

Wednesday, January 19, 2022

SEA GIRT PLANNING BOARD  
WEDNESDAY, JANUARY 19, 2022

The Reorganization Meeting of the Sea Girt Planning Board was held on Wednesday, January 19, 2022 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. The login information also had been given making this a lawful meeting and Mrs. Brisben gave her email for those who may have trouble logging in.

After a Salute to the Flag, the following members were sworn in:

Class I Member Mayor Donald Fetzer through 12/31/22  
Class II Member Karen Brisben through 12/31/22  
Class III Member Councilwoman Diane Anthony through 12/31/22  
Class IV Member Norman Hall through 12/31/25  
Alternate Member #1 Stan Koreyva through 12/31/23  
Alternate Member #2 Tom Britt through 12/31/22 (new member)

Chairperson Hall commented that Tom Britt & his wife have been attending the meetings for some time (virtually) so he is aware as to how things go, as an Alternate Member he can participate but not vote unless he is needed due to other members being absent. However, he can listen and be involved in the meetings.

Roll call was then taken:

Present: Councilwoman Diane Anthony, Karen Brisben, Tom Britt, Jake Casey (arrived 7:15), Mayor Donald Fetzer, Stan Koreyva, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Absent: Carla Abrahamson

Kevin Kennedy, Board Attorney, was also present as well as Peter Avakian, Board Engineer; Board member and Secretary Karen Brisben recorded the Minutes.

At this time Chairman Hall wanted to give time for announcements and public comments because sometimes it is too late for time to speak on an issue; he wants to make this time more accessible to people to comment on any matters concerning the Planning Board other than any matters to be heard this evening or pending Board applications. If someone wants to speak about an application being heard this evening, they will have an opportunity to do so at the time of that hearing.

Susan Sharp of Stockton Boulevard had a question and asked if the Planning Board is going to be involved in the Paddle Board Court issue in Crescent Park and, if so, what will be involved and, if not, why not? Chairman Hall said a number of people have called & contacted him asking the same thing. He said the Planning Board is

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required, by the Municipal Land Use Act, to review any capital improvement that the Borough is going to do. However, this particular improvement does not include any Capital Improvement so this is not required by Borough Council to have the Board give an opinion on it. Given that, he felt it would be a good idea for Council to allow the Planning Board to do this given that the Board is a Land Use Board and part of the town and can reference the Master Plan; again he said this is not a requirement but would be a courtesy and this is up to Council to ask the Board. Mayor Fetzer said the Council always looks to the Planning Board for a courtesy review and he expects, when the plans are done by the Borough Engineer, the same course would be followed.

Megan Pachetti of 300 Washington Boulevard wanted to speak of construction being done behind her home on Trenton Boulevard, 301 as well as 303 Trenton Boulevard, both homes pretty much face her back yard which she has spent over \$35,000 on. She hears the air conditioning units at 301 Trenton, which are on top of the garage and are loud (that building is done and she realizes there is nothing she can do about it); however, 303 Trenton is having a pool built and they took down their garage and are reconstructing it; they have moved the air conditioning units, that she never heard before, right by her new outdoor fireplace and they are large and loud. She brought this to Chris Willms, Code Enforcement Officer as she thought these units could not be visible to her back yard. Chris questioned this so Ms. Pachetti sent him the information that was on the Sea Girt website and was told this is wrong information that is still on the website and he took it off. Now it says it can't be visible to the side neighbor or the front. Her point of this is that she was not happy with this and was told to bring this issue to the Planning Board; she did not know either how they are allowed to put all they are putting in the back yard, a new pool, bar area and new garage, a lot crammed in. She is going to formally put this in writing and send the Board all the photos. One other thing is that 301 Trenton constructed a pool in September 2020 and the pool was a hole for 9 months with nothing around it; she called Mayor Farrell and Chris Willms and Chris said he would get them to put something around it; any child could have fallen here and gotten hurt as it was a completely open concrete square. The last thing she wanted to say was that 301 Trenton has a whole line of cypresses that go right to the edge of the property and she can't see pulling out of her driveway, she asked them to please take out one or two for safety and wanted to know how is that allowed?

Chairman Hall explained to Ms. Pachetti that she can compose all her issues in writing for the Board but the Planning Board is not an enforcement agency, but they can make recommendations to Council for Zoning changes and the Board is looking at different Zoning items to do research on. He asked her to also include her email address and phone number so she can be contacted if needed. She then commented on the trees being removed down the street for another home being built and the dirt is right to the edge of the property, she thought there was some sort of law on this.

Next to speak was Karen Loughran who wanted to know how she would get an opportunity to speak, she said she was not given this at the Council meeting and

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wanted to clarify that she could speak on the application tonight; she would be raising her virtual hand at the appropriate time.

There was one other person who wanted to comment on the D'Agostini application this evening and Chairman Hall explained all will get a chance when this hearing is brought up in a little while and testimony is given.

As there were no other comments the Board went back to the agenda and a motion to approve the Minutes for December 15, 2021 was made by Mr. Ward, seconded by Mrs. Laszlo and approved by voice vote, all aye.

It was then time for the election of Chairperson and Vice-Chairperson for 2022. Mrs. Laszlo commented that, in light of the issues facing the town and Planning/Zoning Board, she felt it best that Norman Hall maintain the Chair position and she nominated him for the position of Chairperson. Chairman Hall had thought about this, as well, as he had downloaded all 440 pages of the Zoning Ordinance to review them and accepted the nomination. Mrs. Brisben then made a motion to nominate Eileen Laszlo as Vice-Chairperson and these motions were seconded by Mr. Casey and approved by voice vote, all aye.

Chairman Hall said that one of the things he wanted to do this year is take a look at all the Ordinances as they all intertwine with each other; so far he has uncovered a few things that should be brought to the attention of the Board. One of the main things he wants to do, thanks to Chris Willms sending a letter to the Board last month, was about tightening up some of the Ordinance and gave examples of pools, signs, driveways, roofs, etc. as well as the Flood Zone Regulations as FEMA is going to come out with new flood maps and regulations that will have new classifications to our flood zone (the Borough & Board Engineer, Peter Avakian, is working on this and revising it). If the town doesn't comply with the new regulations it may not get aid if needed. Chairman Hall also wanted to look into forming some committees so not all is put on a few people and can be delegated out.

It was now time for the Board to consider a Resolution appointing Kevin Kennedy as Board Attorney for the year 2022. As all Board members had received a copy of this Resolution, a motion was made by Mrs. Laszlo to accept this appointment, this seconded by Mr. Casey and then by voice vote, all aye:

WHEREAS, the Sea Girt Planning Board is a duly organized Planning Board (hereinafter referred to as "Planning Board") having principal offices at 321 Baltimore Boulevard, Sea Girt, NJ; and

WHEREAS, there is a need for the Planning Board to retain the services of a Board Attorney in order to represent its legal interests; and

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WHEREAS, Kevin E. Kennedy, Esq., (hereinafter referred to as “Attorney”) has expressed an interest in representing the Planning Board in the said regard; and

WHEREAS, the legal services to be provided are deemed to be “professional services” pursuant to the Local Public Contracts Law (N.J.S.A. 40:A11-1, et seq.); and

WHEREAS, the Local Public Contracts Law authorized the awarding of a Contract for “Professional Services” without public advertising for bids and bidding therefore, provided that the Resolution authorizing the Contract and the contract itself are available for public inspection in the Office of the Municipal Clerk and that notice of the awarding of the Contract is published in a newspaper of general circulation in the municipality; and

WHEREAS, the Planning Board, having considered the matter, now wishes to authorize the awarding of a Professional Service Contract to Kevin E. Kennedy, Esq., for the purpose of rendering necessary legal advice.

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

1. That the Sea Girt Planning Board is hereby authorized to award a Contract to Kevin E. Kennedy, Esq. so as to represent its interests, as General Counsel, in connection with all Planning Board matters.
2. That the compensation associated with the said representation shall be \$140.00 per hour, and shall be memorialized in a Contract for Legal Services, which is incorporated herein at length.
3. That the Contract for Legal Services shall contain a Provision whereby the Contract can be terminated, with or without cause, upon thirty (30) days written notice.
4. That the Board Chair, Vice-Chair, Secretary and other appropriate representatives are hereby authorized to sign the said Professional Service Contract, which, if necessary, shall be approved as to form by the Borough Attorney.
5. That the within Contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5, et seq. of the Local Public Contracts Law of New Jersey because the services rendered will be performed by persons authorized by law to practice a recognized profession.
6. That, in accordance with N.J. law, notice of the within appointment shall be published in one of the Borough’s official newspapers.

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Mr. Kennedy thanked the Board and looks forward to working with all members during the challenging times due to Covid; he was also glad to see so many residents online to see the contribution this Board makes.

The next Resolution was to appoint Peter Avakian as Board Engineer and this was done on a motion by Mr. Walker, seconded by Mr. Casey and then by voice vote, all aye:

WHEREAS, the Sea Girt Planning Board is a duly organized Planning Board (hereinafter referred to as "Planning Board") having principal offices at 321 Baltimore Boulevard, Sea Girt, NJ; and

WHEREAS, there is a need for the Planning Board to retain the services of a Board Engineer in order to represent its engineering interests on designated/authorized matters; and

WHEREAS, Peter R. Avakian, P.E., PLS, P.P., (hereinafter referred to as the "Engineer") has expressed an interest in representing the Planning Board in the said regard; and

WHEREAS, the engineering services to be provided are deemed to be "professional services" pursuant to the Local Public Contracts Law (N.J.S.A. 40:A11-1, et seq.); and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a Contract for "professional services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the Contract and the Contract itself are available for public inspection in the Office of the Municipal Clerk and that notice of the awarding of the Contract is published in a newspaper of general circulation in the municipality; and

WHEREAS, The Planning Board, having considered the matter, now wishes to authorize the awarding of a professional service contract to Peter R. Avakian, P.E., PLS, P.P., for the purpose of rendering necessary engineering advice.

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

1. That the Sea Girt Planning Board is hereby authorized to award a Contract to Peter R. Avakian, P.E., PLS, P.P. so as to represent its interests as Board Engineer in connection with designated/authorized Planning Board matters.
2. That the compensation associated with the said representation shall be consistent with the compensation rate the Engineer receives in his capacity as Borough Engineer. Additionally, the appointment terms shall be memorialized in a Contract.

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3. That the Board Chair, Vice-Chair, Secretary and other appropriate representatives are hereby authorized to sign the said Professional Service Contract, which shall be approved as to form by the Borough Attorney or Board Attorney.
4. Any payment to be tendered hereunder shall be subject to the Borough's Finance Office confirming that funds are available for the stated purpose.
5. That the within Contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5, et seq. of the Local Public Contracts Law of New Jersey, because the services rendered will be performed by persons authorized by law to practice a recognized profession.

That, in accordance with N.J. law, notice of the within appointment shall be published in one of the Borough's official newspapers.

Mr. Avakian appreciated the interaction with the Board and has delegated others in his office to be able to attend meetings that may have a conflict with Sea Girt's schedule so he is planning on attending as many of this Board's meetings as possible. He agreed with Chairman Hall that there are some things coming in from FEMA and he will be attending meetings on this so he can keep the Board apprised of what is going on with the regulations; he commented these new regulations may apply to flood insurance so we have to make sure we are compliant.

The next Resolution is for meeting dates and Mr. Ward questioned the last meeting date of the year as being December 21<sup>st</sup>, he felt this was awfully close to Christmas; he felt perhaps this should be moved but he realized that Council meets the second Wednesday. Chairman Hall felt this was a good suggestion and we can see what the school availability is; he felt we should pass this Resolution as it is written now and can change it when the time comes if another date is available and proper notice is given. This Resolution was then offered on a motion by Mrs. Laszlo, seconded by Mr. Ward and then by voice vote, all aye:

WHEREAS, an act of the Legislature known as the "Open Public Meetings Act" enacted October 21, 1975, requires that advance notice be given of all regularly scheduled meetings of the Planning/Zoning Board of the Borough of Sea Girt, this act becoming effective January 19, 1976,

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Girt that:

The third Wednesday of the month at 7:00 p.m. at Sea Girt Elementary School library (if the Board deems it safe to meet there) is hereby set for meetings of the Sea Girt Planning/Zoning Board for the year 2022;

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January 19, 2022 (virtual only)  
March 16, 2022  
May 18, 2022  
July 20, 2022  
September 21, 2022  
November 16, 2022

February 16, 2022  
April 20, 2022  
June 15, 2022  
August 17, 2022  
October 19, 2022  
December 21, 2022

If the Board feels the school library is not safe to meet the meetings are going to be virtual; if the school library is open the meetings are going to be hybrid (both live and online). The login information is for those who want to be virtual is:

<https://us02web.zoom.us/j/86504201539>

Meeting ID: 865 0420 1539

Passcode: 392374

One Tap Mobile: 1-646-876-9923

A copy of this Resolution shall be posted on the public bulletin board in the Borough Hall and published in one of the official newspapers of the Board.

The next Resolution was for official newspapers of the Coast Star and Asbury Park Press; Mr. Ward made a motion to approve this Resolution, seconded by Mr. Casey and approved by voice vote, all aye:

WHEREAS, the Sea Girt Planning/Zoning Board is a duly organized Land Use Board, operating and existing in accordance with the Laws/Regulations of the State of New Jersey and the Borough of Sea Girt; and

WHEREAS, under Prevailing Regulations, it is necessary for the Planning/Zoning Board to establish official Borough newspapers; and

WHEREAS, the listed/identified newspapers will be the newspapers in which Board-related notices can be lawfully advertised/published;

NOW, THEREFORE, BE IT RESOLVED by the members of the Sea Girt Planning/Zoning Board as follows:

That the Planning Board hereby establishes the following 2 newspapers as the Board's Official Newspapers: The Coast Star  
The Asbury Park Press

That the within Resolution shall take effect immediately.

The last Resolution for approval was for appointment of Karen Brisben for Planning/Zoning Board Secretary for 2022; a motion was made to accept this by Mrs. Laszlo, seconded by Mr. Ward and then by voice vote, all aye:

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WHEREAS, the Sea Girt Planning/Zoning Board is a duly organized Land Use Board, operating and existing in accordance with the Laws/Regulations of the State of New Jersey and the Borough of Sea Girt; and

WHEREAS, it is necessary and appropriate for the Board to appoint the Board Secretary to handle the administrative affairs of the Board; and

WHEREAS, the absence of a Board Secretary can potentially compromise the efficient operations of the entity;

NOW, THEREFORE, BE IT RESOLVED by the members of the Sea Girt Planning/Zoning Board as follows:

1. That Karen Brisben is hereby appointed as Planning/Zoning Board Secretary for calendar year 2022 or until such time as her successor is appointed and qualified.
2. That the compensation for the said position shall be established by the Borough of Sea Girt.

The next item on the agenda was the Annual Report, there were two, one submitted by Mrs. Brisben and a more detailed one submitted by Mr. Ward. Mr. Ward said he did his report as an additional one to give the Board a different triangulation; this Board had to deal with 37 variance requests last year and 16 of them were approved. He did this as the Board's report tells what was approved but he wanted all to know what was out there and the Board does the same diligence on the ones they approve and the ones they don't. He was also hoping that perhaps some of the applicants will understand that they shouldn't be asking for so many variances, a lot of money and a lot of time is used up with this; so instead of asking for 5 variances to perhaps focus on 2 important ones, this will make the Board more efficient and they will save a lot of money in the process. Chairman Hall agreed and hears comments that the Board approves this and approves that but the Board does an extreme amount of due diligence in doing hearings and takes into consideration both the neighbors and the Master Plan. He congratulated the Board on their good work on this. Councilwoman Anthony wanted to thank John for breaking this all down and bringing this information to the Planning Board. A copy of the reports will be attached at the end of the Minutes for the file.

Chairman Hall then asked Mr. Kennedy to go over his letter to the Board regarding the Master Plan Re-Examination. Mr. Kennedy said that, by law, every town has to do a re-examination of their Master Plan every 10 years, this is important to do as, if it is not done, the Board loses its presumption of validity. Other towns have not done this, perhaps due to the Covid pandemic, so he felt that, one time each year at the Re-Organization meeting he would remind the Board of their timeline, the last Re-Examination was done in Sea Girt in 2018

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and will need to be done again in 2028 so there is time; he just wanted to bring this up as an abundance of caution.

OLD BUSINESS:

The Board then turned to the approval of a Minor Subdivision for Block 67, Lots 4 & 5, the Terrace and 501 The Terrace, owned by John & Patricia Horan. Mr. Kennedy noted this was a variance free subdivision and he went over the conditions of compliance for approval. As all Board members had received a draft copy and there were no changes to be made, the following was presented for approval:

**WHEREAS**, John Horan has made Application to the Sea Girt Planning Board for the property designated as Block 67, Lots 4 and 5, commonly known as 501 The Terrace, Sea Girt, NJ, within the Borough's District 1, East Single-Family Zone, for the following approval:

- Minor Subdivision Approval / Lot Line Adjustment Approval; and

#### **PUBLIC HEARING**

**WHEREAS**, the Board held a remote Public Hearing on December 15, 2021, Applicant having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

#### **EVIDENCE / EXHIBITS**

**WHEREAS**, at the said Hearing, the Board reviewed, considered, and analyzed the following:

- *Planning Board Application Package, introduced into Evidence as A-1;*
- *Minor Subdivision Plan, prepared by R.C. Associates Consulting, Inc., dated August 10, 2021, consisting of 1 sheet (the Plan was also prepared by InSite Surveying, LLC), introduced into Evidence as A-2;*

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- *Boundary and Topographic Survey, prepared by InSite Surveying, LLC, dated July 26, 2021, last revised July 29, 2021, introduced into Evidence as A-3;*
- *Leon S. Avakian, Inc. Review Memorandum, dated November 15, 2021, introduced into Evidence as A-4;*
- *Sea Girt Planning Board Minor Subdivision Committee Report, dated December 8, 2021, introduced into Evidence as A-5;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

**WITNESSES**

**WHEREAS**, sworn testimony in support of the Application was presented by the following:

- John Horan, Applicant;
- Raymond Carpenter, Engineer / Planner;
- Christopher Beekman, Esq. appearing;

**TESTIMONY AND EVIDENCE**

**WHEREAS**, testimony and other evidence presented by the Applicant and his representatives revealed the following:

- The Applicant herein is the Owner of the subject properties.
- The Applicant has owned the subject properties for several months (as of the December 15, 2021 Hearing date).
- The subject property is currently identified as Block 67 Lots 4 and 5.
- Lots 4 and 5 are adjacent to each other.
- Details pertaining to the existing Lots include the following:

	<b>Existing Lot 4</b>	<b>Existing Lot 5</b>
Minimum required lot size in the	7,500 SF	7,500 SF

Zone:		
Size:	18,817 SF	27,551 SF
Current use:	Vacant	Single-family home

- The Applicant proposes a Lot Line Adjustment of the said 2 Lots, to be effectuated via a Minor Subdivision.
- The Minor Subdivision / Lot Line Adjustment will actually merge a portion of existing Lot 4 into existing Lot 5.
- Once the Subdivision / Lot Line Adjustment is completed, the new Lots will (subject to the review and approval of the Municipal Tax Assessor) be identified as new Lot 4.01 and new Lot 5.01.
- Details pertaining to the proposed 2 newly designated Lots (post Lot Line Adjustment) include the following:

PROPOSED NEW LOT 4.01

Minimum Required Lot Area: 7,500 SF  
Proposed Lot Area: 7,527 SF  
Proposed Use: Single-family home  
(although no architectural plans have yet been submitted).

PROPOSED LOT 5.02

Minimum Required Lot Area: 7,500 SF  
Proposed Lot Area: 38,841 SF  
Proposed Use: New single-family home

- As referenced, both Lots will ultimately host a conforming (i.e. Variance-free) single-family home (although no plans have been submitted for proposed Lot 4.01).
- The Applicant will attempt, in good faith, to preserve as many trees on the site as possible.

**VARIANCE**

**WHEREAS**, the Application as presented does not require approval for any Variances; and

**PUBLIC COMMENTS**

**WHEREAS**, public comments issued in connection with the Application were presented by the following:

- Carl Soranno

**FINDINGS OF FACT**

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Borough of Sea Girt, after having considered the aforementioned Application, plans, evidence, and testimony, that the Application is hereby **approved / granted with conditions**.

In support of its decision, the Planning Board makes the following Findings of Fact and Conclusions of Law:

1. The Sea Girt Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is located at 501 The Terrace, Sea Girt, NJ, within the Borough's District 1, East Single-Family Zone.
3. As referenced, the subject Application involves 2 contiguous Lots – i.e. namely Block 67 Lot 4 and Block 67 Lot 5.
4. The subject Lots are located on the northwest corner of Fifth Avenue and The Terrace.
5. The subject Lots have frontages along Fifth Avenue and The Terrace.
6. As referenced, existing Lot 4 is vacant. Moreover, existing Lot 5 contains a 2-story dwelling, with decks and a driveway.

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7. The Applicant is proposing a Lot Line Adjustment to be effectuated through a Minor Subdivision. Specifically, the Applicant is proposing to subtract 11,290 SF from existing Lot 4 and merge the same with existing Lot 5.

8. Such a proposal requires Minor Subdivision Approval.

9. The Sea Girt Planning Board is statutorily authorized to grant the requested relief and therefore, the matter is property before the said entity.

10. With regard to the Application, and the requested relief, the Board notes the following:

- The within Application represents a Variance-free Minor Subdivision Approval.
- There are no Variances associated with the within proposal.
- Each of the new Lots created hereunder will ultimately host a new single-family home. (Although no plans have yet been submitted for new Lot 4.01.)
- Single-family homes are a permitted use in the subject Zone.
- Upon completion, new Lot 4.01 will contain 7,527 SF, which conforms with the Prevailing Lot Area Requirements.
- Upon completion of the Subdivision, new Lot 5.01 will contain 38,841 SF, which complies with the Borough's Prevailing Lot Area Requirements.
- No undersized Lot is being created in connection with the within Application.
- The single-family homes to ultimately be constructed on the Lots will comply with all Prevailing Bulk Requirements. That is, and as indicated, there are no Variances required in connection with the within Application.
- Sufficient parking spaces will be provided on each newly configured Lot created hereunder.
- There was no known opposition associated with the subject Application.

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- Subject to the conditions contained herein, and subject to any necessary waivers, the Application as presented satisfies the Minor Subdivision Requirements of the Borough of Sea Girt.
- Based upon the above, and subject to the conditions contained herein, the Board is of the unanimous opinion that the Variance-free Minor Subdivision Application can be granted without causing substantial detriment to the public good

### **CONDITIONS**

During the course of the Hearing, the Board has requested, and the Applicant's Representatives have agreed to comply with the following conditions: (Note: Unless otherwise indicated, all Plan Revisions shall be subject to the review and approval of the Board Engineer.)

- a. The Applicant shall comply with all promises, commitments, and representations made at or during the Public Hearing process.
- b. The Applicant shall comply with all terms and conditions of the Leon S. Avakian Review Memorandum, dated November 15, 2021 (A-4).
- c. The Applicant shall comply with the terms and conditions of the Minor Subdivision Committee Review Memorandum, dated December 8, 2021 (A-5).
- d. The Applicant shall arrange for any curbs, sidewalks, and driveways to be repaired, as necessary.
- e. The Applicant shall comply with any applicable Tree Preservation Ordinance of the Borough of Sea Girt.
- f. The Applicant shall cause the Plans to be revised so as to portray and confirm the following:
  - The inclusion of a note confirming the location of the existing Sanitary Easement on new Lot 4.01;
  - The location of new underground utilities for each building;

- The inclusion of a note confirming that the proposed driveway apron width (for both Lots) shall not exceed 13 ft.;
  - The inclusion of a note confirming that the Applicant shall not violate, or otherwise compromise, any existing Sanitary Sewer Easement;
- g. The Plans shall be revised so as to be appropriately signed and sealed, in accordance with the Review Memorandum from the Board Engineer.
- h. The Applicant shall ultimately submit a Plot Plan for new Lot 4.01.
- i. If necessary, the Applicant shall obtain approval from the County of Monmouth (or a Letter of No Interest) prior to perfection of the Subdivision.
- j. Unless otherwise waived by the Board Engineer, the Applicant shall arrange for dry-wells to be installed on each Lot, in accordance with Prevailing Ordinance Requirements. Additionally, the said dry-wells shall be installed and maintained in accordance with industry standards and other best practice guidelines.
- k. 5 Revised Subdivision Plans shall be submitted to the Board Secretary.
- l. The Applicant shall obtain any necessary demolition Permits, as the Borough of Sea Girt may require.
- m. In the event the subdivision is to be perfected via Deed, the Subdivision Deed (including the legal descriptions) shall be reviewed and approved by the Board Attorney and Board Engineer.
- n. Prior to the issuance of any Building / Construction Permits, the Applicant (or successor Applicants / Owners) shall submit grading, drainage, plot, and utility plans (and drainage calculations) to the Board Engineer, for his review and approval.
- o. The Applicant, or any successor Applicant / Owner, shall comply with all Prevailing Rules, Regulations, Installation, and Hook-Up Requirements of the Municipal Utility Authorities.
- p. Prior to the issuance of any Building Permit, the Applicant, or any successor Applicant / Owner, shall submit detailed Plans / Elevations / Grading & Drainage Details – and the said documents shall be reviewed / approved by the Board Engineer / Zoning Officer (as well as any other applicable municipal officials).

- q. Any single-family homes to be constructed on the newly created Lots shall comply with all Prevailing Bulk Zoning Regulations (as no Variances are granted hereunder.)
- r. The subdivision shall be perfected in accordance with Requirements of New Jersey Law (and within the timeframe set forth in New Jersey Law.)
- s. The Applicant shall review the proposed Block / Lot designations with the Municipal Tax Assessor so as to confirm the acceptability of the same.
- t. The Applicant (or any successor Applicants) shall comply with all applicable Affordable Housing Rules / Regulations / Ordinances / Contributions / Directives as may be required by the Borough of Sea Girt, the State of New Jersey, C.O.A.H., the Court System, or any other Agency having jurisdiction over the matter.
- u. Any construction / development of the Site (if applicable, and if authorized herein) shall comply with the Prevailing FEMA Requirements.
- v. The Applicant shall comply with all terms and conditions of the review memoranda, if any, issued by the Board Engineer, Construction Office, the Department of Public Works, the Office of the Fire Prevention and Investigation, and/or other agents of the Borough.
- w. The Applicant shall obtain any and all approvals (or Letters of No Interest) from applicable internal / outside agencies - including, but not limited to, the United States of America (FEMA), the Department of Environmental Protection (CAFRA), the Monmouth County Planning Board, the Freehold Soil Conservation District, the local utility offices, the Department of Public Works, the local Fire Department, and any other agency having jurisdiction over the matter.
- x. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees, taxes, and inspection fees.
- y. If required by the Board Engineer (or the New Jersey Municipal Land Use Law), the Applicant shall submit appropriate performance guarantees in favor of the Borough of Sea Girt.

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**BE IT FURTHER RESOLVED**, that all representations made under oath by the Applicant and/or his agents shall be deemed conditions of the approval granted herein, and any mis-representations or actions by the Applicants contrary to the representations made before the Board shall be deemed a violation of the within approval.

**BE IT FURTHER RESOLVED**, that the Application is granted only in conjunction with the conditions noted above - and but for the existence of the same, the within Application would not be approved.

**BE IT FURTHER RESOLVED**, that the granting of the within Application is expressly made subject to and dependent upon the Applicant's compliance with all other appropriate Rules, Regulations, and/or Ordinances of the Borough of Sea Girt, County of Monmouth, and State of New Jersey.

**BE IT FURTHER RESOLVED**, that the action of the Board in approving the within Application shall not relieve the Applicant of responsibility for any damage caused by the subject project, nor does the Planning Board of the Borough of Sea Girt, the Borough of Sea Girt, or its agents / representatives accept any responsibility for the structural design of any constructed improvement, or for any damage which may be caused by the demolition / development / subdivision.

FOR THE APPLICATION: Carla Abrahamson, Councilwoman Diane Anthony, Karen  
Brisben, Stan Koreyva, Eileen Laszlo, Mayor Donald  
Fetzer, Robert Walker, John Ward, Norman Hall

AGAINST THE APPLICATION: None

ABSTENTIONS: None

ABSENT: Jake Casey

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The foregoing Resolution was offered by Mr. Walker, seconded by Councilwoman Anthony and adopted by Roll Call Vote:

IN FAVOR: Councilwoman Diane Anthony, Karen Brisben, Mayor Donald Fetzer, Stan Koreyva, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

OPPOSED: None

ABSTAINED: None

INELIGIBLE: Jake Casey, Tom Britt (new member)

ABSENT: Carla Abrahamson

The Board then listened to the continuation of an application for variance relief for Block 27, Lot 18, 104 Stockton Boulevard, owned by Robert & Jody D'Agostini. Mr. Kennedy noted this application was first heard in October and the applicant did re-notice and included the login information. He asked if anyone who received a notice had issues with it and asked Mrs. Brisben to give her email again if someone had to contact her.

Heather Scaturo of 108 Stockton Boulevard wanted to know why the revised plans were not on the website and Mrs. Brisben said they were put on yesterday; Ms. Scaturo thought they should be on at least 10 days before and Chairman Hall said they do not have to be on 10 days before; Mr. Kennedy added that the plans are available at Borough Hall to look at during work hours and were 10 days in advance of this evening.

Mr. Kennedy announced that the notice was reviewed by him and the Board Secretary and all was in order; he then marked the following exhibits: (note – as it was not remembered where the exhibit numbering stopped, he started with #20)

Exhibit A-20. Revised Architectural Plans prepared by Jason Lusardi, dated 2/8/21 revised 11/9/21.

Exhibit A-21. Board Engineer review memorandum dated 8/2/21, revised 1/3/22.

At this time the Board Engineer, Peter Avakian, was sworn in. Mr. Kennedy then asked Mrs. Brisben if anyone on the Board here this evening is not eligible to vote other than Mr. Britt and he was told that Mayor Fetzer was absent at the October hearing and also is not eligible to vote on this matter.

Michael Henderson, Esq. then came forward to continue this hearing, stating there were no other exhibits to mark. They had appeared for the first time in October for an application for a front porch and addition and variances associated with that. The Board gave really good suggestions and they took them in consideration and redid the plans, which were just marked into evidence. Now there is an application for a front

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porch and the first story addition has been eliminated; the scale of the front porch has been reduced in order to make the application more compliant. They did, as Mr. Kennedy had stated, re-noticed the property owners then sent in the receipts of the notice and he asked for confirmation that all was in order and Mr. Kennedy said yes. Mrs. Laszlo asked if the hot tub that was on the original application has been removed as well and Mr. Henderson said yes.

Mr. Henderson asked that Jason Lusardi, the Architect, come forward again to explain the changes that have been made to the plans. As it was a new year Mr. Kennedy felt it better to swear Mr. Lusardi in again and this was done, it was stated that both Mr. Henderson and Mr. Lusardi will be able to be questioned after the testimony and also that Mr. Lusardi is still considered an expert witness. Mr. Lusardi told the Board he was the one that revised the plans and put those plans up on the screen for viewing. The side yard setback that was on the original plans has been eliminated as he squeezed the porch in to comply with the setback and also eliminated the first-floor addition that was part of the side yard variance request. He said the front yard variance request still applies but they have lessened that request by proposing a covered front porch depth of 6 feet 6 inches instead of 9 feet originally proposed. Also, the porch width was reduced to 33 feet, 3 inches. It will be a one-story porch with columns and said the existing portico is 36.3 feet back now and they are asking for an additional 2 feet to add on for the porch; the previous request was for 31.8 feet and now will be 34.3 feet. He went on to say a 6.6 foot wide porch is a minimum size to be able to use the porch to sit on and will give a much needed curb appeal, an aesthetic improvement.

Mr. Henderson told the Board they were going from 3 variances requested to 2 and were previously seeking 23.9% building coverage and this is down to 22.4% coverage, the existing building coverage is 20.1%. There are also existing nonconformities and Mr. Lusardi said there is a free-standing garage that is 542 square feet where 500 square feet maximum is allowed and it has a 4.6 foot side yard setback where 5 feet is required. The existing residence has a combined side yard setback of 13.6 feet where 15 is required. He also confirmed the proposed hot tub has been eliminated from the plans.

Mr. Lusardi then addressed the questions raised at the last meeting about the impervious coverage and the revised plans show the breakdown of the driveway components and impervious coverage, the existing impervious coverage is 35.2% and it will be reduced to 33.1%.

It was then time for Board questions to either Mr. Henderson or Mr. Lusardi. Councilwoman Anthony said she saw 2 steps coming down from the porch and asked if they were considered to be in the front yard setback. Mr. Lusardi said he did not include these as they are under 16 inches and Mr. Avakian agreed. The front yard setback is measured from the foundation line and not the steps, however, the steps are included in Impervious Coverage. He explained this was looked into after Superstorm Sandy as homes were being elevated and it was decided not to penalize a property owner for steps. This may be something to look at in the Ordinance for a review.

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Mayor Fetzer asked if the porch is included in the front setback and Mr. Avakian said yes, if the porch has a foundation.

Mr. Ward asked for clarification that this application is increasing building coverage and Mr. Lusardi said they are going from 20% allowed to 22.4%, an 11.5% increase in square footage. Mr. Ward then asked Mr. Avakian what happens when a setback is changed for one property and how it affects the average front yard setback for that block. Mr. Avakian said there are 11 lots here and if the front yard setback is changes by, for example, 11 inches it means altering the average setback by 1 inch per lot. This application, if approved, will alter the average front yard setback but he also reminded the Board there is already an average front setback here of 39.5 feet due to some homes already within the front yard setback; the proposed setback of 104 Stockton Blvd. is 34.5 feet. Mr. Henderson added to this saying there are 11 lots here so the average front yard setback will be less than 6 inches if approved, he felt this was de minimus. As far as going over coverage, the applicant has to deal with what they have now, the home as purchased is over 20%, it is 20.1% and he asked the Board to consider this.

Mayor Fetzer said that, on the setback plan, it says 38.3 feet to the balcony but it was testified that it is at 34.3. Mr. Avakian answered him and said the front yard setback plan does include the proposed porch. The balcony was the projection that the front yard setback was measured to, this is existing and the 34.3 feet is what is proposed by the applicant.

Mr. Casey had a question for Mr. Lusardi: looking at the setbacks for all the properties along Stockton Boulevard, he was wondering about 102 Stockton that looks to be a new house, is this different than what is shown on the plan? Mr. Lusardi said they used mapping from December 2020 and he did not know if that had been changed. Jodie D'Agostini was then sworn in to answer this; she said 102 Stockton has been under construction since last June and is not completed. Chairman Hall added that this property at 102 Stockton did not have to come before the Planning Board so it is being built in compliance and is in order. Mr. Casey said this property is closer to the sidewalk than 100 Stockton so they took the averages and moved it closer to the sidewalk, maybe by a foot, closer than 104 now is. This shows that homes are moving closer to the sidewalk and he felt the map is not accurate, it is actually closer than shown on that map. Mrs. Laszlo found it hard to apply this information to the application being heard and Mr. Casey said he could not see 104 Stockton when looking down the street at 102 Stockton. Chairman Hall felt the Board should go forward with what they have in front of them. Mayor Fetzer didn't think the fact that the map is from 2020 is the point, the house construction started in 2021 but it is not in violation of the setback; he felt this does matter, however. Chairman Hall said if this new home at 102 Stockton was moved from 45 feet back to 38.5 feet it might change the front yard average and already move it closer, it might be at 38.5 now for the average setback. Mr. Avakian said this would change the average setback by less than 2 inches. Mayor Fetzer felt this was a change and should be addressed, Chairman Hall wanted to go on and Vice-Chairwoman Laszlo felt this was not in evidence in this application and she agreed with Chairman Hall that

the hearing should go with what has been given and asked if the Board has a requirement that the survey has to be done within a certain period of time. Mr. Casey felt that this changes the front yard setbacks in regards to the other homes on the block. Mrs. Laszlo said she understood this but the applicant has already gone back to the drawing board and modified their plans based on the comments they heard at the October meeting, where the owner of 102 Stockton spoke, and she felt the Board was getting far afield here. Chairman Hall agreed and wanted to continue with the question period, he said this can be addressed again later in the hearing as these are not questions the Board is considering.

At this time the hearing was opened to the public for questions only to either Mr. Henderson or Mr. Lusardi. Tim Feldman of 102 Stockton Boulevard was sworn in and said Mr. Casey is correct and the average setback today is at 38.4 feet to the curb, so if you okay the 34 feet for the D'Agostinis' then the next house will be able to be closer to the curb. He then asked Mr. Lusardi if the driveway will be going on top of the existing driveway that is there now, Mr. Lusardi said the existing asphalt will be removed and new pavers put in, it will hug the property line as it does now and will not encroach into his property. Mr. Feldman said that, right now, maybe 1 to 3 inches of asphalt is over into his property and Mr. Lusardi said they will keep an eye on this so it does not encroach. Mr. Feldman also confirmed that their home is still under construction and they are planning on moving in around April or May.

Next to speak was Mary Ann Schobel of 417 Crescent Parkway, who was sworn in, she was the one who had written a letter to the Board and found out that she had to be present so she logged on. She asked Mr. Lusardi if the proposed porch will add charm and curb appeal without having to rip down another house? Mr. Lusardi said it certainly would.

Heather and Carl Scaturo then came on and Heather Scaturo was sworn in. She had questions for Mr. Lusardi, the calculations for the existing driveway were changed and why and how did they change? Mr. Lusardi said this was his fault in the original plans, he rounded his numbers up so the original application has a higher Impervious Coverage figure, the new figures are correct. She then asked what part of the back of the driveway is being removed and Mr. Lusardi said the back driveway will be similar to what is there now so two cars can park there. Mrs. Scaturo was looking at the two over strips for the driveway itself and had a problem with the figures associated here, 221 square feet each is correct? The answer was yes. Mrs. Scaturo said they were then going from 1,304 to 980 square feet and Mr. Lusardi said that was correct. Mrs. Scaturo said the new grass strip is at 88.4 and 3.5 feet wide she felt the figures were not accurate to come to a 980 square feet figure. Mr. Lusardi said it comes to 979.8 square feet with the new pavers, and felt perhaps she was looking at it differently. Mr. Lusardi had put together a diagram of the proposed pavers and all the components are shown on this plan and he checked the math several times, he looked at this as a clean slate as the existing driveway is being totally removed. The requirement for Impervious Coverage is 35% and they are proposing 33.1%, 2% less than what is required (the maximum). Mrs. Scaturo asked if they are putting in a grass strip to offset the proposed

porch and Mr. Lusardi said that was correct. She then asked how high are the proposed front steps and was told about 7.5 inches each. She said there are two stairs proposed and only one stair there now, why the difference? The proposed porch has a 6 inch step from the house to the porch and based on his measurements there would be two steps needed. She then asked if the new porch is going to be at the same height as the existing portico and Mr. Avakian answered this, he explained that the ground slopes by inches so there is a change in the steps needed, the elevation in front of the home becomes less, there is a change from where the portico comes down and where the porch will be, this is why a second step is needed. The new porch is the same height but is at a slightly different elevation. Mrs. Scaturo then asked what are the measurements of the gable roof that is above the porch and Mr. Lusardi said 11 feet wide and 4 feet from the bottom of the porch girder with 10 inches for the shed and a 12 inch overhang. Mrs. Scaturo asked what was the maximum allowed and Chairman Hall said 22 inches so they comply, Mr. Avakian confirmed this, the 10 inches and 12 inches are not added together so this is in compliance. Mrs. Scaturo questioned this and wanted to know how long was this, Mr. Lusardi answered 7 feet 8 inches. She then asked where the drainage will be for the new porch, Mr. Lusardi said this typically is not shown on the architectural plans and Mr. Henderson said this will be done with construction permits; Mr. Lusardi added there will be a drywall put in that will be reviewed by the Board Engineer, it will be either in the front yard or a lawn strip in the driveway.

As there were no more questions, that portion of the hearing was closed and Mr. Henderson summarized the application. The Board had heard testimony at the previous hearing and this one, they feel this will be a drastic aesthetic improvement, will fit in with the neighborhood scheme, will maintain adequate air, light and open space and will support the Master Plan of Sea Girt and add to the coastal feel. This is simple – 2 variances for the front porch and they used the front yard averages, if this is a concern with front yards being moved closer it is an issue that should perhaps be addressed before Mayor and Council, he asked that the Board look at this favorably.

It was now time for public general comments and Chairman Hall asked that the comments be kept brief and please avoid repetition. Mary Ann Schobel asked to please allow the renovation other than having another house being torn down, if this home is taken down it will mean another cookie-cutter construction coming in. Renovations such as a front porch are charming and add a dramatic presence to curb appeal, enhancing the property. Please vote to allow this to be done so the home does not have to be torn down.

Daniel Cozzi, 106 Stockton Boulevard, speaking on behalf of the McFaddens directly next door to the D'Agostinis. He was sworn in and was at the last meeting and agreed that the proposed enhancements will upgrade the style of this home will be more in line with the coastal aesthetic that Sea Girt has, this will be very unobtrusive and not negatively impact them as they are next door, it will not affect their enjoyment of their home at all. The home at 102 Stockton is very nicely being constructed, as well as other homes that have been renovated and feel updating the curb appeal of this home

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will be good. He felt the Board was doing a great job during these Covid times and thanked them.

Rob Falzon of 2 Neptune Place was then sworn in. He also was in support of the application and agreed he did not want to see the house torn down, they should be able to renovate their property instead. He and his wife believe it will add significantly to the character of the home and streetscape, they walk this area all the time. They had a porch on their home and enjoy the interaction they have with neighbors, he strongly suggested the Board approve this application.

Karen Loughran of 106 Neptune Place was next to be sworn in. She said she was a victim of Superstorm Sandy and the D'Agostinis purchased their home after that. She has seen the impact of the coastal overbuilding, this entire area has an underground estuary that they live over and they live with wetness. She felt that extending the front setback average by 6 inches was a big deal, if everyone gets this all you have to do is do the math and it will become feet. She was worried as this area is subject to flooding and there would be an environmental impact, she did not want to see overbuilding, she felt this will have a negative impact in the next big storm.

Susan Sharp of 120 Stockton was sworn in and said she was concerned about the changing landscape going on around town, especially with setbacks from the street. She knew of three homes in this area that had applied for variances in the last 5 years and were denied. She was concerned that perhaps the town is opening up a Pandora's Box, she was concerned about the infringement on the street and felt inches matter. The town has codes and they have to be enforced.

Next to speak was Jill Chritchly Weber of 207 Neptune Place who was sworn in. She was more concerned about the homes being taken down, clear cutting of lots and the cookie-cutter homes being put up rather than a 6 foot porch. This request is very reasonable and the Planning Board should review applications on their own merit, ask if it's in line with the Master Plan and not stop people from improving their home so they stay rather than selling the property. She keeps seeing the same 4 or 5 models of new homes being put up on every corner that is clear cut. The new homes have porches on them as well. Approving this will tell residents that the Board would like to see people fix up their homes and she asked that the application be approved.

Next to speak was Heather Scaturo of 108 Stockton Boulevard. She emphasized this is in a FEMA flood zone and they live two houses away from 104 Stockton. She said they had water in their home from Superstorm Sandy and Hurricane Irene being in this part of town and she felt that a strip of grass between two houses will do very little to help runoff from a porch of this size. The houses that have been renovated on this block were done to code with no variances. Even though her house is the closest one to the street they did their renovations within the existing footprint and worked with what they had. She felt the benefit here is solely to the applicant and she did not think was an aesthetic improvement and was a personal preference of the applicant. She also said that she can see the ocean from her house and this proposed

porch will block that view and this will have a negative effect on her light and air. This is a C2 variance and has to prove that the positives have to outweigh the negative detriments and she thought a precedence is being set and the zoning will be changed block by block. Mr. Henderson asked what her front yard setback was and she said it was 26 feet, her house was built in 1965. He asked her if her house blocks her neighbor to the west from the view and she said that home was built 20 years later. Mr. Henderson said he recognized that Mrs. Scaturio was not going to answer his question.

Mr. Feldman of 102 Stockton Boulevard asked again to speak and was allowed. He had 3 main concerns, a concern on the driveway, concerns on the flood zone and realizing he might be affected by any flooding due to this new construction, and they are building their home by code, with a porch, and at the setback allowed. He felt this proposed construction will affect their view, sun, etc.

At this time Jodie D'Agostini asked to speak. She was sorry some of the neighbors are feeling this way, she felt it will be a big improvement for the street, they are looking forward to becoming permanent Sea Girt residents and told the Board you cannot see the ocean from this street. Mrs. Scaturio's porch goes way out in front of their proposed porch so they will not be blocking her view and she did not understand why some of the neighbors were so against this, it will be an improvement of what the house looks like now and what it will look like later. They like the neighborhood and would hope they all can get along and live together and mend fences and see that this will be a major improvement. They are going to put in drainage which will help with any water issues so that will be taken care of, she asked the Planning Board to weigh this application and will see that their intentions are good; she was surprised to hear some of the comments this evening herself. They redid the application, trying to get rid of as many of the variance issues as they could, they want to be good neighbors.

It was now time for Board comments. Mrs. Brisben wanted all to know that each application is taken on it's own merit, no precedence is being set. She always appreciates when people will work with the Planning Board, this started out as a 9 foot wide porch with an addition and they have taken off the addition and shortened the porch and took off the side yard setback problem, reduced the porch to 6 ½ feet. She stood at the corner of Stockton Blvd. & First Avenue and looked down the street and there are some homes that stick out in front of the other ones. She did not feel this proposed porch will affect anything and will be an aesthetic improvement, this house is totally flat at the front, a porch will help it; she was for approval.

Mr. Britt felt it would be an aesthetic improvement and also felt the square footage and setbacks should be looked at very seriously. He was still learning but felt the coverage issues are a concern in order to make something look nicer and he felt there are ways to do this within the confines of the building.

Mr. Koreyva said this Board gave recommendations to the applicants, at the October meeting, and they did everything the Board asked and then some. He told them he would be at full support if they went from 9 feet to 7 feet and they went down to

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6.5 feet. This is an existing home and they did everything the Board asked of them, this is an open front porch which should be received as a favorable thing, he had no issue with their request. As far as drainage, they are going to do a drywell; as looking at the architecture picture today, the porch will make the house pop and looks great and he was in full support of the application as presented.

Mr. Ward said that, after hearing all the testimony, a couple of things come to his mind: when there is talk about variances being given they should be rare and very difficult to get. If the Board uses this as the bar, he could not support the application. If the town is going to allow porches it should be by Ordinance and not piecemeal. This property already has existing nonconformities to it and that, plus an additional 11% coverage, means he can't support it even though he would love to see them have a porch but it would have to be done within the envelope that is there.

Councilwoman Anthony wanted to thank the applicants for reducing the size of porch and increasing the pervious space and removing the hot tub, however, she felt they should stick to the front yard setback that is currently in place and agreed that any changes should be done from an Ordinance standpoint. Coming in with a lot of variances and then reducing them to obtain approval is done but takes an enormous amount of time and she wanted to have the attorneys who present these applications take this into consideration when coming before this Board in the future. She also commented she felt it unfair of Mr. Henderson's dialog with Mrs. Scaturro and his tone.

Mrs. Laszlo appreciated the neighbors' comments and views, both in support and against, it helps the Board evaluate the application. She appreciated the modifications made to the plans and quoted from the 2018 Master Plan report that one of the main concerns of Sea Girt residents was the number of homes being torn down. At that time the Planning Board recommended to the Borough Council: "porches shall not be considered as a habitable floor area and front yard setbacks shall be measured from the building line and not the porch line." This was in keeping with the information received from the public at the time of the Master Plan re-examination. Mrs. Laszlo explained to all that the Planning Board does not hear all construction that is being done and homes being taken down, the Board only hears applications that need variance relief and not homes that are being built according to code. According to the yearly reports, the average amount of applications that heard by the Board is around 12 a year. She was for porches and commented on a porch culture that is around, an example of people having a band on their porch in Pennsylvania that she saw. The D'Agostinis did not build this house, it has a flat front and she heard excellent expert testimony offered by the applicant. This is an open-air porch which will enable them to sit out front and she didn't believe there was any serious detriment to any of their neighbors. She found this application meets and advances the purpose of the Municipal Land Use Law and Master Plan and the benefits substantially outweigh the detriments; she would vote for approving this variance. She concluded that if Council wants to take a look at the Ordinance they should do so and reiterated what had already been said that each application is taken on its own and is not precedent setting.

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Mayor Fetzner was not present at the first hearing and knew he could not vote tonight but appreciated the work the Board has done on this and the applicant modifying their plans but he was concerned about moving setbacks forward. In terms of looks the proposal is very nice but he was worried about setbacks creeping forward. Sea Girt has wide open streets with setbacks before getting to the buildings and if he were voting he would not be in favor of this application. If the Planning Board would consider making recommendations to Council on porches, they should consider the width of the porches as well. He then made a comment to the applicants and the professionals that they did a fine job of presentation and it was appreciated.

Mr. Casey said he appreciated the support the applicant has received and the comments from all, he agreed a front porch would make the home look better but he can't look at this in a vacuum; this will be more building coverage in a flood zone, the garage is oversized and this will be adding to the excess building coverage as well as the evergrowing setbacks, he would say no to this application.

Mr. Walker agreed with the others that the testimony was very good and also appreciates all the comments made by all, the applicants did make the changes the Board asked for as well as putting in a drywell so he felt he would be in favor.

Chairman Hall felt this was a difficult application, he loved porches but was against going over building coverage; he wished this porch would be a little bit narrower that was not on a concrete foundation with pillars and was of the opinion that it would impact the impervious coverage even though some was being taken out by the new driveway proposed, but there was some being put back in. After hearing all the comments from the neighbors, both for and against, he was split on this application but would not be in favor due to the coverage, he wished it could be taken down more on width but did say the porch would beautify the home.

Mr. Henderson asked if there was anything they can do here, perhaps shrink the porch on either side which reduce it by about two feet in length. Chairman Hall said the Board had asked Council about this and they did not want to consider making changes for porches then; but he would be in favor if they can reduce the coverage to very close to what it is now at 20.1%. Mr. Henderson said they can't do a porch without changing the coverage a little, but if it were shrunk a little bit lengthwise would it make it a little more appealing. Chairman Hall said he can't answer this and cannot speak for the rest of the Board and looked at the application as presented, he did say they could go back to the drawing board but this was the second time they were here. Mr. Henderson said he did not think they can get a new building coverage number on the spot and asked for 5 minutes to speak to his client and it was granted.

Mrs. Laszlo asked Mr. Kennedy what happens in a tie vote and was told the application then is not approved. Mr. Henderson then came back and said they were able to reduce the porch to 6 feet so it would be 16 square feet less; they can also shrink it in on the sides but the architect felt that would affect the aesthetics of it, however, they were willing to sacrifice the aesthetics to be able to put a front porch on it.

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Mr. Henderson felt this shows a lot of good faith on the part of the applicant to do this. Mr. Lusardi added that 6 feet would be a minimum on a front porch and it really should run the length of the front of the home, it would not look as good shortened and reminded all that this is an open-air porch and there is no issue to the light and air to the neighbors. Chairman Hall asked if they can move the porch in to the windows and Mr. Lusardi said this would like someone had a porch and then chopped the sides off, the aesthetics will really take a hit if this is done.

Mr. Kennedy asked Mr. Henderson if he wanted a vote tonight and the answer was yes, he couldn't see the point to carry it again as they can't make the porch any smaller than what they did other than taking it down to 6 feet and taking in the sides if it would make this application more appealing to the Board. Chairman Hall asked Mr. Kennedy if they wanted to carry this to a future date and come back, rather than withdrawing it, can they do this. Mr. Kennedy said if the application is ruled upon they can't come back with the same type of application, it would have to be substantially different; if they carry it they can. Mr. Koreyva noted that Mrs. Abrahamson was not at this meeting tonight and, if carried, she could listen to the tape and then vote next month; Mrs. Brisben said she was not at the first hearing either so would have to listen to both meetings and Mr. Kennedy said that both the Mayor and Mr. Britt could also do the same thing.

Mr. Kennedy then noted that this Board had heard all comments, questions and had thoroughly debated this application the way they are supposed to and had done a thorough job. He then asked Mr. Henderson if he wanted to proceed with a vote or carry this to analyze the applicants' options.

While waiting it was noted there were two more hands raised in the audience but the question period and the comment period had been closed and Chairman Hall said no more public questions or comments can be heard at this time.

Mr. Henderson asked for one more minute to confer with his client; he came back with a request for a vote and wanted to reiterate that the client was willing to reduce the porch as much as possible, to 6 feet; they complied with the request from the October meeting to reduce the width of the porch but if it needs to be more it will be done to get the application approved; he believed the Master Plan speaks of this. Mr. Kennedy said he was going to go over the conditions discussed this evening and, so all are on the same page, he would address what was said that the porch would be reduced to 6 feet and bring in the sides 2 to 3 feet. For record keeping purposes, Mr. Kennedy asked Mr. Henderson for specific dimensions so the Board knows what they are committing to, the Board needs to know definite measurements.

Chairman Hall asked Mr. Kennedy if the Board can be canvassed again on the new proposal and the answer was yes; Chairman Hall then wanted to ask the members who were not for approval to give comments on the new porch dimensions. Mr. Casey said that, with the garage oversize and other issues, it would not make a difference in his vote. Councilwoman Anthony would not change her vote either, she would still struggle with the setback as well as the building coverage. Mr. Ward would not change

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his vote and did not feel it should be negotiated. Mr. Walker said that, after listening to the Board's comments before, he would like to change his vote to a no due to the coverage issue. Chairman Hall did not think the changes would make a difference.

Mr. Henderson felt it would make more sense to withdraw the application. Mr. Kennedy recognized this was not an easy decision, this means it will be dismissed without prejudice which means it's just been taken off the table. He then asked for a motion on this which was done by Mr. Walker, seconded by Mrs. Laszlo and then by the following roll call vote:

Ayes: Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Stan Koreyva, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Noes: None

Not Eligible to Vote: Mayor Don Fetzer, Tom Britt

Chairman Hall thanked Mrs. D'Agostini and told her it was nothing personal and was difficult; he also thanked the Board for being civil with the differences of opinions and working it out.

The last item on the agenda for the evening was a discussion on appointing various sub-committees to study zoning Ordinance issues and Mrs. Brisben said that the agenda for February, as of this evening, was light and perhaps this can be discussed next month; as the hour was late Chairman Hall agreed.

Chairman Hall thanked Mr. Avakian for attending and said his presence at the meetings does make a difference, Mr. Avakian said he will be attending when it is possible to do so and he planned on coming to the meetings. Mrs. Laszlo asked Mr. Avakian if he had any information on what other towns do in regards to porches and referred to the Master Plan Update on porches that Mr. Avakian's Planner, Jennifer Beahm, had worked on. Mr. Avakian recommended writing a report to Council, and noted there are two Council members on the Board that understand this issue tremendously well, things change and perhaps a report stating why this issue should be looked at may be well received.

As there was no other business to come before the Board a motion to adjourn was considered; Mr. Henderson took this time to thank the Board for their time in hearing his application, after which a motion to adjourn was made by Mrs. Laszlo, seconded by Mayor Fetzer and unanimously approved, all aye. The meeting was adjourned at 9:44 p.m.

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Karen S. Brisben, Secretary

Approved: February 16, 2022

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