

Thursday, September 22, 2016

## SEA GIRT PLANNING BOARD

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The Regular meeting of the Sea Girt Planning Board was held on Thursday, September 22, 2016 at 7:00 pm in the Sea Girt Elementary School, Bell Place. In compliance with the Open Public Meetings Act, notice of this Body's meeting had been sent to the official newspapers of the Board fixing the time & place of all hearings. After a salute to the flag, roll call was taken:

Present – Larry Benson, Karen Brisben, Eileen Laszlo (arrived 7:03), Raymond Petronko, Chris Randazzo, Bret Violette

Absent – Carla Abrahamson, Donald Laws, Donald McLaughlin, Councilwoman Ann Morris, Norman Hall

Board attorney Kevin Kennedy was not present at this meeting; Board member Karen Brisben recorded the Minutes and there was 1 person in the audience.

The Minutes of the August 17, 2016 meeting were approved on a motion by Mr. Petronko, seconded by Mr. Benson and approved on voice vote with Mr. Randazzo and Mr. Violette abstaining.

### OLD BUSINESS:

The only item on the agenda was Board approval of a Resolution for Block 53, Lot 14, 312 Washington Boulevard, owned by C. J. Kentler and Carol Reynolds (applicant – Robert Schwartz), to create a conforming two lot subdivision.

All Board members, as well as the applicants' attorney, had received a draft Resolution and, as there were no changes the following was presented for approval:

WHEREAS, Robert Schwartz has made Application to the Sea Girt Planning Board for the property designated as Block 53, Lot 14, commonly known as 312 Washington Boulevard, Sea Girt, NJ, within the Borough's District 1, East Single Family Zone, for the following approval:

- Minor Subdivision Approval; and

### **PUBLIC HEARING**

**WHEREAS**, the Board held a Public Hearing on August 17, 2016; and

**EVIDENCE/EXHIBITS**

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

- Land Development Application, dated March 24, 2016, introduced into Evidence as A-1;
- Minor Subdivision Plat, prepared by Charles O'Malley, PLS, dated March 31, 2016, introduced into Evidence as A-2;
- Plan of Survey, prepared by Charles O'Malley, PLS, dated March 18, 2016, introduced into Evidence as A-3;
- Review Memorandum from Leon S. Avakian, Inc., dated July 6, 2016, introduced into Evidence as A-4;
- Report from the Sea Girt Planning Board Subdivision Committee, dated June 7, 2016, introduced into Evidence as A-5;
- Review Memorandum, from the Borough of Sea Girt, Assessor, dated May 17, 2016, introduced into Evidence as A-6;
- Final Approval, Monmouth County Planning Board, dated March 31, 2016, introduced into Evidence as A-7;

**WITNESSES**

**WHEREAS**, arguments in support of the Application were presented by the following:

- Jacqueline McGowan, Esq.

**TESTIMONY AND EVIDENCE PRESENTED**

**WHEREAS**, testimony and other evidence presented on behalf of the Applicant revealed the following:

- The Applicant herein is Robert Schwartz.
- The Applicant is the Contract Purchaser of the subject property.
- The subject property currently contains 16,000 square feet.
- The subject site currently contains a single-family dwelling, patio, driveway, and shed.
- The Applicant intends to demolish the existing structures.
- The Applicant proposes to subdivide the site into 2 Lots; namely, proposed Lot 14.01 and proposed Lot 14.02.
- Details pertaining to the 2 proposed Lots include the following:

PROPOSED LOT 14.01

Minimum Required Lot Area: 7,500 SF  
Proposed Lot Area: 8,000 SF  
Proposed Use: New single-family home

PROPOSED LOT 14.02

Minimum Required Lot Area: 7,500 SF  
Proposed Lot Area: 8,000 SF  
Proposed Use: New single-family home

- As referenced, each Lot will ultimately host a single-family home.
  
- County Planning Board approved has already been obtained.

### **VARIANCES**

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

### **PUBLIC COMMENTS**

**WHEREAS**, there were no members of the public who expressed any questions, comments, concerns, or objections associated with the Application.

### **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 **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 312 Washington Boulevard, Sea Girt, NJ, within the Borough's District 1, East Single Family Zone. (The subject property (i.e. the mother Lot) is located on the south side of Washington Boulevard, between Third Avenue and Fourth Avenue).

3. The subject site currently contains 16,000 SF.

4. The Applicant proposes to subdivide the property into 2 Lots; namely, proposed Lot 14.01 and proposed Lot 14.02.

5. Such a proposal requires Minor Subdivision Approval.

6. There are no Variances associated with the within proposal.

7. Each of the new Lots created hereunder will ultimately host a new single family home.

8. Single family homes are permitted uses in the subject Zone.

9. 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.

10. The newly created Lot Sizes will comply with all Prevailing Lot Area Requirements.

11. There was no known public opposition associated with the Application.

12. 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.

13. Based upon the above, and subject to the conditions contained herein, the Board is of the unanimous opinion that the 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 terms and conditions of the Leon S. Avakian Review Memorandum, dated July 6, 2016 (A-4) and the Planning Board Subdivision Committee Review Memorandum, dated June 7, 2016 (A-5).
- b. The Subdivision shall not be perfected until such time as all of the existing structures (principal and accessory) on the site are demolished / removed, as confirmed by Borough Zoning / Construction Officials.
- c. The Applicant shall comply with any Municipal Street-opening moratorium which may be in effect.
- d. Per the Board Engineer Review Memorandum, the Applicant or subject Developer shall replace any existing curb and sidewalk which is in poor condition (as deemed necessary by the Board Engineer).
- e. The Applicant shall cause the Plans / Plats to be revised so as to portray / confirm the following:
  - The location of new utilities;
  - The driveway apron;

- The existence of properly signed / notarized signatures.
- f. The Applicant shall submit revised Plans (5 sets) to address the necessary / applicable items as referenced in the Board Engineering Review Memorandum and / or as otherwise referenced during the Public Hearing process, and as referenced herein. Any Plan revisions shall be subject to the review / approval of the Board Engineer.
  - g. The Applicant shall obtain any and all necessary / applicable demolition permits.
  - h. Prior to the issuance of any Construction Permits, the Applicant (or successor Applicant / Owner / Developer) shall submit grading, drainage, plot, and utility plans (and drainage calculations) to the Board Engineer, for review and approval.
  - i. 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.
  - j. Prior to the issuance of any Construction Permits, the Applicant (or successor Applicant / Owner) shall submit grading, drainage, plot, and utility plans (and drainage calculations) to the Board Engineer, for his review and approval.
  - k. The Applicant, or any successor Applicant / Owner, shall comply with all Prevailing Rules and Regulations of the Municipal / Regional Utilities Authority. Additionally, the Applicant shall pay / satisfy any applicable sewer / utility connection fees (and any other charges / fees due and owing.)
  - l. Unless otherwise waived by the Board Engineer, prior to the issuance of any Building Permit, the Applicant, or any successor Applicant / Owner, shall submit detailed Plans / Elevations – and the said documents shall be reviewed /

approved by the Board Engineer (as well as any other applicable municipal official).

- m. The Applicant shall attempt, in good faith, to preserve as many trees on site as possible.
- n. 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.)
- o. The subdivision shall be perfected in accordance with Requirements of New Jersey Law (and within the timeframe set forth in New Jersey Law.)
- p. The Applicant shall review the proposed Block / Lot designations with the Municipal Tax Assessor so as to confirm the acceptability of the same.
- q. The Applicant (or any successor Applicant) shall comply with all applicable Affordable Housing related Ordinances / Regulations / Contributions as may be required / imposed by the Borough of Sea Girt, the State of New Jersey, the Court System, and / or any Agency having jurisdiction over the matter.
- r. Any construction/development of the Site shall comply with the Prevailing FEMA Requirements.
- s. 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.
- t. 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. The Applicant shall also satisfy any conditions associated with such outside agency review.



- u. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees, taxes, and inspection fees.
- v. If required by the Board Engineer, the Applicant shall submit appropriate performance guarantees in favor of the Borough of Sea Girt.

**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 misrepresentations or actions by the Applicant's Representatives 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

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structural design of any constructed improvement, or for any damage which may be caused by the development / subdivision.

The above Resolution was approved on a motion by Mr. Petronko, seconded by Mrs. Brisben and then by the following roll call vote:

Ayes: Larry Benson, Karen Brisben, Ray Petronko

Noes: None

Not Eligible to Vote: Eileen Laszlo, Chris Randazzo, Bret Violette

Before adjourning, Mrs. Brisben told the Board she has received calls, in the past, about properties being subdivided without surrounding property owners knowing about it, she had gotten a call regarding the subdivision that was just approved at 312 Washington Boulevard. Other towns made it mandatory that property owners within 200 feet and the newspaper get notified and she felt that Sea Girt should do this as well so people know when a property near them is getting subdivided. The Board members present agreed with her and she said she was going to go further with this thought.

This brought up a short discussion on property owners being notified when a property is being demolished as well but, as demolitions go through the Building Department, it may be within their jurisdiction to have this done. Mr. Violette said that, in Florida, a notice has to be actually put up.

As there was no further business to come before the Board a motion to adjourn was made by Mr. Randazzo, seconded by Mr. Benson and approved unanimously by the Board, all aye. The meeting was adjourned at 7: 09 p.m.

Approved:

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