porches. He thought about this since the last meeting and noted that some the Board said yes and some the Board said no, he felt the Board should get away from the dividedness that has occurred. He respects everyone's opinion and where they come from but a house that is older and less than 3,000 square feet maybe should be allowed to have an open front porch up to 6 feet. He realized there are strong opinions on both sides but he felt this was a good compromise; he thought the Board could interact on this and come up with something that everyone could live with. He reminded the Board that an application for a front porch was turned down a year ago on Stockton Boulevard because a neighbor didn't like the applicant but yet the Board gave an approval for a front porch 3 months earlier because the neighbors came out for it on Crescent Parkway. He said these are only his thoughts but, as the Ordinance Review Committee is meeting, it may be something they can talk about and come up with a reasonable solution.

Mr. Casey said that Mrs. Laszlo had sent a request to the Committee regarding considering front porches and he had received another email from a former Council person totally against that idea; they have other Ordinances to review ahead of this so it is on the back burner but they will eventually get to it, maybe sooner than later. He asked Mr. Koreyva to sent him his thoughts on this matter and Chairman Hall agreed that if he has an idea of the wording for an Ordinance change something should be sent to Mr. Casey for the Committee to review. Mr. Koreyva said he would be happy to do this. Mr. Britt spoke then and said he is on the Ordinance Review Committee and his comments tonight were on the subjectivity of it, he would like to see something that may help people from having to hire a lawyer, do plans, etc. and wait a few months to get heard. He also felt that different parts of town may have different outcomes but he would be for getting consistent framework that could apply and felt it would be a good thing.

Mr. Casey commented that it is usually people that are for an application that show up, people that may be against it may not want to speak as they do not want to upset the neighbors. Mr. Koreyva reminded him that this did happen, about a year ago, complaints from a neighbor and Mrs. Laszlo remembered this as well, the D'Agostino application on Stockton Boulevard that she lost a lot of sleep over. She said she thinks overtime, as Mr. Koreyva does, about the issues and drives around town and looks at the porches the Board granted and how great they look and gave some examples. She added that the Board should think about the cost to the applicants, \$5,000 on deposit

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for escrow plus a \$500 filing fee, paying a lawyer and the professionals to prepare plans; this is a substantial amount of money, especially when an application gets carried to another month. Councilwoman Anthony did not feel the Board had the information needed on this porch application and said the Board has the responsibility, from a professional standpoint, to have all the information, such as the average setback shown on the block. Mrs. Brisben said she can put this in the application, the homes on the side of the block in question have to be shown with the setbacks so the Board can see the streetscape of the average setbacks, as well as requesting a streetscape of a home asking for a height variance. Mr. Koreyva again went back to his idea on porches and felt that if a compromise can be made it will be a benefit to the community. Mrs. Laszlo asked Mr. Koreyva to take a look at the Master Plan update of 2018, she will find the part that may apply and send it to him.

Mrs. Brisben then asked the Board if they would like to have, in the application, what she suggested about the front yard setback averages being shown and having a streetscape of the side of the block for a height variance to see how the home will fit in. Mayor Fetzer asked that the average setback should include both what is existing and what the new average setback will be if the variance is granted. These ideas were acceptable to the Board and they will be put in the applications for future submissions. Going back to the front porch issue, Mr. Ward commented that the 20% maximum coverage for a building should be taken into consideration, the application this evening was going over that. The Board decided that all this is a work in progress, which is good.

As there was no other business to come before the Board, a motion to adjourn was made by Mayor Fetzer, seconded by Mr. Britt and unanimously approved, all aye. The meeting was adjourned at approximately 8:50 p.m.

Approved: June 21, 2023

Karen S. Brisben, Board Secretary