

SEA GIRT PLANNING BOARD
MAY 16, 2018

The Regular Meeting of the Sea Girt Planning Board was held on Wednesday, May 16, 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 (arrived 7:40), Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Raymond Petronko, Robert Walker, John Ward, Norman Hall

Absent: Carla Abrahamson, Councilman Michael Meixsell

Also present was Board Attorney Kevin Kennedy, as well as Jennifer Beahm and Helen Zincavage from Leon A. Avakian Engineering; Board Secretary Karen Brisben recorded the Minutes and there were 14 people in the audience. Mrs. Brisben said that the Minutes from the April 18th meeting will be ready for approval at the June meeting as she has been away on vacation.

OLD BUSINESS:

The Board then turned to the approval of a Resolution for variance relief for Block 49, Lot 6, 313 Philadelphia Boulevard, owned by Michael & Susan Bell, to allow a number of improvements to an existing single-family home,

Before addressing the Resolution and out of courtesy, Chairman Hall allowed one of the neighbors to speak, they had not picked up their notice in time for last month's hearing and wished to speak at this time. Mr. Henri Rosano, age 95, came forward and said they have lived in Sea Girt at 315 Philadelphia Blvd. since 1977. In 2011 the Bells purchased 313 Philadelphia Blvd. and they always had a good relationship. Their property is now in a family trust and all Borough mail goes to a daughter that lives in California. They are here on most weekends and felt the Bells had plenty of time to discuss what they wanted to do with him but he was left out of the picture.

At this time Mr. Rosano's daughter, Collette Rosano, came forward to speak to the Board for her father, she said the reason they are here is the the Bells did come over in 2017 and said they were going to do some building. The daughter in charge of the Trust, Sibylle Whittam, said this was okay and to just let them know when they were going to move forward with it. Mr. Rosano was not included in this conversation so he did not know about this. When the sister in California did pick up the notice it was the day after that Planning Board meeting. She called the Borough and found out that the application had passed and gotten approved; they did not have a chance to give their opinion.

She went on to say they are not here to oppose the application but they find the relocation of the garage a problem as it will now be between their home and the Bell home. Now the garage will be only 5 feet from their property and will be 16 feet high and they will store their kayaks and garbage there. The Rosano family would like to see a compromise as they eat in their yard in this area. She understood there is an appeal process and they are looking into this.

Chairman Hall said that, under the law, the applicant has to inform all owners of the property within 200 feet and this notice was mailed before 10 days, he did not know when it was picked up in California. The garage is allowed to be there, the Bells can change their plans as long as it does not need variance relief, as long as it complies this can be done. He also commented there is a Borough Ordinance on garbage locations and also said this is out of normal procedure to even allow this discussion this evening to happen.

Mr. Kennedy then spoke and said he had spoken to Sibylle Whittam, the sister in California, and he, too, explained the notice requirements and stated the Board cannot be any stricter than the State law. The requirement is that the notice be sent out at least 10 days before a hearing and this was done, as well as a notice in the newspaper. The law does not require a homeowner to actually receive the notice, just that it is mailed out in time. He spoke to Michael Rubino, the Bells' attorney, and they tracked this through the post office, the notice was mailed out on April 6th and delivered to California on April 11, but it was not picked up until April 19th. He suggested speaking with the Bells to see if a compromise can be made and, if they do want to go forward with an appeal, they have 45 days to do this after the notice is published in the newspaper, so they don't want to wait.

Chairman Hall explained to Ms. Rosano that the Board cannot hold up the approval of the Resolution presented this evening and it will be voted on. Ms. Rosano said she will speak with the Bells and thanked the Board for allowing her to address the Board this evening. Mrs. Laszlo suggested changing the mailing address to a New Jersey address and commented the Board finds it refreshing to see a home being renovated instead of being torn down and this helped its approval. Ms. Rosano agreed that many homes are coming down in town.

At this point Mr. Kennedy apologized to the Board for getting the Bell Resolution done so late, it was a little more detailed than usual. He also told the Board he is putting in all Resolutions that are doing renovations that there will be a clause about demolitions; Chairman Hall agreed with this so there is no gray area in this issue. There was then a brief discussion on changing some of the wording in the draft Resolution and Mr. Ward questioned the air conditioning units and if they can be replaced at a later time. Chairman Hall said they might have to get permits to do this and he did not know if this is required, the State laws have changed. Mr. Kennedy mentioned that perhaps when this Resolution is given to the Zoning Officer a note is included mentioning this concern.

At this time the following Resolution was presented:

WHEREAS , Michael and Susan Bell have made Application to the Sea Girt Planning Board for the property designated as Block 49, Lot 6, commonly known as 313 Philadelphia Boulevard, Sea Girt, New Jersey, within the Borough's District 1, East Single-Family Zone, for the following approval: Bulk Variance associated with an Application to effectuate a number of improvements to an existing single-family home; and

PUBLIC HEARING

WHEREAS , the Board held a Public Hearing on April 18, 2018, 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:

- Planning Board Application Package, introduced into Evidence as A- 1;
- Architectural Plans, prepared by M. B. Hearn, Architecture, LLC, dated January 30, 2018, consisting of 3 sheets, introduced into Evidence as A-2;
- Grading Plan, prepared by the Jensen Design Group, dated November 7, 2017, consisting of 1 sheet, introduced into Evidence as A-3;
- Survey, prepared by Dolan & Associates Land Surveyors, dated June 23, 2011, introduced into Evidence as A-4;
- Leon S. Avakian Inc., Review Memorandum, dated March 28, 2018, introduced into Evidence as A-5;
- Illustrated rendering of the Variance Plan, prepared by M. B. Hearn Architecture, LLC, introduced into Evidence as A-6;
- 2-sided board (containing a photograph of the existing property, and an aerial view photograph), introduced into Evidence as A-7;
- Photo-board containing 11 pictures of the subject property, taken by Michael Rubino, Jr., Esq., on or about April 17, 2018, introduced into Evidence as A-8;
- Affidavit of Service; and
- Affidavit of Publication.

WITNESSES

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

- Michael Bell, Applicant;
- Mary Hearn, Architect
- Michael Rubino, Jr., Esq., appearing

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 July 2011.
- There is an existing 2 story single-family home at the site.
- The Applicants utilize the existing structure as a 2nd home.
- In order to increase living space at the site, and to make the existing home more modern and functional, the Applicants are proposing a number of improvements.
- The proposed improvements include the following:
 - Construction of a 1-story 1st floor addition under the existing 2nd floor overhang at the rear of the existing dwelling;
 - Removal of an existing bay window;
 - Removal of the existing exterior shower attached to the home;
 - Removal of the existing detached garage;
 - Construction of a new garage, with exterior shower;
 - Installation of an outdoor kitchen, masonry fire pit, and pergola;
 - Replacement of the existing front walk, driveway, and rear patio.
- Details pertaining to the proposed improvements are set forth on the submitted Plans, and were discussed, in detail, at the Public Hearing.

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

FIRST FLOOR

Family Room
Sun Room
Dining Room
Kitchen
Bedroom
Bathroom
Half Bathroom
Mud Room
Foyer

SECOND FLOOR

Bedroom
Bedroom
Bedroom
Bedroom
Balcony
Bathroom
Bathroom

- The Applicants will be utilizing Licensed Contractors in connection with the construction process.

- The Applicants anticipate having the construction work completed in the very near future.

VARIANCE

WHEREAS, the Application as submitted, requires approval for the following Variance:

BUILDING COVERAGE:

Maximum 20% allowed; whereas 20.82% proposed.

PUBLIC COMMENTS

WHEREAS, sworn comments, questions, and / or statements regarding the Application were presented by the following members of the public:

- Robert Kregg

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 313 Philadelphia Boulevard, 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 increase the functionality of the existing home, and in order to increase living space, the Applicants propose to construct several improvements.
6. The proposed improvements include the following:
 - Construction of a 1-story 1st floor addition under the existing 2nd floor overhang at the rear of the existing dwelling;
 - Removal of an existing bay window;
 - Removal of the existing exterior shower attached to the home;
 - Removal of the existing detached garage;
 - Construction of a new garage, with exterior shower;
 - Installation of an outdoor kitchen, masonry fire pit, and pergola;
 - Replacement of the existing front walk, driveway, and rear patio.
7. Such a proposal requires Bulk Variance approval.
8. The Sea Girt Planning Board is statutorily authorized to grant such relief and therefore, the matter is properly before the said entity.
9. With regard to the Application, and the requested relief, the Board notes the following:
 - The subject site can physically accommodate the renovations approved herein.
 - The Applicants' renovation plans are reasonable under the circumstances and reasonable per the conforming size of the existing Lot.
 - The Applicants' site / lot can physically accommodate the improvements proposed / approved 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.

- Subject to the conditions contained herein, the renovations approved herein will not over-power / over-whelm the subject Lot.
 - Upon completion, the renovation approved herein will not over- power / dwarf other homes in the area.
 - The renovations 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.
 - The Board appreciates the Applicants' willingness to renovate and improve an older home (as opposed to mere demolition).
 - There is value in approving Applications which preserve older / stately homes. As part of the within Application, the Applicants will arrange for the Building Coverage to be reduced to 20.82%.
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- The building coverage reduction is the result of the Applicants' removal of the existing bay window and the removal of the existing exterior shower. (Additionally, the building coverage calculations are helped by the fact that the proposed addition is located mostly under the 2nd story overhang, resulting in only a small increase to the existing footprint of the existing dwelling.)
 - Though a Building Coverage Variance is required, approval of the within Application will actually reduce the building coverage from a non-conforming 21.16% to a non-conforming 20.82%.
 - The Board finds that the reduction in building coverage, as aforesaid, promotes sound planning.
 - The Board finds that the reduction in building coverage, as aforesaid, promotes the interest of the site, the neighborhood, and the Borough of Sea Girt as a whole.
 - The Board finds that the reduction in the building coverage renders the site more compliant with the Borough's overall Zoning Regulations.
 - Many times, Applicants petition the Land Use Board to increase overall building coverage; whereas, in the within situation, the Applicants are proposing to actually reduce the existing building coverage.
 - The Board is aware that as part of the Application process, the Applicants are actually taking away / eliminating more than they are proposing to add (thereby resulting in the reduced building coverage).
 - As a result of the Applicants' good faith design efforts, upon completion of the renovation process approved herein, the site will have a building coverage which only exceeds that which is permitted by .82%.
 - The Board finds that, under the circumstances, the aforesaid .82% differential (i.e. excess building coverage) is de-minimus.
 - The Board applauds the Applicants' voluntary efforts to reduce the non-conforming building coverage at the site.
 - The Board notes that currently, the site has a non-conforming impervious coverage of 36.7% (whereas a maximum 35% is otherwise allowed).
 - In conjunction with the above point, it is clear that the site is non- conforming in terms of impervious coverage.

- The Board is aware, and history has unfortunately and brutally detailed, that excess impervious coverage can potentially contribute to various grading / drainage / flooding issues.
- The Borough of Sea Girt has, over the last decade, contributed a significant amount of resources addressing / curing / minimizing the ill effects / repercussions of overdevelopment / excess impervious coverage.
- The Board notes, positively, and enthusiastically, that approval of the within Application will actually reduce the overall impervious coverage from a non-conforming 36.7% to a conforming 31.2%.
- The reduced impervious coverage is a direct result of the Applicants' efforts towards replacing the existing garage, driveway, and patio.
- Approval of the within Application will eliminate the pre-existing non-conforming impervious coverage.
- Approval of the within Application will convert the site from non- conforming (in terms of impervious coverage) to conforming (in terms of impervious coverage).
- There are societal benefits associated with reducing overall impervious coverage at a site – and the Board appreciates the Applicants' voluntary efforts in the said regard.
- The 5.5% reduction in impervious coverage associated with the within approval (36.7% minus 31.2% = 5.5%) is significant.
- The Board is aware that many times, Applicants submit Development Applications seeking to increase overall impervious coverage, without necessarily recognizing the potentially ill effects and repercussions of the same. In the within situation, it is refreshing that the Applicants are actually reducing overall impervious coverage.
- The elimination of a pre-existing non-conforming condition (impervious coverage) (associated with the within Application) promotes the interest of the Borough of Sea Girt.
- The elimination of a pre-existing non-conforming condition (i.e. impervious coverage) promotes the interests of the Applicants.
- The elimination of a pre-existing non-conforming condition (i.e. impervious coverage) promotes the interests of the community.
- The elimination of a pre-existing non-conforming condition (i.e. impervious coverage) is consistent with the goals and objectives of the Borough's Master Plan.
- There was an extensive and good-faith debate about the location of the existing air conditioning condensers. Specifically, the testimony indicated that the air conditioning condensers are located a non-conforming 2.2 ft. off of the eastern property line (whereas the Borough's Prevailing Regulations otherwise require a 5 ft. Side Setback). The debate ensued as to whether the existing air conditioning condenser units should be relocated as part of the within Application. In that regard, arguments made in support of the immediate relocation of the air conditioning units included the following:
 - i. The existing air conditioning condenser units are located in a non-conforming location, and it is appropriate to relocate the same;
 - ii. Now (while an Application is pending) is the time to require the non-conforming air conditioning condenser units to be relocated;

- iii. High efficiency air conditioning units can be noisy and problematic for neighbors who are required to endure the same;
- iv. Relocation of the existing air conditioning condenser units will eliminate a non-conforming condition at the site;
- v. Relocation of the non-conforming air conditioning condenser systems will make the site more compliant with overall Zoning Regulations;
- vi. Borough Officials typically receive a number of complaints (from citizens) relative to non-conforming conditions;
- vii. Relocation of the non-conforming air conditioning condenser units will enhance the overall acceptability of the Applicants' proposal.

Arguments in support of leaving the existing air conditioning units "as is" include the following:

- i. The existing air conditioning condensers represent a pre-existing non-conforming condition;
- ii. The existing non-conforming air conditioning condensers represent a pre-existing non-conforming condition which is not being exacerbated as a result of the within Application;
- iii. There have been no known public oppositions / neighborhood concerns associated with the location of the currently existing non-conforming air conditioning condensers;
- iv. Continued existence of the non-conforming air conditioning condensers will not substantially affect the site, the neighborhood, or the Borough of Sea Girt as a whole;
- v. Continued existence of the non-conforming air conditioning locations does not compromise the overall merits associated with the Applicants' proposal;
- vi. The Applicants did not consent to the immediate relocation of the non-conforming air conditioning condensers;
- vii. The continued existence of the non-conforming air conditioning condenser systems will not impair the overall interests of the Borough of Sea Girt and / or the Borough's overall Zoning Plan;
- viii. The Applicant's agreed that when the existing non-conforming air conditioning condenser systems are replaced, the same will be relocated to a Zoning-compliant location.

- As referenced, after the Applicants had some time to independently and privately review the air conditioning condenser location matter with their Attorney, the Applicants did not consent to the immediate re-location of the same.
- After significant good-faith debate and analysis, a majority of the Board finds that the continued existence of the non-conforming air conditioning condensers will not compromise the overall merits of the subject Application.
- The Board notes that the Applicants have agreed to relocate the air conditioning condensers in the future when the same need to be replaced. Towards that end, the Board is aware that when the existing air conditioning units are replaced, the said non-conforming condition will be eliminated.
- The Board notes that no new Variances are created in conjunction with the within approval. Rather, many existing variant conditions are being eliminated, and one non-

compliant condition (Building Coverage) is being reduced from a non-conforming 21.6% to a non-conforming 20.82%.

- The existing garage has a non-conforming Side Yard Setback of only 4.6 ft. (whereas 5 ft. is otherwise required). In conjunction with the within approval, the existing non-conforming garage will be removed and replaced with a conforming garage.
- In conjunction with the above point, approval of the within Application will eliminate an existing non-conforming condition (relative to garage setback location).
- The property has an existing exterior shower which has a non-conforming Side Yard Setback of only 1.9 ft. (whereas 5 ft. is otherwise required). In conjunction with the within approval, the existing non-conforming exterior shower will be removed and replaced with a conforming exterior shower.
- Elimination of a non-conforming condition (regarding the location of the existing exterior shower) promotes the overall interests of the Borough of Sea Girt.
- The improved / compliant Setback for the exterior shower (approved herein) benefits the site, the neighborhood, and the community at large.
- Approval of the within Application will allow the Applicants to address some of the practical / functional concerns they currently have with regard to their existing home.
- The height of the renovated structure will be 27 feet above the crown of the roadway, which conforms with the Borough's Prevailing Height Regulations and therefore, no Height Variance is required.
- The renovated / expanded home approved herein will fit in nicely with the other homes in the neighborhood.
- The Board notes that the within property involves a Lot which satisfies a Prevailing Lot Area Requirements. Had the Lot been undersized, the within Application may not have been approved.
- Sufficiently detailed testimony / plans were presented to the Board.
- The proposed improvements / renovations should nicely complement the property and the neighborhood.
- The renovations approved herein will architecturally / aesthetically match the existing structure.
- Subject to the conditions contained herein, the proposal will not appreciably intensify the single-family nature of the lot.
- Additionally, the architectural/aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicants' inability to comply with all of the specified bulk standards.
- The architectural design will not be inconsistent with the architectural character of other single-family homes 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 renovation approved herein will not be inconsistent with other single-family improvements located within the Borough.

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

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:

- The Applicants shall comply with all promises, commitments, and representations made at or during the Public Hearing process.
- The Applicants shall comply with the terms and conditions of the Leon S. Avakian, Inc. Review Memorandum, dated March 28, 2018 (A-5).
- The Applicants shall cause the Plans to be revised so as to portray and confirm the following:
 - That the new exterior shower shall be plumbed in accordance with Prevailing Borough / Construction Code Regulations;
 - That the height of the garage shall comply with the Borough's Prevailing Zoning Requirements;
 - The inclusion of conforming fire pit details – including dimensions, the Setback of the same from the home, the Setback of the same from the garage, etc.;
 - The inclusion of shower connection details;
 - The inclusion of confirming existing coverage calculations (to address a typographical error in the Plans);
 - The inclusion of a Note confirming that the exterior kitchen approved herein shall comply with all Prevailing Construction Codes / Building Code Regulations;
 - The inclusion of a note confirming that if / when the existing non-conforming air conditioning condenser systems are replaced, the same shall be immediately relocated, so as to comply with all Prevailing Zoning Regulations (regarding size, location, setback, etc.).
- The Applicant shall obtain appropriate Fire Department / Construction Office / Building Office review / approval for the fire pit, including the location of the same, the setback from the dwelling unit, the setback from the garage, the confirmation of the stationary nature of the same, etc.
- The Applicant shall obtain any necessary / applicable demolition permits.
- Unless otherwise waived by the Board Engineer, grading / drainage details shall be submitted so as to confirm the absence of any adverse impacts associated with the within proposal.
- The Applicants shall manage storm water run-off during and after construction (in addition to any other prevailing/applicable requirements/obligations.)

h. 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

i. If applicable, the proposed improvement shall comply with applicable provisions of the Americans with Disabilities Act.

j. 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.

k. The proposed structure shall comply with the Borough's Prevailing Height Regulations.

l. 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.

m. 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.

n. 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.

o. The Applicants shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.

p. If required by the Board / Borough Engineer, the Applicants shall submit appropriate performance guarantees in favor of the Borough of Sea Girt.

q. 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 required) for the construction / development approved herein.

r. 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, and 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.

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

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

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

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

FOR THE APPLICATION: Carla Abrahamson, Eileen Laszlo, Councilman Michael Meixsell, Raymond Petronko, Robert Walker, John Ward, Norman Hall

AGAINST THE APPLICATION: Jake Casey, Mayor Ken Farrell

ABSENT: Larry Benson, Karen Brisben

The foregoing Resolution was offered by Mr. Petronko, seconded by Mr. Walker and then by the following roll call vote:

AYES: Eileen Laszlo, Raymond Petronko, Robert Walker, John Ward, Norman Hall

NOES: None

NOT ELIGIBLE TO VOTE: Karen S. Brisben, Jake Casey, Mayor Ken Farrell

ABSENT: Carla Abrahamson, Larry Benson, Councilman Michael Meixsell

OTHER BUSINESS:

It was then time to address the draft Master Plan Update and have another hearing for discussion on this matter. He explained to the audience that everything can't be in the Master Plan update and this will be approved in June after the public hearing. Last month they gathered information and discussed the proposed draft, there were 4 committee members working on this along with professionals. Now the draft is ready to be presented and can be discussed. Mrs. Brisben commented that she made 10 copies of the draft and they are on the piano, several members of the audience then took copies.

At this time Jennifer Beahm of Avakian Engineering spoke to the crowd, she is the professional who has been working on this along with Helen Zincavage, also of Avakian Engineering. The hearing tonight is to get any more input, the final plan will go to the Governing Body to adopt if they chose to, they can adopt the entire draft or just parts of it, it is up to Council once it is passed on to them by the Planning Board. The public hearing will be on Wednesday, June 20th here in the school, so if anyone has any comments after reading the draft please get them to Mrs. Brisben at the Borough Hall as soon as possible.

Mr. Casey had several questions on the draft, a spelling error, then a question on paragraph 2 on page 23 regarding Stormwater (which Ms. Beahm explained that Stormwater BMP manual was adopted by the Governing Body in 2007 and is looked at regularly, after Hurricane Sandy changes were looked into). Mayor Farrell added that, in 2013, the town extended two pipes and worked with the Engineer on enlarging the Baltimore Blvd. system. In the south section of town the pipe is 5 feet lower as the town is 5-10 feet lower there. This is why the town is concerned with pools and basements in the water table, there are problems now; he said there have been 284 homes built since 2000 and this is ongoing. Ms. Beahm said this paragraph Mr. Casey questioned is just saying this work continues to be done. Mrs. Laszlo added that Council takes the Engineering recommendations on a new Ordinance and then it comes to the Planning Board for their approval, then back to the Governing Body for final adoption.

Mr. Casey then questioned, on page 32, the Land Use; he asked if there should be some guidelines on flooding. Ms. Beahm noted this is referred on page 33 where the FEMA data applies. Mayor Farrell said the 2013 maps may not be adopted until 2020, he spoke to Chris Smith on this. He said Sea Girt has a Flood Zone here and it has to be in conformance; one may have to get creative here. Ms. Beahm agreed there

are a lot of problems with this and there is language in the draft on this. Mr. Casey then went to page 36, bullet A – ½ stories. Ms. Beahm explained they want to keep a ½ story only for the third floor and do not want to see this built out. It is not a definition of a ½ story, just the building area. Mr. Casey then went to page 36 regarding air conditioners in rear yards. Ms. Beahm said this required a/c units to be screened for noise and Mr. Casey did not feel it was enough of a restriction. Ms. Beahm said a unit has to be vented and cannot be enclosed and this is intended to help that. Mr. Casey felt that allowing an a/c unit on top of a garage benefits the applicant but Ms. Beahm said it does keep the coverage down.

Mr. Casey then questioned the matter of defining a rear yard on a corner lot. Chairman Hall said the Board addressed this a few years ago and Mayor Farrell said pools on corner lots were also addressed and now having 4-foot fences is allowable. Chairman Hall reminded all that the Master Plan update is to provide a guideline only. Mr. Casey then asked about the open air front porches and Chairman Hall said this defines the fact that these are to be included in lot coverage allowed. Ms. Beahm felt they can clean this up a bit and made a better definition, but there is to be no building above an open air front porch. She also said the average setback line should be from the building line and not the porch line. The Governing Body has to work on a more detailed Ordinance if they approve this. Mr. Casey questioned the concept of allowing an 8 foot porch option extending into the front yard setback and also questioned how average setbacks would be calculated in the future should this be allowed.

Mr. Casey then asked about any elevation changes done by builders in town and Ms. Beahm said there already is an Ordinance in place for this. The grade is measured from the crown of the road. Mr. Casey said he did not see enough restriction here and Mayor Farrell agreed there is an Ordinance on this now, the only change to grade has to be done by the Borough Engineer. People were doing it but not anymore. Mr. Casey then asked Mr. Kennedy if the notice to property owners can be improved and Mr. Kennedy, as he had explained earlier to Ms. Rosano, said this is State law and it cannot be changed. Ms. Beahm agreed and said Edison tried to expand the notice area to 500 feet and it was overturned by the Court. Mr. Kennedy added the fee is also set by State law.

Mr. Ward then spoke and felt this was a document we can be proud of and stated this is only a broad outline for the Governing Body. He felt the town has to question the zoning requirements as far as footage, etc. Sea Girt is almost at sea level and he encouraged people to look at the implications here, a lot of homes are not year around. The 2001 Master Plan examination report talked about homes coming down and Sea Girt was experiencing development at a scale incompatible with the area, tear-downs are common and out of scale. This was also an issue in the 2008 report, how can the town fix this for good? Chairman Hall agreed with what Mr. Ward said and he was not blaming Council but action has not been taken and the Planning Board is trying to be open and transparent with this latest Update; Ms. Beahm said this request is also in this draft Master Plan. Chairman Hall felt they should also be looking at dormers and ½ stories, this thought from the professionals the committee met with; he referred to

information on page 36 regarding this. Mrs. Brisben commented she is glad to see a Tree Save Ordinance recommended in this Master Plan Update.

Chairman Hall said the town needs to make sure that if property becomes available we are prepared; he used the Army Camp as an example. Ms. Beahm added if there is a Use Variance application, it has to be consistent with the Master Plan, so things have to be made clear and not vague and wishy-washy. The Master Plan Update will be good for 10 years and it has to be to the point. She finished by stating she and Helen have made notes for the changes discussed.

At this time the Board did not have any further comments and the meeting was opened to the public. William Sitar of 1 Philadelphia Boulevard, came forward and had comments to read. He was back before the Board because at the last meeting someone said Sea Girt needs more stores; this may influence the Board and the Board may not reconsider to re-zone his property on the corner of Washington Blvd. & Fifth Avenue. He felt the Board should face what is going on in downtown Sea Girt, there is a serious parking problem that impacts owners and businesses. His proposal to have apartments on Washington & Fifth would have onsite parking and, if stores are built, they will have no parking. Retailers have to pay a rent and will not come into downtown Sea Girt as they would not be able to make a profit. He has two 6-month rentals, the price of \$25.00 a square foot to rent makes Sea Girt not a town to shop in and it cannot be a shopping district. The Board should consider the older residents in town, they may want to move out of their large home and live in an apartment, there are a lot of people who would love this and he gets calls all the time about it. Why should there be more stores that would bring noise, trucks, parking problems, rodents, etc. Several stores are vacant and not rented, now Greg's Auto is for sale. He heard that Sea Girt school may be closed because there are not enough children in school; he felt if these apartments can be built it may bring more children in.

Mr. Sitar said he came before the Board informally when Mark Clemmensen was Mayor and he was encouraged then to come up with a residential plan, the Mayor did not want any more businesses in town. He did mention that Norman Hall was part of that informal hearing and agreed with it. Then when he did finally come before the Board he was totally denied and he felt this is now an opportunity to create a new Residential Zone and this may be the Borough's last chance to create more residential living. However, this draft does not have this recommendation to rezone this area and he hoped this can be tweaked to accommodate this. He also commented there will be no more restaurants as there are no liquor licenses available, all appliance stores, etc. are on Highway 35 and apparel stores cannot afford \$25.00 a square foot. The badly needed residential uses will work in Sea Girt and he again said there is not enough parking for businesses.

Chairman Hall wanted to address Mr. Sitar's comments as his name was mentioned, the Planning Board cannot rezone any area, that is up to Mayor and Council. The committee has not denied this consideration, they just can't do it. The informal hearing was 7 years ago and Mr. Sitar did come before the Planning Board last

year to create apartments in a Commercial Zone. As far as the school and students, Sea Girt allows out of town children to come in and they pay a tuition to do this. If it ever closed it would still be an institution of learning, the Board of Education has presented a plan that shows there will be a growth. Chairman Hall found it appalling that Mr. Sitar said Chairman Hall stated, 7 years ago, that his plan for residential housing in the Commercial Zone was "great".

At this time Ms. Beahm spoke up and said perhaps this can be brought back to the Master Plan, what was said in the past is not for the future now. The committee reviewed Mr. Sitar's letter, it is irrelevant and not a site plan discussion; she felt we should move on. Mr. Sitar felt it was relevant as he is asking for re-zoning.

Melissa Giegerich then came forward and said she was the mother that said the downtown should be upgraded. She goes downtown every day and does not have a parking problem, she would like to see some younger people in town and have some balance. Kevin McCarthy of 403 New York Boulevard asked about the earlier discussion on air conditioners on top of buildings. Ms. Beahm said her comment was that one can argue that a concrete slab for a unit increases coverage. He then asked what is being done to keep trees from being knocked down and Ms. Beahm said they are presenting Council with a Tree Prevention Ordinance and asking them to consider it. Chairman Hall said this is in the draft and Council can focus on an Ordinance. Mr. McCarthy also felt that bike riding down the center of Sea Girt should not be allowed, he didn't know if this was a problem. Ms. Beahm said you can't prevent someone from riding a bike on a public street and Mrs. Brisben commented Washington Boulevard is a County Road and approval of anything has to come from them. Mr. McCarthy then said that the beach railings are too wide apart, Chairman Hall said the State Code says hand rails have to be able to be grasped.

Robert Kregg of 515 Boston Boulevard came forward and said this was brought up last year to Council, the issue of the boardwalk railings. He also felt there is a problem with corner lots, there is a parking problem with this. No one uses their garage anymore, large homes are being built; he used the example of Fourth Avenue where two cars cannot pass each other if there is parking on both sides. He thought there now are many more cars on the street and corner lots are not providing enough parking, he also said he has seen an air conditioning unit on a home's second floor. Ms. Beahm told him to call Code Enforcement and advise them of this. As far as parking, the State has RSIS (Residential Site Improvement Standards) and it is to keep the towns consistent with this issue, this is State law and cannot be changed. A garage counts as two parking spaces whether it is used for this or not. Personally, she would like to see larger driveways but Chairman Hall said this would create more impervious coverage. A suggestion was made to have parking on one side of the street only and may be looked into. Mr. Kregg said sometimes there is no access to the garage; Chairman Hall said in a recent Ordinance it said you do need access to the garage and this is an enforcement issue. Mr. Kregg then said yards should be maintained and Mayor Farrell said there is an Ordinance on that as well, Chairman Hall said Code Enforcement also takes care of this.

Diane Anthony then came forward and asked about new requirements on schools and houses of worship. Ms. Beahm said they should be conditional uses, Sea Girt is all residential, this will help regulate them; however, 90% of the lots are residential. Chairman Hall noted the Board has spent a lot of time on these issues. Ms. Anthony then said there are a lot of homes on the market right now and there is a concern on occupancy limits. Mayor Farrell agreed there is a problem with enforcement on occupancy and the town did put out a flyer recently that a new CO is needed for every rental; he admitted there are certain homes with a problem and the town is trying to crack down on it.

As there were no other public comments, Ms. Beahm told everyone they will update the draft due to the comments received and again asked if there are any more they be forwarded to Mrs. Brisben by June 5th at the very latest. They are going to replace the draft copy with a final one for the June meeting and this will be finalized on June 20th.

Before ending the meeting for the evening, Mrs. Brisben told the Board there is information from the State on Board members and Councilmembers watching a webinar on Stormwater Management. The State has been vague on this and she is waiting to hear from Peter Avakian to get the final information on how to approach this, she will be in touch with the Board as soon as she gets this information, the deadline for watching this video is July 1st.

As there was no other business to come before the Board a motion to adjourn was made by Mrs. Laszlo, seconded by Mr. Walker and unanimously approved, all aye. The meeting was adjourned at 9:20 p.m.

Approved: June 20th, 2018

