

SEA GIRT PLANNING BOARD
RE-ORGANIZATION MEETING
WEDNESDAY, JANUARY 17, 2018

The Re-Organization Meeting of the Sea Girt Planning Board was held on Wednesday, January 17, 2018 at 7:00 p.m. in the Sea Girt Elementary School on 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 and the Borough Clerk fixing the time & place of all hearings. After a Salute to the Flag the following members were appointed:

Class I Member Mayor F. Ken Farrell through 12/31/18
Class II Member Karen Brisben through 12/31/18
Class III Member Councilman Michael Meixsell through 12/31/18
Class IV Member Norman Hall through 12/31/21
Alternate Member No. 1 John Ward through 12/31/19

Roll call was then taken:

Present – Carla Abrahamson, Larry Benson (arrived 7:20), Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Councilman Michael Meixsell, Ray Petronko, John Ward, Norman Hall

Absent - Robert Walker

Kevin Kennedy, attorney for the Board, was also present and Board member/Secretary of the Board Karen Brisben recorded the Minutes. There were 8 people in the audience. The Minutes of the November 15, 2017 meeting were approved on a motion by Mr. Ward, seconded by Mrs. Laszlo and unanimously approved, all aye.

It was time for nominations for Chairperson and Vice-Chairperson and a motion was made by Mrs. Brisben to appoint Norman Hall as Chairperson and Eileen Laszlo as Vice-Chairperson. As there were no other nominations, her motion was seconded by Mrs. Abrahamson and approved by the following roll call vote:

Ayes: Carla Abrahamson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Councilman Michael Meixsell, Ray Petronko, John Ward, Norman Hall

Noes: None

The following Resolution was then presented to appoint Keven E. Kennedy, Esq. to serve as Counsel to the Planning Board for 2018:

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

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.

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

Ayes: Carla Abrahamson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Councilman Michael Meixsell, Ray Petronko, John Ward, Norman Hall

Noes: None

The Board then considered a Resolution appointing Peter Avakian of Leon S. Avakian, Inc., consulting Engineers, as Engineer & Planner for 2018 and the following was presented for approval:

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., of the firm Leon S. Avakian, Inc., Consulting Engineers (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.
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.

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

Ayes: Carla Abrahamson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Councilman Michael Meixsell, Ray Petronko, John Ward, Norman Hall

Noes: None

The Board then turned to the Resolution of approving the official newspapers for publications for 2018 and the following was presented:

WHEREAS, the Sea Girt Planning 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 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 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.

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

Ayes: Carla Abrahamson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Councilman Michael Meixsell, Ray Petronko, John Ward, Norman Hall

Noes: None

The next Resolution for consideration for approving the meeting dates for 2018. There was a brief discussion on changing the dates for the December meeting as it was so close to Christmas (Note: the date for the November meeting also was changed after the meeting as it was to be on Thanksgiving Eve and the Secretary changed that date, as well). The following Resolution was then presented:

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 is hereby set for meetings of the Sea Girt Planning/Zoning Board for the year 2018, meetings held at the Sea Girt Elementary School at 7:00 pm (except for November & December, November meeting to be held on the fourth Wednesday and the December meeting to be held on the second Wednesday)

January 17, 2018
March 21, 2018
May 16, 2018

February 21, 2018
April 18, 2018
June 20, 2018

July 18, 2018
September 19, 2018
November 28, 2018

August 15, 2018
October 17, 2018
December 12, 2018

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.

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

Ayes: Carla Abrahamson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Councilman Michael Meixsell, Ray Petronko, John Ward, Norman Hall

Noes: None

The last Resolution for the Organizational aspect of the meeting was for appointment of Secretary of the Board and the following was presented for approval:

WHEREAS, the Sea Girt Planning 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 Board as follows:

1. That Karen Brisben is hereby appointed as Planning Board Secretary for calendar year 2018 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.

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

Ayes: Carla Abrahamson, Larry Benson, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Councilman Michael Meixsell, Ray Petronko, John Ward, Norman Hall

Noes: None

Abstain: Karen Brisben

OLD BUSINESS:

It was time to consider two Resolutions memorializing the action of the Board at their October meeting; the first one was approval of a Resolution for Block 9, Lot 6.01, 647 Ocean Avenue, owned by Peter & Ellen Forlenza, to allow construction of a new home.

Mr. Ward had a question on a condition of approval regarding the CAFRA permit and what happens if the Board approves it and CAFRA doesn't. Mr. Kennedy said this is in the Engineer's review but he wanted to bring it out in the Resolution as well; it's not unusual for the Board to state other permits are needed. Chairman Hall added that the Construction officer also looks at this and will make sure they comply. Mr. Kennedy said if the DEP declines this request they will have to come back to the Board, it's a pretty simple process. It was decided to leave this extra reference to this approval out as it is in the Engineer's review. Mrs. Brisben also asked about items that were left blank and Mr. Kennedy said he will get the proper information from the attorney and put that in.

The following amended Resolution was then presented for approval:

WHEREAS, Peter and Ellen Forlenza have made Application to the Sea Girt Planning Board for the property designated as Block 9, Lot 6.01, commonly known as 647 Ocean Avenue, Sea Girt, New Jersey, within the Borough's District 1, East Single-Family Zone, for the following approval: Bulk Variances associated with an Application to construct a new single-family home, garage, and in-ground pool; and

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on November 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:

- *Zoning Application Package, introduced into Evidence as A-1;*
- *Plot Plan, prepared by Charles Lindstrom, P.E., dated April 5, 2017, last revised September 8, 2017, consisting of 2 sheets, introduced into Evidence as A-2;*
- *Architectural Plan, prepared by Anderson Campanella Architects, dated April 5, 2017, last revised October 19, 2017, consisting of 7 sheets, introduced into Evidence as A-3;*
- *Survey, prepared by William H. Doolittle, PLS, dated December 22, 2016, last revised March 10, 2017, introduced into Evidence as A-4;*
- *Review Memorandum from Leon S. Avakian, Inc., dated October 26, 2017, introduced into Evidence as A-5;*
- *Land Development Application Completeness Checklist, introduced into Evidence as A-6;*
- *Zoning Denial Letter, dated July 17, 2017, introduced into Evidence as A-7;*
- *2 Illustrated Renderings of the east elevation of the home, prepared by Anderson Campanella Architects, introduced into Evidence as A-8;*
- *The southern elevation of the home (and garage), prepared by Anderson Campanella Architects, introduced into Evidence as A-9;*
- *2 Elevations of the home (from the western side elevation), prepared by Anderson Campanella Architects, introduced into Evidence as A-10;*
- *The southern elevation of the home, prepared by Anderson Campanella Architects, introduced into Evidence as A-11;*
- *The northern elevation of the proposed home, prepared by Anderson Campanella Architects, introduced into Evidence as A-12;*

- *The elevation of the lower level of the home, prepared by Anderson Campanella Architects, introduced into Evidence as A-13;*
 - *The elevation of the primary level of the home, prepared by Anderson Campanella Architects, introduced into Evidence as A-14;*
 - *The elevation of the upper level of the home, prepared by Anderson Campanella Architects, introduced into Evidence as A-15;*
 - *An aerial photograph, dated on or about November 15, 2017, introduced into Evidence as A-16*
- Affidavit of Service;*
- *Affidavit of Publication.*

WITNESSES

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

- James Anderson, AIA, Architect;
- Jennifer Schwenker, Engineer;
- Jennifer Krimko, Esq., appearing;

TESTIMONY AND EVIDENCE PRESENTED BY THE APPLICANTS'

REPRESENTATIVES

WHEREAS, testimony and other evidence presented by the Applicants' and / or their representatives revealed the following:

- The Applicants are the Owners of the subject property.
- The subject property was created as part of a Minor Subdivision / Lot Line Adjustment previously approved by the Planning Board in or about May of 2015.

- The subject property is currently vacant and undeveloped.
- The Applicants are requesting approval to construct a 2 ½ story single-family home (with garage and pool) at the site.
- The proposed home will include the following:

FIRST FLOOR

Bedroom #1
Bedroom #2
Hallway
Foyer
Bathroom
Laundry Room
Mechanical Room
Beach Room
Covered Outdoor Area

SECOND FLOOR

Bedroom #3
Bedroom #4
Bathroom
Office
Pantry
Powder Room
Great Room
Kitchen
Dining Room
Covered Porch

ATTIC FLOOR PLAN

Office
Master Bedroom
Master Bathroom
Master Deck

- The proposed materials for the home include the following:
 - Cedar Shingle
 - Applied trim

- Cedar Wood Roof
- The proposed home does not comply with the Borough's Prevailing Height Requirement (maximum 35 feet allowed; whereas 37.91 feet proposed).
- The height deviation stems from the natural elevation of the Lot (including the fact that the grade where the height is established is at 3.5 ft. below the average grade of the proposed home and at 1¾ ft. below the average grade of the garage.)
- The design / height of the home will be in keeping with the design / height of other single-family homes in the area.
- The Applicant is also proposing to construct a detached garage at the site as well.
- The height of the garage will be 17.26 feet, (above the existing crown of the road).
- The Applicants are also proposing to install an in-ground pool at the site as well.
- The proposed pool will have a water surface area of 188.6 SF, which conforms with Prevailing Borough Requirements.
- The proposed pool will comply with all Prevailing Municipal Zoning Regulations pertaining thereto.
- The Applicants' representatives would like to commence the building / construction process as soon as possible.

VARIANCES

WHEREAS, the Application as submitted requires approval for the following

Variances:

ACCESSORY STRUCTURE (GARAGE) HEIGHT: Max 16 feet allowed; whereas 17.26 feet proposed;

BULK "c" HEIGHT VARIANCE: Maximum 35 feet allowed; whereas 37.91 feet proposed;

ROOF PITCH: The Prevailing Regulations provide that the maximum roof pitch for an Accessory Structure is 9 / 12.

However, in the within situation, the proposed roof pitch for the garage is a 12 / 12 pitch.

DECK LOCATION: The Prevailing Zoning Regulations provide that decks shall not be permitted in the front or side yards; whereas, in the within situation, the proposed wood deck is technically located in a front yard area.

PUBLIC COMMENTS

WHEREAS, public questions, comments, and/or statements, in connection with the Application were presented by the following:

- NONE

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 **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 647 Ocean Avenue, Sea Girt, New Jersey, within the Borough's District 1 East, Single-Family Zone.
3. The subject Lot was created as part of a Minor Subdivision / Lot Line Adjustment recently approved by the Sea Girt Planning Board.
4. As a result of the aforesaid subdivision / Minor Lot Line Adjustment, the subject Lot measures approximately 53 feet by approximately 250 feet, for a total area of 12,710 square feet, which exceeds the Borough's Minimum Prevailing Lot Area Requirements.

5. The subject property is currently vacant and undeveloped.
6. The Applicants propose to construct a single-family home, detached garage, and pool.
7. Details pertaining to the proposed single-family home (and garage / pool) are set forth elsewhere herein (and in the submitted Plans).
8. Such a proposal requires approval for a Bulk “c” Height Variance (for a principal structure), a Bulk “c” Variance for the height of an accessory structure (garage), and other Bulk Variances as well.
9. The Sea Girt Planning Board is statutorily authorized to grant such relief, and therefore, the matter is properly before the said entity.
10. With regard to the Application, and the requested relief, the Board notes the following:

- The proposed single-family use is a permitted use in the subject Zone.
- The natural elevation of the Lot materially limits the ability of the Applicants to satisfy the requisite Height Requirements in an aesthetically pleasing fashion.
- As referenced, the natural grade of the property is above the curb, which compromises the ability of the Applicant to comply with the 35-foot Height Requirement.
- The nature of the existing topography essentially constitutes a hardship, within the meaning of the New Jersey Municipal Land Use Law.
- The Application as presented requires approval for a Bulk “c” Height Variance (maximum 35 feet allowed; whereas 37.91 feet proposed).
- The Board Members reviewed the height of other homes in the area – including the heights of homes on adjoining properties, as well as homes in the area. After such a review and analysis,

the Board is of the opinion that the height approved herein will not be out of character with the neighborhood / area.

- The use of the gambrel roof mitigates the visual impact the non-conforming height will have on the surrounding properties.
- Per the testimony and evidence presented, the flare of the gambrel roof will have the visual effect of breaking the proposed structure into smaller pieces, thus minimizing any adverse impact associated with a non-conforming height.
- The Board acknowledges that the height of the home is a direct function of the unique topography of the land.
- While the home approved herein will technically have a height of 37.91 feet (measured from the crown of the road), the Board notes that the actual home itself will not be over 35 feet. (As indicated, the height deviation stems from the natural elevation of the existing Lot.)
- The Board finds that the non-conforming height approved herein meets the intent of the Ordinance which is, among other things, to ensure that only an appropriately scaled structure will be constructed on the site.
- The non-conforming height approved herein will be consistent with other single-family homes in the area. Specifically, per the testimony presented, the home immediately to the north (of the Applicants' property) is 1 ¼ ft. higher than that approved herein. Likewise, the home immediately to the south of the Applicants' property is 1 ¼ ft. lower than that approved herein. As a result, the Board finds that the height approved herein will not be materially inconsistent with the heights of the other homes in the immediate area.
- The home has been specifically designed with a number of architectural features which have the overall effect of mitigating the non-conforming height. The referenced architectural features include the following:
 - i. The home has been designed to have a softer, more inviting approach;
 - ii. On the side of the home facing Carriage Way, the proposed structure has been stepped-back;

- iii. There was a variety of roof lines associated with the home so as to avoid a boxy / square-like appearance;
- iv. Because of the non-conforming elements of the home, the Applicants have proposed architectural details / enhancements for all sides of the proposed home;
- v. The use of 2 gable roofs will provide a more scaled-back look of the non-conforming home;
- vi. The roof lines have been designed so as to break-up the overall mass of the proposed home;
- vii. The stone in the base of the home, as well as the trim utilized on the upper floors, will prevent the home from having too much of a “boxy” feel;
- viii. The dormer has been designed so as to have the appearance of an actual roof line;

The Board finds that the aforesaid architectural features / elements soften the overall aesthetic impact of the non-conforming height.

- The roof pitch deviation approved herein (for the garage) will result in a less flat appearing roof.
- The non-conforming roof pitch approved herein (for the garage) will, in an aesthetically pleasing fashion, match the pitch of the roof for the single-family home.
- The roof pitch deviation approved herein will result in a more traditional looking garage.
- The non-conforming roof pitch of the garage will blend in quite nicely with the roof pitch of the proposed single-family home.
- Per the testimony presented, the 12 on 12 garage roof pitch approved herein is consistent with historic looking structures.
- The overall aesthetics of the site will be enhanced in that the non-conforming garage roof pitch will match that of the single-family home.

- The Board is aware that while the front yard of the home is technically on Ocean Avenue, the property, in essence, fronts on a paper street (thereby providing the justification for the wood deck being located in a technical front yard area).
- The proposed pool complies with all Prevailing Bulk Requirements.
- Per the Borough's Prevailing Zoning Regulations, the pool equipment / mechanical area will be located in a rear yard area.
- The Applicants have provided 4 drywells in accordance with Prevailing Ordinance Requirements.
- The home has been designed so as to have a view of the nearby and scenic Atlantic Ocean.
- Per the Applicants' architectural representatives, because of the natural/existing topography of the land, a height-conforming home would necessarily require a low-pitched roof or a flat roof, which would not be in keeping with the design and aesthetic appearance of other homes in the area.
- The Applicants' representatives suggested that the home was designed so as to only require a Bulk "c" Height Variance, as opposed to a "d" Height Variance.
- The topographical features referenced herein also justify the relief for the garage height as well.
- The proposed home will comply with all of the Prevailing Setback Requirements.
- The proposed garage will comply with all Prevailing Setback Requirements as well.
- The construction of an appropriately designed single-family home on the Lot will substantially improve the aesthetic appearance of the currently vacant Lot.
- The Board is not typically inclined to grant Height Variances. Thus, Board Members engaged in a good faith debate as to the overall merits of the proposal. After reviewing the testimony / evidence presented, after considering the unique topography of the property, after reviewing the architectural renderings, and after analyzing the other testimony / information presented, the

Board has decided that the benefits of approving the within Application out-weigh the detriments associated therewith.

- The location of the proposed home is practical and appropriate.
- The size of the proposed home is appropriate, particularly given the conforming size of the existing Lot.
- The Board notes that the subject Lot is a conforming Lot (in terms of Lot Area.) In fact, the minimum Lot size in the Zone is 7,500 SF; whereas the subject Lot has an area of 12,710 SF (well in excess of the minimum requirements).
- The home approved herein will not overpower / overwhelm the subject Lot.
- The home approved herein will not overpower / dwarf other homes in the area – particularly in light of the nature of the surrounding residential uses.
- The home approved herein represents an attractive and upscale home, in accordance with Prevailing Community Standards.
- The site will provide a sufficient amount of off-street parking spaces for the Applicant's use 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.
- Sufficiently detailed testimony / plans were represented to the Board.
- The proposed home should nicely complement the property and the neighborhood.
- Additionally, the architectural/aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicant's inability to comply with all of the specified bulk standards.
- The architectural design of the proposed 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 improvement to be constructed herein will not be inconsistent with other improvements located within the Borough.
- 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' representatives have agreed, to comply with the following conditions:

- a. The Applicants shall comply with all promises, commitments, and representations made at or during the Public Hearing Process.
- b. The Applicants shall comply with the terms and conditions of the Leon S. Avakian, Inc. Review Memorandum, dated October 26, 2017 (A-5).
- c. The Applicants shall comply with all Prevailing Affordable Housing Regulations / direction / contributions, which may be required by the United States of America, the State of New

Jersey, the Borough of Sea Girt, the Court System, C.O.A.H., and any other Agency having jurisdiction over the matter.

- d. The Applicants shall obtain any necessary approvals from the Borough Council of the Borough of Sea Girt to have the driveway located in Crescent Park.
- e. This section is intentionally deleted.
- f. The pool shall comply with all Prevailing Bulk Requirements, as no Pool Variance is granted herein.
- g. In conjunction with the above point, the pool lighting shall comply with the Borough's Prevailing Ordinance Requirements as well.
- h. Per the testimony presented, the Applicants already obtained CAFRA approval for the proposal. Towards that end, the Applicants shall provide the Board Secretary and Board Engineer with proof of such CAFRA approval.
- i. Additionally, in conjunction with the above point, to the extent updated / additional CAFRA approval is required (in conjunction with the within approval), the Applicants shall obtain the same and shall provide the Board Secretary / Board Engineer with proof thereof.
- j. The Application shall be revised so as to provide for additional landscaping (as testified during the Public Hearing Process and as otherwise referenced in the Leon S. Avakian, Inc. Review Memorandum (A-5)).
- k. The Applicants shall arrange for a landscaping plan to be submitted, which shall be approved by the Board Engineer.
- l. The Applicants shall obtain any necessary pool permit as may be required.
- m. This condition is intentionally deleted.
- n. The Applicants shall utilize good faith efforts to protect any existing street trees at the site.
- o. The Applicants shall appropriately manage storm-water run-off during and after construction (in addition to any other Prevailing / applicable Requirements / obligations).

- p. The Applicants shall obtain any applicable permits/approvals and pay any applicable charges as may be required by the Borough of Sea Girt (or other Agency having jurisdiction over the matter) - including, but not limited to, the following:
- Building Permit
 - Plumbing Permit
 - Electrical Permit
 - Sewer Connection Fees
- q. If applicable, the proposed structure shall comply with applicable Provisions of the Americans with Disabilities Act.
- r. If applicable, grading plans shall be submitted to the Board Engineer so as to confirm that any drainage/run-off does not go onto adjoining properties.
- s. 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.
- t. 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.
- u. 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, the Manasquan River Regional Sewerage Authority, and the Freehold Soil Conservation District.
- v. The Applicants shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.
- w. If required by the Board / Borough Engineer, the Applicants shall submit appropriate performance guarantees in favor of the Borough of Sea Girt.
- x. Unless otherwise agreed by the Zoning Board, the within 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' 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 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 improvement, or for any damage which may be caused by the development.

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

Ayes: Larry Benson, Karen Brisben, Eileen Laszlo, Rey Petronko, John Ward

Noes: None

Not Eligible to Vote: Carla Abrahamson, Jake Casey, Mayor Ken Farrell,
Councilman Michael Meixsell, Norman Hall

The Board then turned to the approval of a Resolution for Block 26, Lots 11-12, 116 Trenton Boulevard, owned by Nicholas Brophy, to allow construction of an addition & porch. Mr. Casey had a question about the distance from the pool to the house as there are power lines in this area. Mr. Kennedy said he will speak with Chris Rice, the Architect, and Mike Rubino, the attorney, on this. Chairman Hall said the Board cannot give a variance for this code, it is in the Electric Code and not in the Board's jurisdiction. Mayor Farrell added that one of the safety concerns was the power lines that were by the pool in the White fire on Chicago Boulevard this past year, so it is a concern. Mr. Kennedy said this can be handled by the Construction Department. Mrs. Brisben had a correction to be made where Mr. Kennedy referenced lot coverage and it should read impervious coverage. Mr. Kennedy corrected the Resolution on this and also told the Board he will confer with Mr. Rubino to get some of the figures right in the Resolution.

The following amended Resolution was then presented for adoption:

WHEREAS, Nicholas C. Brophy has made Application to the Sea Girt Planning Board for the property designated as Block 26, Lots 11 and 12, commonly known as 116 Trenton Boulevard, Sea Girt, New Jersey, within the Borough's District 1, East Single-Family Zone, for the following approval: Bulk Variances associated with an Application to effectuate the following:

- Construction of a second story addition on the west side of the existing dwelling;
- Reconstruction of a front porch;
- Construction of a porch addition; and
- Relocation of steps.

PUBLIC HEARING

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

- *Application Package, introduced into Evidence as A-1;*
- *Zoning Denial Letter, dated July 28, 2017, introduced into Evidence as A-2;*
- *Plot Plan, prepared by Landmark Survey and Engineering, Inc., dated May 24, 2017, last revised September 29, 2017, introduced into Evidence as A-3;*
- *Architectural Plan, prepared by Christopher Rice, AIA, dated June 19, 2017, introduced into Evidence as A-4;*
- *Survey, prepared by Landmark Surveying and Engineering, Inc., dated May 14, 2017, introduced into Evidence as A-5;*
- *Leon S. Avakian, Inc. Review Memorandum, dated October 25, 2017, introduced into Evidence as A-6;*
- *Illustrated Rendering of the proposed project, prepared by Christopher Rice, AIA, introduced into Evidence as A-7;*
- *Photo-board containing the Engineer's Plan on the front side, and 7 pictures of the subject property on the other side, introduced into Evidence as A-8;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

WITNESS

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

- Nicholas C. Brophy, Applicant;
- Christopher Rice, Architect;
- Michael R. Rubino, Jr., Esq., appearing;

TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANT

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

- The Applicant is the Owner of the subject property.
- The Applicant has owned the subject property since approximately 2005 / 2006.
- The Applicant subsequently purchased the adjacent Lot next door as well.
- There is an existing 1 ½ story single-family home on the site. (The subject property also contains a pool.)
- The existing home is one of the smaller homes in the neighborhood.
- The existing home is quite old, outdated, and is not designed for the needs of a modern family.
- The 2 adjacent Lots have already merged, under the New Jersey Doctrine of Merger.
- In order to increase living space at the site, and improve the overall functionality of the home, the Applicant proposes a number of proposed improvements.
- The Applicant's proposed improvements include the following:
 - Construction of a second story addition on the west side of the existing dwelling;
 - Reconstruction of a front porch;
 - Construction of a porch addition; and
 - Relocation of steps.

Details pertaining to the proposed improvements include the following:

Addition

Number of Stories: 2

Height: 25 ft.±
Location: On the west side of the existing dwelling.
Materials: To match the existing structure.

Reconstructed / Expanded Porch

Size: 8' x 19'
Location: Front of home.
Materials: Match existing
Enclosed: No, the porch will be on open-
aired porch, and the same will not
be enclosed.

- Upon completion of the renovations, the renovated home will include the following:

FIRST FLOOR

Kitchen
Dining Room
Office
Foyer
Bathroom
Laundry Room
Sun Room
Family Room
Covered Entry
Guest Bedroom
Bathroom
Covered Porch

SECOND FLOOR

Master Bedroom
Uncovered Balcony
Master Bathroom
Den
Bedroom #2

Bedroom #3
Bedroom #4
Bathroom
Uncovered Balcony

- The Applicant previously installed a pool at the site.
- In conjunction with the pool installation process, the Applicant obtained all necessary Permits.
- The Applicant was not aware that the pool had been installed in violation of any Zoning Regulations.
- The Applicant will be utilizing Licensed Contractors in connection with the renovation process.
- It is anticipated that the renovation process will be completed in the near future.

VARIANCES

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

EXPANSION OF A NON-CONFORMING STRUCTURE: The proposed porch represents an expansion of a pre-existing non-conforming structure, thus requiring Variance relief;

NATURAL ELEVATION SETBACK: Any structure above 16 inches of the natural elevation (existing grade) shall comply with the 40-ft. setback. In the within situation, the proposed setback of the front steps above 16 inches of the natural elevation (existing grade) is 24.74 ft., and thus, Variance relief is required;

SWIMMING POOL SURFACE AREA: The Prevailing Regulations allow a maximum water surface area of 800 SF; whereas 807.38 SF exists;

SWIMMING POOL SETBACK: The Prevailing Regulations provide that no swimming pool shall be constructed within 10 ft. of any rear or side lot line; whereas, in the within situation, the pool has an

existing side yard setback of 9.23 ft., which is an existing condition.

PUBLIC COMMENTS

WHEREAS, the following members of the public expressed questions, comments, statements, and / or concerns in connection with the Application:

- Margery Kane

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 116 Trenton, Sea Girt, New Jersey, within the Borough's District 1, East Single-Family Zone.
3. The subject property contains an existing single-family home.
4. Single-family use is a permitted use in the subject Zone.
5. In order to improve the appearance of the home and in order to improve the functionality of the existing home, the Applicant proposes to construct a new addition, to reconstruct a front porch (with addition), and to relocate certain steps.
6. Such a proposal requires Bulk Variance approval.

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

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

- There is an existing single-family home at the site, which is quite old, and not built / designed for the needs of a modern family.
- Per the testimony and evidence presented, the existing home is awkwardly designed.
- The proposed improvements approved herein will render the structure more functional and more modern.
- The proposed improvements will address the functional / space limitations associated with the existing dwelling.
- The Applicant owns the 2 adjacent Lots which are the subject of the within Application (i.e. Block 26, Lot 11 and Lot 12). Per the testimony presented, the said Lots have already merged.
- The merged Lot contains 14,000 SF, well in excess of the minimum 7,500 SF otherwise required in the zone. Thus, the existing merged Lot is significantly oversized.
- In fact, the significantly oversized nature of the Lot results in most passers-by believing the subject Lot to be an empty / vacant Lot.
- Had the subject Lot been undersized, the within Application may not have been approved.
- Given the significantly oversized nature of the merged Lot, the subject property can physically accommodate the Applicant's proposal.
- Given the significantly oversized nature of the Lot, the renovated structure approved herein will not overpower the subject property / neighborhood.
- Per the testimony presented, the existing home is one of the smaller homes in the neighborhood. Likewise, per the

testimony presented, once the renovations are complete, the home will continue to be one of the smaller homes in the neighborhood.

- The existing old home has, by all accounts, a lot of charm.
- Approval of the within Application will result in the continued existence (and renovation / improvement) of the home (as opposed to demolition).
- The Board appreciates the benefits of improving / renovating an old structure (so as to avoid demolition).
- Preserving older structures represents a positive, appropriate, and legitimate development goal.
- The renovations to the existing old structure constitute (approval herein) an adaptive re-use of an existing structure.
- The Board notes that the building addition approved herein complies with all Prevailing Bulk Requirements (i.e. no Variance is necessary in connection therewith).
- The Board notes that there is an existing front porch at the site – and the Applicant’s proposal is looking to add / expand 9 more feet to the porch.
- The Application as presented requires a Variance for the setback for the natural elevation. Specifically, any structure above 16 inches of the natural elevation (existing grade) must comply with a 40-ft. setback. In the within situation, however, the proposed setback of the front steps above 16 inches of the natural elevation (existing grade) is only 24.74 ft. Thus, a Variance is necessary.
- The relocation of the steps as proposed herein (with the Variant condition) will result in a more traditional look for the renovated home.
- The relocation of the steps as proposed herein (with the Variant condition) will result in a more aesthetically pleasing design.
- In that the within Application also involves a relocation of the front door, it seems only natural for the steps to be relocated as well.

- The Application as initially submitted required a Variance for Impervious Coverage (maximum 35% allows; whereas 35.57% proposed). Respectfully, sufficient reasons were not presented to justify such a deviation, and, after further review, the Applicant agreed to modify the plans so as to comply with the Prevailing Impervious Coverage Requirements (and eliminate the need for the said Variance).
- The Board appreciates that Applicant's concession in the said regard, as the Board recommends avoiding Variances whenever the same is possible.
- The Board is aware that there are several pre-existing non-conforming conditions associated with the site – including:
 - A non-conforming Lot depth;
 - A non-conforming Front Building Setback;
 - A non-conforming maximum area for the free-standing garage;

The Board notes that the said conditions are existing conditions, which are not being exacerbated as a result of the within approval.

- The Board was advised that the Applicant secured all necessary permits when the pool was installed. That notwithstanding, the Board has since become aware that there are certain non-conforming conditions associated with the subject pool – including, the following:
 - a. The pool has a water surface area of 807.38 SF; whereas only 800 SF is otherwise allowed;
 - b. The pool has a setback of only 9.23 ft.; whereas 10 ft. is otherwise required.
- The Applicant testified that he was unaware of the aforesaid pool deviations, and that pool permits were issued.
- The Board accepts the testimony of the Applicant in the said regard.
- The Board acknowledges that the pool is an existing pool, and it would neither be feasible / practical (under the

circumstances) to require the already installed pool to be relocated / modified.

- Per the testimony and evidence presented, there is a need for a front porch and other improvements at the site.
- The proposed porch and other improvements will aesthetically enhance the appearance of the existing home.
- The proposed porch addition will architecturally enhance the front of the existing home.
- The proposed porch will be functional, practical, and aesthetically pleasing.
- Per the testimony of the Applicants, and per a condition of the within approval, the front porch approved herein will not be enclosed, absent further approval of the Planning Board.
- Importantly, approval of the within Application, as modified will not trigger the need for any Lot Coverage Variance or Building Coverage Variance.
- Per the testimony and evidence presented, there are other similarly situated porches in the area.
- Construction of the porch addition approved herein will not change the character of the neighborhood.
- There were no public objections associated with the subject Application.
- The age of the home, the conforming size of the lot, and the coverage-compliant nature of the project suggests that the Application can be granted without causing substantial detriment to the public good.
- Under the circumstances, the front setback approved / maintained herein is not inconsistent with the front setback of some other porches in the area.
- The expanded porch and other improvements authorized herein will approve the overall aesthetic appeal of the site.
- The construction of the proposed improvements will not materially change the height of the existing home.

- The design of the addition / porch is attractive and will be architecturally/aesthetically compatible with the neighborhood.
- Per the testimony and evidence presented, and subject to the conditions contained herein, the renovation approved herein will not detrimentally change / affect the grading at the Site.
- The improvements authorized herein are not unduly large, particularly given the size of the lot and the size of the existing home.
- The Board is of the belief that the size of the proposed improvement is appropriate for the Site/Lot.
- The architectural / aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicant's inability to comply with all of the specified bulk standards.
- The architectural design of the proposed improvements will not be inconsistent with the architectural character of other similar improvements in the area.
- Approval of the within Application will allow the Applicant to more functionally and comfortably use and enjoy the property.
- The proposed additions / improvements will be architecturally and aesthetically consistent with the existing structure.
- Approval of the within Application will not intensify the existing (and permitted) single-family residential use of the site.
- The existing Lot is conforming in terms of Lot area (i.e. 7,500 SF is required, and 14,000 SF exists). Had the lot been undersized, the within Application may not have been approved.
- Subject to the conditions contained herein, the approved improvements will not over-power / over-whelm the subject Lot.

- Upon completion, the renovation approved herein will not overpower / dwarf other homes in the area.
- Approval of the within Application will not detrimentally affect existing parking requirements at the site.
- Sufficiently detailed testimony / plans were presented to the Board.
- The proposed renovation should nicely complement the property and the neighborhood.
- 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.
- 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).
- The Application as presented, and subject to the conditions contained herein, will have a minimal impact on the surrounding neighborhood.

Based upon the above, and for the other reasons set forth herein, and 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 Applicant has agreed, to comply with the following conditions:

- a. The Applicant shall comply with all promises, commitments, and representations made at or during the Public Hearing Process.

- b. The Applicant shall modify the Plans so as to portray and confirm a conforming impervious coverage calculation.
- c. The Applicant shall arrange for the subject Lots to be consolidated / merged, if the same have not already been consolidated / merged.
- d. The Applicant shall arrange for the Plans to be revised so as to portray / confirm the correct setback.
- e. The porch approved herein shall not be enclosed, absent further approval of the Sea Girt Planning Board.
- f. The Applicant shall comply with the terms and conditions of the October 25, 2017 Review Memorandum of Leon S. Avakian, Inc. (A-6).
- g. If requested by the Board Engineer, the Applicant shall submit a Grading Plan, which shall be approved by the Board Engineer.
- h. The Applicant shall manage storm water run-off during and after construction (in addition to any other prevailing / applicable requirements/obligations.)
- i. The Applicant 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
- j. If applicable, the proposed structure shall comply with applicable Provisions of the Americans with Disabilities Act.
- k. If applicable, grading plans shall be submitted to the Board Engineer so as to confirm that any drainage / run-off does not go onto adjoining properties.
- l. The proposed structure shall comply with the Borough's Prevailing Height Regulations.
- m. The construction, if any, 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.

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

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 Applicant 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 the proposed improvement, or for any damage which may be caused by the development / renovation.

A motion for approval was made by Mr. Ward, seconded by Mrs. Brisben and then by the following roll call vote:

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

Noes: None

Not Eligible to Vote: Carla Abrahamson, Jake Casey, Councilman Michael Meixsell,

The next item was a request for an extension of time to perfect a Minor Subdivision for Block 99, Lot 7, 706 Chicago Boulevard, owned by Michael & Patricia White. Mr. Keith Henderson, Esq. was in the audience and came forward, he was the attorney that presented this application to the Board in June of 2017.

He explained that they need County approval as this property is on a County road and they have yet to receive it; they had to submit revised plans and are waiting for that review. Mr. Kennedy told the Board an applicant has 190 days after the Resolution is adopted to have it perfected and recorded in the County. The Board can grant an extension of time for filing, this is not part of the now expired Permit Extension Act. It is routinely granted to give a one year extension and he had no problem in recommending the Board approve this.

Mayor Farrell noted they are waiting to hear back also from the County on paving 8th Avenue (the County road) and address the water issues in this area; Council has not yet heard back from them on this either.

At this time Mrs. Abrahamson made a motion to grant this extension, this seconded by Mrs. Laszlo and then by the following roll call vote:

Ayes: Carla Abrahamson, Larry Benson, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Councilman Michael Meixsell, Ray Petronko, John Ward, Norman Hall

Noes: None

Abstained: Karen Brisben

NEW BUSINESS:

There was one variance application to be heard, for Block 14, Lot 12, 2 Beacon Boulevard, owned by Stacey A. Miranda, to construct a single-family dwelling with detached garage and swimming pool.

The proper fees were paid, taxes are paid to date and the property owners within 200 feet as well as the newspaper were properly notified. Mr. Henderson again came before the Board to present this application for the Mirandas. Mr. Kennedy and Mrs. Brisben confirmed that all notices were properly done and Mr. Kennedy proceeded to mark the following into evidence:

- A-1. A plot plan done by WSB Engineering Group, P.A., dated 8/14/17, revised 11/28/17.
- A-2. Another revised plot plan, this revision dated 1/3/18 (not reviewed by Board Engineer).
- A-3. Architect plan, done by Grasso Design Group, dated 8/14/17, revised 12/1/17.
- A-4. Another revised Architect plan, dated 1/2/18 (not reviewed by Board Engineer).
- A-5. Survey dated 5/11/17, revised 7/13/17.
- A-6. Report from Peter Avakian, Board Engineer, dated 12/11/17.
- A-7. Application checklist.
- A-8. Zoning Officer Denial letter dated 8/21/17.

Mr. Henderson also presented Exhibit A-9, a series of Resolution composites (numbers 1 through 9) concerning variances granted for similar circumstances. Chairman Hall then read the memo from Mrs. Brisben when she sent out the packets telling the Board that the latest revised plans (plot plan & architect plan) came in too late to be reviewed by the Engineer. He asked Mr. Henderson to be considerate of this in the future so the Board has the proper plans and reviews.

Mr. Kennedy asked Mr. Henderson about Shore Home Builders as they are mentioned on the application, is the applicant Miranda or Shore Home Builders? Mr. Henderson said Shore Home Builders is no longer involved in this application. Mr. Henderson went back to answering Chairman Hall's comment and said the applicant is allowed to submit amendments to plans up to 10 days before the hearing date and this

was done as they were able to eliminate all the variances noted in the Engineer's review except for the height variance for the dwelling and garage. Mr. Kennedy noted that the revised plans still have to go to Peter Avakian for a report to confirm this and Mr. Henderson agreed.

It was commented that a height variance can either be a "C" or "D" variance and, if a "D" variance, the Mayor and Councilman cannot hear the application as a "D" variance would apply if more than 10% of the height allowed was being considered. Mr. Henderson said this is less than 10% and this has been confirmed by Mr. Avakian so all Board members can hear this; he told the Board this requirement only applies to the dwelling, however, in this application the garage is over on height as well.

He went on to remind the Board this issue has come before them in the past for this area due to the elevated properties in this area. He had Joseph Miranda here, the owner, Brian Berzinskis, the Architect, and Imants Smildens, the Planner; Mr. Kennedy swore all of them in. Mr. Berzinskis was first to testify, he is a licensed Architect in N.J. and have been before many Boards as well as this Board; he was accepted as an expert witness. He said the issue here is the building height as the property itself is raised up from the grade of the road, if the property were at street level a variance would not be needed.

He then presented Exhibit A-10, the Architect rendering, including elevations, done today. The house itself is only partially raised at 4.5 feet, the ceilings are 9 feet for the first floor, 8 feet for the second floor and then there is a half story. This makes the peak at 38.5 feet and will look similar to the other homes in this area, the height of the house itself is 34 feet. Chairman Hall questioned it being similar to the other homes in the area and Mr. Henderson referred to Exhibit A-9, the Resolutions, and noted that 13 homes on this street are above grade, the one Resolution he referred to was for the house across the street from this one and read that the variance will have no impact on this area.

As there were no questions from the Board or audience Mr. Smildens, the Planner came forward, he is a Professional Planner licensed in N.J. and the Board accepted him as an expert witness. Under the C-1 criteria, this property is unique and it will be a hardship if it cannot be developed properly. He noted the current home has a 3.5 side yard setback and the new home will comply with a 5 foot setback as well as being an aesthetic improvement. He came to Borough Hall and reviewed the Sea Girt Master Plan which speaks of high quality development and this serves the purpose of this proposed home. All codes will be up to date with the new structure as well as there being no negative impact, no detriment to the public good and this will fit in the neighborhood and comply with the Zone Plan & map. He looked at the Engineer's report and said no lot coverage or impervious coverage variances are needed; all pool codes will be adhered to with no sound amplification in the pool at all.

Mr. Ward asked about the wall on the east side and property owners' approval and Mr. Henderson said they do not need to address this issue any more. Mayor Farrell

didn't understand why the wall is there on the east side and Mr. Henderson said the home was purchased with this there, the existing wall will be replaced. Mr. Smildens agreed and said it will be fixed; he commented this home goes back to the 1920s. Mayor Farrell asked if the topography is the same and Mr. Smildens said yes, they will respect what is there and the new home will be in the same position with the same driveway but will comply with all setbacks.

As there were no questions from the audience or Board to Mr. Smildens that portion was closed and Mr. Henderson proceeded to sum up the application. He felt it was a simple application and they have eliminated the variances after reviewing the Engineer's report. Unlike a lot of shore towns, Sea Girt has topography and has changed the way the height is measured. They have given testimony that there is no negative criteria here because of the topography of the land.

At this time the hearing was opened to the public for questions or comments and, hearing none, that portion was closed and the Board went into discussion. Mrs. Brisben did not like to see another home come down but could understand the need for building a new home here and she was in favor as the home itself was under the 35 foot height limit. Mrs. Laszlo and Mrs. Abrahamson agreed and were glad the height is not over for the area. Mr. Casey commented this home will be higher than the home to the west by 3-4 inches and asked if it could be reduced at all. Mr. Henderson said this application is consistent with other homes and is within the Municipal Land Use Law. Mayor Farrell thanked Mr. Miranda for bringing the impervious coverage to code, he felt the existing second floor porch was pretty but could see the need for progress here. Mr. Benson had no problem and Mr. Ward had an issue with bringing up the past Resolutions, each application stands on its own merit. Mr. Henderson said he did this to remind this Board that other approvals for these type of variances were given, that was his intent. Councilman Meixsell felt there was sufficient evidence given to approval and Chairman Hall was okay with approval as well.

At this time Mr. Kennedy went over the conditions of approval and Mr. Henderson noted that, as far as the east wall, they already have consent from the property owners, this was done to make sure all was in order. Mayor Farrell then made a motion to approve this application, as presented with the conditions noted, this seconded by Mrs. Laszlo and then the following roll call vote:

Ayes: Carla Abrahamson, Larry Benson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Councilman Michael Meixsell, Ray Petronko, Norman Hall

Noes: None

Not Eligible to vote: John Ward

OTHER BUSINESS:

Mrs. Brisben gave her annual report on the applications that were before the Board in 2017, there were 12 applications and she noted the number of variances granted for different violations. She concluded by stating the Board is being consistent with the variances applied for, there was nothing that stood out that needs to be addressed. Chairman Hall felt this report was good as it gave the Board notice is there are things that need to be done and he then referenced the need for a Master Plan Update. Mrs. Brisben said this all starts with Avakian's office, they issue a draft to the Planning Board and that starts the process.

This started a brief discussion on the Master Plan update and Chairman Hall felt the Board maybe should look at the different areas in town. Mayor Farrell said he would like to "tighten things up" in town, it's getting harder to keep track of things going on. Mr. Benson commented that the town has grown and there is a demand for bigger homes. Mayor Farrell said he has spoke to the Borough Attorney on this and went to a seminar on the Master Plan and commented on a SCADA system for water, can a plant be controlled properly without a cyber security threat. He would like to see this issue addressed. He also commented on the property between the Parker House and the Ridgewood House, the Ridgewood House has no parking lot and there is a need for parking in the downtown area as well. Today's homes have 4 cars and he pointed out that the churches do not have parking. The Board has to think about this and he would like to see something done by the end of the year.

Mrs. Brisben said she was speaking to the Fire Official/Zoning Officer and he would like to see sprinkler systems put in any new construction. Chairman Hall felt there may be a problem with that due to UCC regulations; she asked if Mr. Avakian can look into this and the Board said okay. Mayor Farrell said the Master Plan update was done last year in Manasquan and he spoke to the Mayor there; they did quite a job and were thorough.

Mr. Ward questioned the procedure and felt the public should have input; Mrs. Brisben explained the Planning Board does the Master Plan update, then before it is presented to Council there is a Public Hearing. Mr. Petronko felt the League of Municipalities may have information from their convention and perhaps the Board can get minutes of those meetings. Mayor Farrell was glad for this discussion as he wants to keep Sea Girt as Sea Girt.

Mrs. Laszlo commented that people really don't know what the Planning Board as she is asked why we allow so much building in town and she has to explain to them if it complies they can build. Mayor Farrell agreed with the building and said they tried, as an Ordinance, not to allow work on Saturday from Memorial Day to Labor Day, some towns say no work from Memorial Day until Labor Day.

Before adjourning for the evening, Mr. Kennedy asked for a motion to forward the Annual Report to Mayor and Council; this was done by Mr. Casey, seconded by Mr. Benson and unanimously approved by the Board, all aye.

As there was no other business to come before the Board a motion for adjournment was made by Mrs. Laszlo, seconded by Mrs. Abrahamson and unanimously approved by the Board, all aye. The meeting was adjourned at 8:25 p.m.

Approved: February 21, 2018