

SEA GIRT PLANNING BOARD
WEDNESDAY, MARCH 15, 2017

The Regular meeting of the Sea Girt Planning Board was held on Wednesday, March 15, 2017 at 7:00 p.m. in the Sea Girt Elementary School, Bell Place. In compliance with the Open Public Meetings Act, notice of this Body's meeting had been given by transmitting the Annual Meeting Notice to the official newspapers of the Sea Girt Planning Board, posting a notice in a public place as required by law and filing the notice with the Borough Clerk. After a salute to the flag, roll call was taken:

Present: Larry Benson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Councilwoman Anne Morris, Ray Petronko, John Ward, Norman Hall

Absent: Carla Abrahamson, Bret Violette

Also present was Kevin Kennedy, Board Attorney. There were 8 people in the audience and Board member Karen Brisben recorded the Minutes.

The Board then considered approval of the Minutes from the Wednesday, February 15, 2017 meeting of the Board. As there were no corrections or changes to the Minutes Mr. Petronko made a motion for approval, this seconded by Mrs. Laszlo and then unanimously approved by voice vote, all aye.

OLD BUSINESS:

The Board turned to the approval of a Resolution for variance relief for Block 103, Lot 3, 705 Boston Boulevard, owned by Lawrence & Joan O'Connell, to allow construction of a new front porch.

All Board members, as well as the applicant, had received a draft copy; Mr. Kennedy said he had received a call from the applicant's architect, Paul Damiano, requesting a change from "4 feet to 4 square feet" in the Resolution. He also asked about the statement of abandoning the project but Mr. Kennedy said this is in all Resolutions and means that if the project is not completed within 24 months it's approval is abandoned and the applicant will have to come back to the Board.

The following Resolution was then presented for approval:

WHEREAS, Lawrence and Joan O'Connell have made Application to the Sea Girt Planning Board for the property designated as Block 103, Lot 3, commonly known

as 705 Boston Boulevard, Sea Girt, New Jersey, within the Borough's District 1, West Single Family Zone, for the following approval: Bulk Variances associated with an Application to effectuate a number of improvements to an existing single-family dwelling; and

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on February 15, 2017, Applicants 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:

- *Land Development Application Package, undated, introduced into Evidence as A-1;*
- *Zoning Denial Letter, dated November 14, 2016, introduced into Evidence as A-2;*
- *Land Development Application complete with checklist, dated November 29, 2016, introduced into Evidence as A-3;*
- *Architectural Plan, prepared by Paul A. Damiano, AIA, dated October 30, 2016, last revised January 18, 2017, introduced into Evidence as A-4;*
- *Survey prepared by Charles Surmonte, P.E. & P.L.S., dated December 2, 2015, updated November 17, 2016, introduced into Evidence as A-5;*
- *Leon S. Avakian, Inc., Review Memorandum, dated January 31, 2017, introduced into Evidence as A-6;*
- *The Board containing the previously submitted Plan, also containing two illustrated pictures of the existing dwelling, with an enlarged Plot Plan, introduced into Evidence as A-7;*

- *A Photoboard containing three pictures of the subject property and/or the surrounding property, introduced into Evidence as A-8;*
- *Affidavit of Service;*
- *Affidavit of Publication.*

WITNESSES

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

- Lawrence O'Connell, Applicant, appearing *pro se*;
- Paul A. Damiano, Architect;

TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANTS

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

- The Applicants are the Owners of the subject property.
- The Applicants have owned the subject property since approximately January of 2016.
- There is an existing single-family home at the site.
- The Applicants live at the site on a full-time basis.
- The existing house is a one and one-half story cape cod structure, built in or about 1985.
- In order to increase living space at the site, and in order to make the existing home more functional, the Applicants propose several improvements.
- The proposed improvements, as ultimately modified, include the following:
 - i. Construction of a front-covered porch;

- ii. Construction of a second story dormer; and
 - iii. Renovation of the interior of the dwelling.
- Upon completion of the renovation/construction process, the home will include the following:

CELLAR

Storage Closet
Art Area
Game Area
Television Area

FIRST FLOOR

Living Room
Kitchen
Dining Room
Laundry Room
Office
Bathroom
Master Bedroom
Deck

SECOND FLOOR

Bedroom #2
Bedroom #3
Bathroom

- The Applicants anticipate commencing the construction/renovation work in the near future.
- The Applicants will be utilizing licensed contractors in connection with the renovation/construction process.

VARIANCES

WHEREAS, the Application as submitted and ultimately modified, requires approval for the following Variances:

*FRONT YARD SETBACK (COVERED PORCH):
40 feet required; whereas, 29.5 feet proposed
to the covered porch.*

*FRONT YARD SETBACK (SECOND STORY
DORMER): 40 feet required; whereas 37.1 feet
proposed.*

PUBLIC COMMENTS

WHEREAS, no members of the public expressed any comments, questions, concerns, statements, and / or objections in connection with the Application; and

FINDINGS OF FACT

NOW, THEREFORE, BE IT RESOLVED, by the Sea Girt Planning Board, after having considered the aforementioned Application, plans, evidence, and testimony, that the Application is hereby **approved 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 705 Boston Boulevard, Sea Girt, New Jersey, within the Borough's District 1, West Single Family Zone.
3. The subject property is rectangular in shape.
4. The subject property contains 7,500 SF; whereas a minimum of 7,500 SF is required in the subject Zone.
5. A single-family home currently exists on the site.
6. Single-family use is a permitted use in the subject Zone.

7. In order to address existing deficiencies with the home/site, in order to make the home more functional, and in order to increase living space at the site, the Applicants are proposing a number of improvements to the existing single family dwelling.

8. The proposed improvements include the following:

- i. Construction of a front-covered porch;
- ii. Construction of a second story dormer; and
- iii. Renovation of the interior of the dwelling.

9. Such a proposal requires Bulk Variance approval.

10. The Sea Girt Planning Board is statutorily authorized to grant such Bulk Variance relief, and therefore, the matter is properly before the said entity.

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

- Single family use is a permitted use in the District 1, West single family zone.
- As initially presented/submitted, the Applicants were requesting permission to expand an existing deck at the site by approximately 30 square feet.
- The 30 square feet deck expansion triggered the need for a Building Coverage Variance.
- The relevant Building Coverage calculations in the said regard include the following:
 - Maximum Building Coverage allowed . . . 20%;
 - Existing Building Coverage . . . 23.1%;
 - Proposed Building Coverage . . . 23.6%.
- Some Board Members were concerned that the existing site already exceeded the allowable Building Coverage – and some Board Members were further concerned that the

Applicants were seeking to further increase/expand the already non-conforming Building Coverage calculations.

- Sufficient testimony/evidence was not presented to justify the said Building Coverage Variance Relief.
- There was no sufficient testimony/evidence presented to indicate that any hardship existed which would justify the Building Coverage Variance Relief.
- The Applicants' representatives did not prove, to the satisfaction of the Board, that any further intensification of the non-conforming Building Coverage would advance the interests of the Borough of Sea Girt.
- Some Board Members were concerned that further increasing the non-conforming Building Coverage at the site would substantially and detrimentally affect the overall interests of the Borough.
- Some Board Members were concerned that further exacerbating the non-conforming Building Coverage would be inconsistent with the zoning plan/zoning scheme in the area.
- Some Board Members did not feel that the Applicants proved that the benefits of further exceeding the Building Coverage would outweigh the detriments associated therewith.
- As a result of the above, the Applicants decided to modify the Application so as to eliminate the proposed deck expansion and, by extension, eliminate the Building Coverage Variance request.
- The elimination of the Building Coverage Variance assuaged the concerns of the Board Members.
- Though the existing Building Coverage at the site still exceeds what is allowed under the Borough's prevailing Zoning Regulations, the Board is cognizant that approval of the within Application will not increase/intensify/exacerbate the same.
- The Application as presented/modified requires approval for a two Front Yard Setback Variances (one for the porch and one for the dormer).

- The relevant Front Yard Setback calculations include the following:
 - Required Front Yard Setback:40 feet;
 - Existing Front Yard Setback: 34.8 feet;
 - Proposed Front Yard Setback to proposed covered porch:..... 29.5 feet.

 - Required Front Yard Setback:40 feet;
 - Existing Front Yard Setback: 34.8 feet;
 - Proposed Front Yard Setback to the proposed second story dormer:..... 37.1 feet.

- The Covered Front Porch will shield individuals entering the home from adverse weather elements, such as extreme sun, rain, snow, hail, etc.

- The Covered Front Porch will architecturally enhance the existing home, the functionality of the same, and the physical appearance of the same.

- The footprint of the Front Porch will not be increased as a result of the within approval.

- The Front Porch approved herein will actually be four feet smaller in width than the existing stoop area.

- The proposed Dormer will architecturally enhance the appearance of the home, the functionality of the home, and the associated curb appeal of the same.

- The proposed Dormer represents a practical/functional/effective way of increasing overall living space at the site, without causing substantial detriment to the public good.

- The proposed Dormer will also provide better ventilation for the upstairs area of the home.

- The location of the Dormer is practical and functional.

- The architectural features of the existing home will be advanced by the construction of the recessed Dormer approved herein.

- Per the testimony and evidence presented, the proposed Front Setbacks for this site will still be the same or greater

than the Front Setbacks of other homes in the immediate neighborhood.

- Approval of the within Application will improve the overall appearance at the site.
- The improvements approved herein will architecturally / aesthetically match the existing structure.
- The Board appreciates and applauds the Applicants' desire to keep the existing / older home intact (as opposed to a demolition of the same).
- The within Application essentially represents the re-adaptation of an existing older home – which is beneficial.
- The proposed additions / renovations will architecturally and aesthetically match the existing structure.
- The Plans approved herein are reasonable, given the site constraints, and given the Applicants' need to increase the overall functionality of the home.
- Approval of the within Application will make the existing home more functional, and approval will also improve the quality of life for the homeowners.
- The size of the proposed improvements is appropriate, particularly given the conforming size of the existing Lot (i.e. 7,500 SF).
- The existing Lot is conforming in terms of Lot area (7,500 square feet required and 7,500 square feet exists).
- Subject to the conditions contained herein, the additions approved herein will not over-power / over-whelm the subject Lot.
- Upon completion, the renovations approved herein will not over-power / dwarf other homes in the area – particularly in light of the nature of the surrounding uses.
- The size of the renovated home is appropriate – particularly as evidenced by the fact that the same will comply with the Borough's Prevailing Height Requirements.

- The renovations approved herein are attractive and upscale, in accordance with Prevailing Community Standards.
- The site will provide a sufficient amount of off-street parking spaces for the Applicants' needs and thus, no Parking Variance is required.
- The existence of sufficient and appropriate parking is of material importance to the Board – and but for the same, the within Application may not have been approved.
- There was no known public opposition associated with the Application.
- Sufficiently detailed testimony / plans were presented to the Board.
- The proposed renovation should nicely complement the property and the neighborhood.
- Subject to the conditions contained herein, the proposal will not appreciably intensify the single-family nature of the lot.
- Additionally, the architectural/aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicants' inability to comply with all of the specified bulk standards.
- The architectural design of the renovated home will not be inconsistent with the architectural character of other single family homes in the area.
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated with the same.
- Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and, thus, the Application can be granted without causing substantial detriment to the public good.
- The improvements to be renovated herein will not be inconsistent with other improvements located within the Borough.

- Subject to the conditions contained herein, approval of the within application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented satisfies the Statutory Requirements of N.J.S.A. 40:55D-70(c) (Bulk Variances).

Based upon the above, and for other reasons set forth during the Public Hearing Process, the Board is of the unanimous opinion that the requested relief can be granted without causing substantial detriment to the public good.

CONDITIONS

During the course of the Hearing, the Board has requested, and the Applicants have agreed, to comply with the following conditions:

- a. The Applicants shall comply with the terms and conditions of the Leon S. Avakian, Inc. Review Memorandum, dated January 31, 2017 (A-6).
- b. The Applicants shall comply with all prevailing affordable housing requirements/directives/contributions as may be required by the State of New Jersey, the Borough of Sea Girt, C.O.A.H., the Court system, and/or any other Agency having jurisdiction over the matter.
- c. The Applicants shall comply with all prevailing Building/Construction Code Requirements.
- d. The Applicants shall cause the Plans to be revised so as to portray and confirm the following:
 - That the width of the Porch will be four square feet smaller than the currently existing Porch (as opposed to the six square foot designation as referenced on the submitted Plans);
 - To eliminate/withdraw the initially proposed 30 square foot Deck extension/expansion;

- To eliminate/withdraw the request for the Building Coverage Variance.
- e. Five revised sets of Plans shall be submitted to the Board Secretary.
- f. The Applicants shall utilize good faith efforts to manage storm-water run-off during and after construction (in addition to any other Prevailing / applicable Requirements / obligations).
- g. The Applicants shall obtain any applicable permits/approvals as may be required by the Borough of Sea Girt - including, but not limited to the following:
- Building Permit
 - Plumbing Permit
 - Electric Permit
 - Demolition Permit
- h. If applicable, the proposed structure shall comply with applicable Provisions of the Americans with Disabilities Act.
- i. Unless waived, grading/drainage plans shall be submitted to the Board Engineer so as to confirm that any drainage/run-off does not go onto adjoining properties.
- j. The proposed structure shall comply with the Borough's Prevailing Height Regulations.
- k. The construction shall be strictly limited to the plans which are referenced herein and which are incorporated herein at length. Additionally, the construction shall comply with Prevailing Provisions of the Uniform Construction Code.
- l. The Applicants shall comply with all terms and conditions of the Review Memoranda, if any, issued by the Board Engineer, Borough Engineer, Construction Office, the Department of Public Works, the Bureau of Fire Prevention and Investigation, and/or other agents of the Borough.
- m. The Applicants shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District.

- n. The Applicants shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.
- o. If required by the Board / Borough Engineer, the Applicants shall submit appropriate performance guarantees in favor of the Borough of Sea Girt.
- p. Unless otherwise agreed by the Planning Board, the approval shall be deemed abandoned, unless, within 24 months from adoption of the within Resolution, the Applicants obtain a Certificate of Occupancy for the construction / development approved herein.

BE IT FURTHER RESOLVED, that all representations made under oath by the Applicants and/or their agents shall be deemed conditions of the approval granted herein, and any misrepresentations 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 Applicants' 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 Applicants 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 the proposed improvements, or for any damage which may be caused by the development / renovation.

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

Ayes: Karen Brisben, Mayor Ken Farrell, Councilwoman Anne Morris, Ray Petronko, John Ward, Norman Hall

Noes: None

Not Eligible to Vote: Larry Benson, Jake Casey, Eileen Laszlo

NEW BUSINESS:

The Board then considered an application for a conforming Minor Subdivision for Block 53, Lot 1, 301 Trenton Boulevard, owned by Peter & Ana Uzzolino, to create two buildable lots. Board member Jake Casey had to recuse himself as he lives within 200 feet of this property.

The proper fees have been paid and taxes are paid to date. As this is a conforming subdivision no notice was required. Before starting this hearing, Mr. Kennedy marked the following exhibits:

- Exhibit A-1. Application dated 1/27/17.
- Exhibit A-2. Checklist dated 1/27/17.
- Exhibit A-3. Subdivision Committee report dated 2/22/17.
- Exhibit A-4. Subdivision Plan done by Greg Gaffney, dated 1/11/17.
- Exhibit A-5. Report from Board Engineer.

Mr. Kennedy said he does real estate work with Mr. Uzzolino's Title company but has never dealt directly with Mr. Uzzolino and had no conflict. The Board was in agreement with this decision as well as the applicant's attorney.

Mr. C. Keith Henderson, Esq. came forward to present this application which is located at 301 Trenton Boulevard and is a fully conforming subdivision. He told the Board the applicants are the owners of the property and all structures have been removed; they have no problem in complying with the Engineer's report.

At this time Peter Uzzolino came forward and was sworn in, he owns the property with his wife and they have owned it since January of this year. As all the trees and landscaping have been removed Chairman Hall asked him about re-landscaping this property and Mr. Uzzolino said they are planning on doing this, they own the property

next door as well. Mrs. Brisben apologized to Mr. Henderson as she had not gotten a letter from the Tax Assessor conforming the new lot numbers and said this will be done; Mr. Henderson said they are going to bring in revised plans anyway, for compliance with the Engineer's report and will submit 5 copies. Mr. Henderson also said they are going to file the subdivision by deed.

Mayor Farrell commented that, when people subdivide, the Board likes to see conformity with the lots, they do not want to see a large home built and then come to the Board asking for a variance to do more, such as a pool.

As there were no other comments the hearing was opened to the public and, as there was no response, that portion was closed. The Board did not have any other questions or comments so Mr. Kennedy went over the salient parts of the enabling Resolution. Chairman Hall explained that there is no business to come before the Board for April so the Board is going to pass the Resolution this evening to finalize this matter.

At this point Mrs. Brisben made a motion for approval, as outlined by Mr. Kennedy's proposed Resolution, this seconded by Mr. Ward and then by the following roll call vote:

Ayes: Larry Benson, Karen Brisben, Mayor Ken Farrell, Eileen Laszlo, Councilwoman Anne Morris, Ray Petronko, John Ward, Norman Hall

Noes: None

The following Resolution was then formally introduced and voted on:

WHEREAS, Peter and Ana Uzzolino have made Application to the Sea Girt Planning Board for the property designated as Block 53, Lot 1, commonly known as 301 Trenton 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 March 15, 2017; and

EVIDENCE/EXHIBITS

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

- *Land Development Application, dated on or about January 27, 2017, introduced into Evidence as A-1;*
- *Land Development Application Completeness Checklist, dated January 27, 2017, introduced into Evidence as A-2;*
- *Review Memorandum from the Planning Board Subdivision Committee, dated February 22, 2017, introduced into Evidence as A-3;*
- *Minor Subdivision Plan, prepared by Gregg A. Gaffney, P.L.S., dated January 11, 2017, consisting of 1 sheet, introduced into Evidence as A-4;*
- *Review Memorandum, from Leon S. Avakian, Inc., dated March 2, 2017, introduced into Evidence as A-5;*

WITNESSES

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

- Peter Uzzolino, one of the Applicants;
- C. Keith Henderson, Esq., appearing

TESTIMONY AND EVIDENCE PRESENTED

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

- The Applicants herein are Peter and Ana Uzzolino.
- The Applicants are the owners of the subject property.

- The Applicants have owned the subject property since approximately 2016 / 2017.
- The subject property currently contains 15,000 square feet (i.e. 100 ft. in width X by 150 ft. in depth).
- The site is currently vacant (as a single-family home was recently demolished at the site).
- The Applicants are proposing to subdivide the site into 2 Lots; namely, proposed Lot 1.01 and proposed Lot 1.02.
- Details pertaining to the 2 proposed Lots include the following:

PROPOSED LOT 1.01

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

PROPOSED LOT 1.02

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

- As referenced, both Lots will ultimately host a single-family home.

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 301 Trenton 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 northwest corner of Trenton Boulevard and Third Avenue).

3. The subject site currently contains 15,000 SF.

4. The Applicant proposes to subdivide the property into 2 Lots; namely, proposed Lot 1.01 and proposed Lot 1.02.

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 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 Applicants 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 Applicants shall comply with the terms and conditions of all representations made at or during the Public Hearing Process.
- b. The Applicants shall comply with all terms and conditions of the Leon S. Avakian, Inc. Review Memorandum, dated March 2, 2017 (A-5).
- c. The Applicants shall comply with the terms and conditions of the Planning Board Subdivision Review Memorandum, dated February 22, 2017 (A-3).
- d. 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.
- e. Prior to the issuance of any Construction Permits, the Applicants (or successor Applicants / Owners) shall submit grading, drainage, plot, and utility plans (and drainage calculations) to the Board Engineer, for his review and approval.
- f. The Applicants, or any successor Applicants / Owners, shall comply with all Prevailing Rules and Regulations of the Municipal Utilities Authority. Additionally, the Applicants shall pay / satisfy any applicable sewer / utility connection fees (and any other charges / fees due and owing.)
- g. Prior to the issuance of any Building Permit, the Applicants, or any successor Applicants / Owners, 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).

- h. The Applicants shall comply with any and all Municipal Tree Preservation Regulations.
- i. 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.)
- j. The subdivision shall be perfected in accordance with Requirements of New Jersey Law (and within the timeframe set forth in New Jersey Law.)
- k. The Applicants shall review the proposed Block / Lot designations with the Municipal Tax Assessor so as to confirm the acceptability of the same.
- l. The Applicants shall submit 5 sets of Revised Subdivision Plans to the Board Secretary.
- m. The Applicants shall be mindful of the importance and beauty of appropriate landscaping at the site.
- n. Per the Board Engineer's review memorandum, the Applicants shall arrange for the existing curbs and sidewalks to be replaced if found to be in poor condition.
- o. The Applicants shall comply with all applicable Affordable Housing Regulations / contributions / obligations as established / imposed by the State of New Jersey, the Borough of Sea Girt, C.O.A.H., the Court System, and / or any other Agency having jurisdiction over the matter.
- p. Any construction / development of the Site shall comply with the Prevailing FEMA Requirements.
- q. The Applicants 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.
- r. The Applicants 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.

- s. The Applicants shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees, taxes, and inspection fees.
- t. If required by the Board Engineer, the Applicants 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 Applicants and/or their 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 Applicants' 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 Applicants 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 development / subdivision.

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

Ayes: Larry Benson, Karen Brisben, Mayor Ken Farrell, Eileen Laszlo, Councilwoman Anne Morris, Ray Petronko, John Ward, Norm Hall

Noes: None

The Board then turned to an Informal Hearing for Block 77, Lot 5, 526-528 Washington Boulevard, for use as a dental office with a second floor apartment.

Before starting, Mr. Kennedy went over the parameters of hearing this as this Board very rarely hears an Informal Hearing. The law allows an applicant to do this for a subdivision or site plan, to come before the Planning Board informally with no notice given and no formal testimony, that will come later if the applicants decide the Board is willing to hear the application. This hearing, this evening, is non-binding, the Board can be agreeable to it tonight but can change their mind after hearing the formal application.

Chairman Hall commented that Board member John Ward lives within 200 feet of this property and asked if he should recuse himself and Mr. Kennedy said yes so Mr. Ward left the dais.

Mr. Petronko wanted clarification as to the purpose of an Informal Hearing and Mr. Kennedy explained an applicant can get the "feel" of the Board as to their project, is this something that will be accepted, etc. Mrs. Brisben said there is also quite an expense in getting formal plans done, as well as paying the Planning Board fees, and an applicant may want to have an Informal before all that expense is incurred.

At this time Mr. Kevin Callahan, Esq. came forward, representing the LLC here, which is Dr. Patrick Cuozzo and his wife. Mr. Callahan said he was before this Board about 8 years with Dr. Cuozzo's father for the property down the street, they needed a variance for parking. Patrick Cuozzo joined his father in 1997 in his dental office on Washington Boulevard and Mr. Callahan, who is President of the Chamber of Commerce in town, is thrilled that they want to upgrade right here in Sea Girt and stay here. They do need a variance for 3.8 feet from the property line, but if they take out the drive-up window that is located at this building, which is a former bank building, they can go up to 5.2 feet.

At this time Dr. Patrick Cuozzo came forward and told the Board the dental practice they have in town has grown over the years and they want to move to this bank building which has 13 parking spaces where they now have 4. They see about 10 patients per hour, so 90-105 a day, parents park on Washington Boulevard or drop off their kids and pick them up, having parking spaces would be very nice. They have retained the architect that designed their Lincroft office they did several years ago; they now have 5 dental chairs and the new building will have 6 chairs, along with 1 adult chair and 2 consultation chairs.

Mr. Callahan noted if the variance is not granted they would not be able to have the number of chairs they would need, it would be a problem, they would have to extend the building into the parking spaces. He also felt that eliminating the drive-up driveway will be better for safety reasons and will give more parking. Chairman Hall asked if they are using the same envelope of the existing building and Mr. Callahan said they will extend the building to the driveway area. Chairman Hall asked about the apartment that will be put on top, that will need 2 parking spaces; Mr. Callahan agreed and also said the building will be complying with the height requirements. Mr. Petronko asked about the hours and Dr. Cuozzo said they are open from noon to 8:00 p.m.; one day a month they open at 9:00 and one day they open from 7:30 to 5:00 pm.

Right now they have 1,250 square feet to use and this building will give them 2,500 square feet. Mayor Farrell commented on the new Ordinance that was passed by Council on lot coverage, parking, etc. Mr. Callahan again said they have 12 spaces to that is not a problem, they would be required to have 6. Mayor Farrell told Mr. Callahan to just make sure they are okay with the lot coverage as per the new Ordinance, he wanted them to find out if there would be any other possible variances needed before making a formal application.

Mayor Farrell also remarked that the apartment sounds like it might be large and Dr. Cuozzo said he and his wife plan on using it in the summer, he was brought up in Sea Girt and his family has been here since the 1940s; he does not live in town now and he wished he has purchased his grandmother's home when it was for sale.

Mrs. Laszlo asked if the building is coming down or being renovated and was told the driveway side will be extended by a building addition and some "squaring off" done. The entrance will be on the side and the apartment entrance will be at the rear. Mr. Kennedy reminded them if they demolish more than 50% of the existing building they start from square one and Mr. Callahan said he will check with his engineer.

Chairman Hall did not feel there were any bad comments on this proposed project and felt the applicant has his answer as to going forward or not. Councilwoman Morris asked about the current building they are using and was told that will become rental property. Chairman Hall asked if this will be 2 story or 2.5 story and Mr. Callahan said it will be 2.5 but the neighbors won't see this as it will be the front portion of the building, the neighbors to the west are pretty much the same. Mrs. Brisben asked how long as the bank building been vacant and Dr. Cuozzo said since November, then he bought it.

As there were no further questions or comments, the Informal Hearing was closed and the applicant and Mr. Callahan thanked the Board for their time.

Before adjourning, the Board was reminded to make sure they could attend the May 17th Planning Board meeting, that is the meeting on the William Sitar/Sea Girt Village matter and all eligible members are needed to be present. Chairman Hall asked

Mr. Kennedy about appointing additional Alternate Members, he believed two more were allowed under the Municipal Land Use Law; Mr. Kennedy said he will look into it and let him know.

As there was no other business to come before the Board a motion for adjournment was made by Mrs. Brisben, seconded by Mayor Farrell and approved unanimously by the Board, all aye. The meeting was adjourned at 8:00 p.m.

Approved: May 17, 2017