

Wednesday, December 19, 2018

SEA GIRT PLANNING BOARD
WEDNESDAY, DECEMBER 19, 2018

The Regular Meeting of the Sea Girt Planning Board was held on Wednesday, December 19, 2018 at 7:00 p.m. at the Sea Girt Elementary School, Bell Place, Sea Girt. In compliance with the Open Public Meetings Act, notice of this Body's meeting had been sent to the official newspapers of the Board and the Borough Clerk, fixing the time and place of all hearings. After a Salute to the Flag, roll call was taken:

Present: Larry Benson, Karen Brisben, Jake Casey, Mayor Ken Farrell,
Councilman Michael Meixsell, Robert Walker, John Ward,
Norman Hall

Absent: Carla Abrahamson, Eileen Laszlo, Raymond Petronko

Also present was Kevin Kennedy, Board Attorney; Board member and Secretary Karen Brisben recorded the Minutes. There were 6 people in the audience.

The Minutes of November 28, 2018 were approved on a motion by Mr. Ward, seconded by Mr. Casey and approved with a voice vote, all aye.

OLD BUSINESS:

The Board turned to the Resolution of approval for variance relief for Block 50, Lot 9, 319 Boston Boulevard, owned by John & Eileen Sivolella, to allow a pool patio & arbor within a setback.

Mr. Kennedy went over the Resolution for the Board members and then presented the following for approval:

WHEREAS, John J. Sivolella & Eileen Sivolella have made Application to the Sea Girt Planning Board for the property designated as Block 50, Lot 9, commonly known as 319 Boston 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 construct an in-ground swimming pool and associated amenities; and

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on November 28, 2018, Applicants having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE / EXHIBITS

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

- *Planning Board Application Package, introduced into Evidence as A-1;*
- *Zoning Officer Denial Letter, dated May 17, 2018, introduced into Evidence as A-2;*
- *Variance Plan, prepared by Gilligan Engineering, dated March 8, 2018, last revised July 9, 2018, introduced into Evidence as A-3;*
- *Cover Sheet, prepared by Gilligan Engineering, dated October 3, 2018, introduced into Evidence as A-4;*
- *A Landscaping Plan prepared by LanDesign, Inc., dated October 18, 2017, last revised May 30,, 2018, introduced into Evidence as A-5;*
- *Plan of Final As- Built Survey, prepared by Ragan Land Surveying, P.C., dated May 24, 2018, introduced into Evidence as A-6;*
- *Review Memorandum from Leon S. Avakian, Inc., dated November 2, 2018, introduced into Evidence as A-7;*
- *Application Addendum, introduced into Evidence as A-8;*
- *Photo Board, containing 8 pictures of the subject property and neighboring properties, taken by the Applicants' Attorney, introduced into Evidence as A-9;*
- *Photo-board, containing the illustrated Landscaping Plan, introduced into Evidence as A-10;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

WITNESSES

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

- John J. Sivoletta, Applicant;
- Brian Clayton, Landscape Architect;
- Charles Gilligan, Engineer/Planner;
- Michael Rubino, Jr., Esq., appearing; and

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 2002.
- There is an existing single-family home at the site.
- The Applicants utilize the subject property as a second home / summer home.
- The Applicants desire to construct an in-ground swimming pool (and associated amenities) at the site.
- Details pertaining to the proposed in-ground pool include the following:

Type of Pool:	In-ground cartridge filter pool
Dimensions:	16.5 ft. wide by 25 ft. length
Pool water depth:	4 - 6 ft. deep
Pool shape:	Rectangular
Pool location:	To the north of the existing home, per Plans.
Maximum water surface area of pool:	412.5 SF
Pool Feature:	Automatic Pool Cover

- The Applicants would like to have the pool completed and installed as quickly as possible.
- The Applicants will be utilizing licensed contractors in connection with the installation of the pool.
- Other proposed improvements associated with the Application include the following:
 - Installation of a pool patio;

- Installation of a hot tub;
 - Installation of an arbor;
 - Installation of a trellis;
 - Installation of a code-compliant fence surrounding the pool;
 - Installation of an out-door shower.
- Currently, there is a drywell at the site.

VARIANCES

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

POOL PATIO LOCATION: The Prevailing Ordinance provides that pool patios are not to be located in a front yard area; whereas, in the within situation, the Applicants propose the pool patio to be located within the front yard setback of Fourth Avenue;

ARBOR LOCATION: The Prevailing Ordinance provides that an Arbor is not permitted in a front yard; whereas, in the within situation, the Applicants are proposing an Arbor within the front yard setback of Fourth Avenue;

POOL PATIO SETBACK (OFF OF FOURTH AVENUE): 15 ft. required; whereas 9 ft. proposed.

ARBOR SETBACK: 15 ft. required; whereas 9.51 ft. proposed.

PUBLIC COMMENTS

WHEREAS, statements regarding the Application were submitted by the following members of the public:

- Robert Ferguson
- Jeff Udis

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 319 Boston Boulevard, Sea Girt, New Jersey, within the Borough's District 1, East Single Family Zone.
3. The subject site currently contains a single-family home and a detached garage.
4. Single-family use, as aforesaid, is a permitted use in the Zone.
5. The Applicants propose to construct a pool and associated amenities.
6. The details of the proposed pool, patio, and other amenities are set forth on the submitted Plans, and were further described to the Board during the Public Hearing Process.
7. Such a proposal requires approval for several Bulk Variances.
8. The Sea Girt Planning Board is statutorily authorized to grant the requested relief and therefore, the matter is properly before the said entity.
9. With regard to the Application, and the requested relief, a majority of the

Board notes/finds the following:

- The proposed pool is a permitted Accessory Use in the subject Zone.
- The Prevailing Section of the Borough's Ordinance requires that a pool have a maximum water surface area of 800 sq. ft. In the within situation, the Applicants are proposing a pool with a water surface area of 412.5 sq. ft., which conforms with the Borough's Prevailing Requirements.
- The Board notes that the pool approved herein is not overly large.
- A majority of the Board furthermore notes that a reduction in the size of the proposed pool would neither be practical nor feasible under the circumstances.

- The Board acknowledges and appreciates the manner in which the previously existing single-family home was demolished and rebuilt (which are unrelated to the within application).
- Several neighbors attended the Public Hearing Process and commended the Applicant for the efficient/superior process in which the prior demolition and rebuilding occurred.
- Two immediately affected neighbors attended the public hearing and formally encouraged approval of the Application.
- The property is located on a corner lot – i.e. Fourth Avenue and Boston Boulevard.
- As a corner lot, the subject property has, essentially, two front yards.
- The corner nature of the lot further complicates the ability of the Applicants to satisfy the prevailing Bulk Requirements.
- The proposed pool patio has an eastern side yard setback of 5.27 ft. and a rear yard setback of 14.83 ft, both of which comply with the prevailing Borough regulations.
- The Applicants' proposed arbor (ie a garden arbor) is located in a convenient/practical location.
- The proposed arbor will provide the Applicants with a greater sense of privacy.
- The design of the proposed arbor is aesthetically pleasing.
- The Board is aware that the actual pool size/location complies with prevailing municipal zoning regulations.
- Per the testimony and evidence presented, any further/substantive reduction in the size/scope of the pool patio/walkway will potentially compromise the safety of individuals utilizing the same.
- The proposed pool patio setbacks will be consistent with the pool patio setbacks of other homes in the neighborhoods (on similarly sized lots).

- The Applicants have agreed, as a condition of the within approval, to appropriately maintain/service/replace the existing drywell – and such an affirmative obligation will be beneficial for the site, the neighborhood, and the Borough of Sea Girt as a whole.
- The Applicants' Landscape Architect testified, at length, as to the significant landscaping to be planted in conjunction with the within Application.
- Per the testimony and evidence presented, the landscaping improvements include 9 to 10 evergreens, with additional plantings, roses, and ornamental grass.
- Per the testimony and evidence presented, the proposed landscaping will reach maturity within one year.
- The Board appreciates the Applicants' commitment to landscaping details, as referenced on the landscaping plans.
- The existence of the extensive landscaping should also help the minimize the overall impact of the within proposal.
- As a condition of the within approval, the Applicants have agreed to perpetually maintain/replace the landscaping, as necessary.
- The proposed trellis will appropriately/aesthetically complement the existing site.
- The proposed trellis will also appropriately delineate the entrance area into the rear yard.
- Per the testimony and evidence presented, the existing drywell can accommodate the drainage associated with the site/proposal.
- The proposed pool will be appropriately shielded with landscaping / fencing.
- The proposed landscaping / shrubbery / plantings will appropriately shield the neighbors and public from the proposed improvements.
- The proposed pool will be appropriately landscaped.

- The pool and the proposed amenities will be located in practical and reasonable locations.
- The proposed pool and to-be-maintained landscaping / fencing will minimize the impact which approval will have on the adjoining owners and the neighborhood.
- Though the location of the proposed arbor and patio are not conforming, given the corner nature of the property, the extensive landscaping (which should help shield the proposed improvements), and the proposed arbor (which should further help shield the proposed improvements), a majority of the Board finds that the requested relief can be granted without causing substantial detriment to the public good.
- Per the testimony and evidence presented, there are, essentially, no other appropriate, viable, functional, or feasible host locations for the proposed improvements.
- Per the testimony and evidence presented, under the circumstances, the location of the proposed improvements is appropriate.
- Approval of the within Application will not increase the height of the existing home or garage.
- Subject to the conditions contained herein, the Applicants' site / lot can physically accommodate the improvements proposed/approved herein.
- Subject to the conditions contained herein, approval of the within Application will not have an adverse aesthetic impact on the site or the neighborhood.
- Approval of the within Application will make the existing home more functional, and approval will also improve the quality of life for the homeowners.
- Single-family use, as approved / continued herein, is a permitted use in the subject Zone.
- The location of the proposed improvements is practical and appropriate.
- The existing Lot is conforming in terms of Lot area (i.e. 7,500 sq. ft. is required, and 7,500 sq. ft exists).

- Subject to the conditions contained herein, the improvements approved herein will not over-power / overwhelm the subject Lot.
- The renovation/development/improvements approved herein are attractive and upscale, in accordance with Prevailing Community Standards.
- 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 pool should nicely complement the property and the neighborhood.
- Subject to the conditions contained herein, the proposal will not appreciably intensify the historic and to-be-continued single-family nature of the lot.
- The proposed improvements will be significantly shielded with landscaping / fencing, thereby minimizing any aesthetic impact on adjoining properties.
- Subject to the conditions contained herein, approval of the within Application will not compromise health and safety of the occupants.
- The size of the proposed pool / patio is reasonable under the circumstances.
- Per the Prevailing Borough Regulations, the bottom elevation of the pool structure shall not be less than 2 ft. above the seasonal high ground water elevation. In the within situation, the Application conforms with, or will conform with, such a Requirement.
- The proposed pool equipment is located in the rear yard area (and garage), as required by the Prevailing Borough Ordinance.
- The Board Members engaged in a civil and good-faith debate regarding the overall merits of the proposal. Those who were not inclined to approve the Application focused on the following points:

- i. The concern that a smaller pool/pool patio would eliminate and/or otherwise reduce nature/extent of the requested variance relief;
- ii. The lack of a recognized hardship, as referenced in Prevailing Case Law;
- iii. Recognition that the 15 ft. setback requirement should not be violated, except in the most extraordinary of circumstances; and
- iv. The concept that a compliant and Variance-free pool / and associated amenities can and should be able to be installed on a 7,500 sq. ft. Lot.

Notwithstanding the above, for the reasons set forth herein and during the Public Hearing process, a majority of the Board is of the opinion that the benefits of granting the approval out-weigh the detriments associated with the same.

- Additionally, the aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicants' inability to comply with all of the specified bulk standards.
- The design of the improvements approved herein will not be inconsistent with the architectural character of similar improvements on other single family lots in the area.
- Subject to the conditions set forth herein, the overall 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 installed herein will not be inconsistent with other similar improvements located within the Borough.

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- 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, a majority of the Board is of the 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 November 2, 2018 (A-7).
- b. The Applicants shall revise the Plans so as to portray and confirm the following:
 - The inclusion of a note confirming that there will be no change to the existing grading/drainage patterns, which would detrimentally affect adjoining properties;
 - The inclusion of a note confirming that the pool lighting / acoustics shall comply with Prevailing Municipal / Code Requirements;
 - The inclusion of a note confirming that if applicable, the pool equipment shall be appropriately vented, per Prevailing Municipal / Code Requirements;
 - The inclusion of a note confirming that the pool lighting arrangement shall comply with prevailing Borough Requirements;
 - The inclusion of a note confirming that the Applicants shall have an affirmative obligation to perpetually maintain/replant/replace the landscaping approved herein.

- The inclusion of a note confirming that the pool approved herein will be a cartridge filter pool (i.e. no backwash necessary).
 - The inclusion of a note confirming that the Applicants shall perpetually maintain/service the existing drywell, in accordance with prevailing industry/Borough Standards. Additionally, the said note shall further provide that if the subject drywell system needs to be serviced/repaired/replaced, the Applicants, including any successor Applicants, shall promptly address the same, but no later than forty-five (45) days after awareness of any defect/deficiency.
 - The inclusion of a note confirming that the drywell maintenance details shall be reviewed and approved by the Board Engineer.
- c. The Applicants shall comply with all the comments / promises / commitments / representations made at or during the Public Hearing Process.
- d. The Applicants shall submit a Grading Plan / Drainage Plan / Stormwater Management Plan, which shall be approved by the Board Engineer.
- e. The Applicants shall manage storm-water run-off during and after construction (in addition to any other prevailing/applicable requirements/obligations.)
- f. 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
- g. 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.
- h. The construction/disturbance/installation shall be strictly limited to the plans which are referenced herein, and which

are incorporated herein at length. Additionally, the construction/disturbance/installation shall comply with Prevailing Provisions of the Uniform Construction Code.

- i. 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.
- j. 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.
- k. **The approval granted herein is specifically dependent upon the accuracy and correctness of the testimony and information presented, and the accuracy of the Plans submitted and approved by the Board. The Applicants are advised that there can be no deviation from the Plans approved herein, except those conditions specifically set forth or otherwise herein. In the event post-approval conditions at the site are different than what was presented to the Board, or different from what was otherwise known, or in the event post-appraisal conditions are not necessarily structurally sound, the Applicants and their representatives are not permitted to unilaterally deviate or build beyond the scope of the Board Approval. Thus, for instance, if the Board grants an Application for an existing building / structure to remain, the same cannot be unilaterally demolished (without formal Borough / Board consent), regardless of the many fine construction reasons which may exist for doing so. That is, the bases for the Board's decision to grant Zoning relief may be impacted by the aforesaid change of conditions. As a result, Applicants and their representatives are not to assume that post-approval deviations can be effectuated. To the contrary, post-approval deviations can and will cause problems. Specifically, any post-approval unilateral action, inconsistent with the testimony / plans presented / approved, which does not have advanced Borough / Board approval, will compromise the Applicant's approval, will compromise the Applicant's building process, will create uncertainty, will create stress, will delay construction, will potentially void the Board**

Approval, and the same will result in the Applicant incurring additional legal / engineering / architectural costs. Applicants are encouraged to be mindful of the within – and the Borough of Sea Girt, and the Sea Girt Planning Board, are not responsible for any such unilateral actions which are not referenced in the testimony presented to the Board, and / or the Plans approved by the Board. Moreover, Applicants are to be mindful that the Applicants are ultimately responsible for the actions of the Applicant's, their Agents, their representatives, their employees, their contractors, their engineers, their architects, their builders, their lawyers, and other 3rd parties.

- l. The Applicants shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.
- m. If required by the Board / Borough Engineer, the Applicants shall submit appropriate performance guarantees in favor of the Borough of Sea Girt.
- n. 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 (if necessary) for the construction / development/installation 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 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,

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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 / installation.

FOR THE APPLICATION: Carla Abrahamson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Councilman Michael Meixsell, Raymond Petronko, Norman Hall

AGAINST THE APPLICATION: John Ward

ABSTENTIONS: Larry Benson

ABSENT: Robert Walker

The foregoing Resolution was offered by Councilman Meixsell, seconded by Mayor Farrell and adopted by roll call vote:

AYES: Karen Brisben, Jake Casey, Mayor Ken Farrell, Councilman Michael Meixsell, Norman Hall

NOES: None

ABSTENTION: None

NOT ELIGIBLE TO VOTE: Larry Benson, Robert Walker, John Ward

NEW BUSINESS:

There was just one application to be heard, a Minor Subdivision for Block 44, Lot 5.02, 313 Beacon Boulevard, owned by John Gerard Daniello Trust, LLC, and Block 44, Lot 12, 314 The Terrace, owned by Diane McKnight, to remove a portion of the rear lot of 314 The Terrace and add it to the rear lot of 313 Beacon Boulevard.

The correct fees were paid, taxes are paid to date on both properties and the newspaper and property owners within 200 feet were properly notified. Mr. Kennedy explained that this is actually a lot line adjustment but it needs Minor Subdivision approval and, under Sea Girt regulations, notice has to be given. He then asked if anyone in the public had any problems with the notice as received and, as there was no response, the notice was deemed in order.

Mr. Kennedy then marked the following exhibits:

- A-1. The application
- A-2. The Subdivision Committee report dated 12/5/18.
- A-3. Monmouth County Planning Board report dated 11/13/2018.
- A-4. Development plan done by KBA Engineering dated 8/21/18, revised 11/15/18.

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A-5. Survey, done by Clear Site, dated 9/7/18.

A-6. Survey for Lot 5.02, done by Clear Site, dated 9/7/18, revised 11/15/18.

A-7. Leon Avakian engineering review, dated 12/6/18.

At this time Mr. Michael Rubino, Esq. came forward to present this application, he agreed it is really a lot line adjustment. Block 44, Lot 5.01 and 5.02 were created a few years ago by a Minor Subdivision and Lot 5.02 has an irregular back yard. Mr. Daniello wanted to square off the back yard and he noted this is the property that faces Beacon Boulevard. Mrs. McKnight's property faces The Terrace and is an oversized lot at 24,000 square feet with an irregular line in the back; she will take off 1,000 square feet from her property and convey it to Mr. Daniello, all this requires a Minor Subdivision approval.

This is not creating any other variances and is not creating an undersized lot, the only nonconformity is Mrs. McKnight's home on The Terrace that has a side yard setback issue but Mr. Rubino noted this is an older home and was built before the current zoning regulations; this subdivision does not affect this.

As there were no Board questions Mr. Joe Kociuba of KBA Engineering Services came forward, he is a Licensed Engineer & Planner in NJ and, as the Board was familiar with him, he was accepted as an expert witness.

He stated there are two-story frame dwellings on each property and this is a simple subdivision and conforms with the codes for this zone, this application has only positives. The McKnight property has a larger back yard so there is no problem here and Mr. Daniello can use the extra 1,000 square feet. Mr. Rubino asked him about the Engineering letter and Mr. Kociuba said no problem, there was also no problem with the Subdivision Committee report. Mrs. Brisben told Mr. Kociuba there is an error on the map, it states Frederick McKnight's name and he is deceased, it needs to say Diane McKnight; she needs revised plans showing this name change.

Mayor Farrell noted there are utilities that run through the McKnight back yard and he did not want to see a problem with this; Mrs. McKnight spoke up from the audience and said this will not affect this subdivision. Mayor Farrell commented there had been a problem in the past with another home in this area; Mr. Kociuba said there still is an easement for the utilities and agreed with Mrs. McKnight there is no problem in the area they are going to subdivide. Mayor Farrell just wanted to make sure there is access to the utilities. Chairman Hall asked Mr. Kociuba to check on this to make sure this is to everyone's advantage and he agreed; Mr. Kennedy said he will also put this in the Resolution and Mr. Rubino was fine with stipulating this.

The Board members had no further comments to add, so the hearing was opened for public comments and there was no response to that; Chairman Hall commented the Subdivision Committee had said positive things about this so Mr. Kennedy then went over the conditions of approval, mainly concerning the utility easement.

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At this time Mr. Ward made a motion for approval of the application, with the conditions that will be noted in the Resolution, this seconded by Mr. Walker and then by the following roll call vote:

Ayes: Larry Benson, Karen Brisben, Jake Casey, Mayor Ken Farrell,
Councilman Michael Meixsell, Robert Walker, John Ward, Norman
Hall

Noes: None

OTHER BUSINESS:

This was not on the agenda but Mr. Kennedy had a conversation with Mr. Rubino concerning the extension of time allowed for the perfection of the Schatzman Subdivision on Crescent Parkway. Mr. Rubino has requested that this extension (which was given to 12/31/18) be extended to the end of January, to 1/30/19. He has already filed the map but also has to file a deed and is concerned about getting it filed before the 12/31 deadline, this is due to the holidays and the County offices being closed. Mr. Kennedy recommended this be approved by the Board and, as no one had a problem with this, the following enabling Resolution was presented for approval:

WHEREAS, the Sea Girt Planning Board is a duly organized Land Use Board, operating and existing in accordance with the Rules and Regulations of the United States of America, the State of New Jersey, and the Borough of Sea Girt, and

WHEREAS, under separate cover, agents of Robert and Nancy Schatzman submitted a Development Application to the Borough of Sea Girt, and

WHEREAS, the said Application involved the property located at 304 Crescent Parkway, Sea Girt, NJ, more formally identified as Block 52, Lot 10; and

WHEREAS, the said Application sought approval to subdivide the subject parcel into two lots; and

WHEREAS, the said Subdivision Application was approved in or about March, 2018, and

WHEREAS, a Memorializing Resolution was thereafter adopted on or about April 18, 2018; and

WHEREAS, under the New Jersey Municipal Land Use Law, a Minor Subdivision must be perfected within 190 days of the adoption of the Resolution; and

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WHEREAS, the Subdivision perfection date expired on or about October 25, 2018; and

WHEREAS, the Subdivision was perfected (via the recording of a Map) on or about October 26, 2018; and

WHEREAS, depending upon the counting formula utilized, the Subdivision may have been perfected approximately one-day beyond the perfection due date; and

WHEREAS, such a scenario could potentially cause problems/issues for the Applicants, future Owners, Title Companies, Lenders, etc.; and

WHEREAS, the prevailing Statute does provide a mechanism for establishing a timeframe for extending the timeframe for the perfection of the Subdivision; and

WHEREAS, out of an abundance of caution, the Applicants' representatives have petitioned the Sea Girt Planning Board for such a retroactively effective extension; and

WHEREAS, good cause does exist for such an extension; and

WHEREAS, such an extension will not compromise the interests of the Borough of Sea Girt or the Sea Girt Planning Board; and

WHEREAS, the Applicants' representatives publicly noticed for the extension request; and

WHEREAS, the matter was formally reviewed and discussed by the Planning Board at the November 28, 2018 meeting;

NOW, THEREFORE, BE IT RESOLVED, by the Members of the Sea Girt Planning Board that:

1. The timeframe for the perfection of the Schatzman subdivision (Block 52, Lot 10 parcel) is hereby extended until **January 30, 2019**.

2. The within Resolution shall be retroactively effective (if necessary) as of the date the initial perfection timeframe expired.

3. That all other terms and conditions of the Board Approval, unless modified herein, shall remain in full force and effect.

4. That the Board Chairman, the Board Secretary, Zoning Officer, Board Attorney, and other representatives are hereby authorized to sign any and all documents necessary to effectuate the intentions of the within Resolution.

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A motion to approve the above Resolution was made by Mayor Farrell, seconded by Mr. Casey and approved by the following roll call vote:

Ayes: Larry Benson, Karen Brisben, Jake Casey, Mayor Ken Farrell,
Councilman Michael Meixsell, Robert Walker, John Ward, Norman
Hall

Noes: None

Before adjourning for the evening, Chairman Hall asked if anyone in the audience wanted to make any comments and, hearing none, asked for a motion to adjourn which was done by Mayor Farrell, seconded by Mr. Casey and unanimously approved, all aye. The meeting was adjourned at 7:25 p.m.

Approved: January 16, 2019