

Wednesday, January 16, 2019

SEA GIRT PLANNING BOARD  
RE-ORGANIZATION MEETING  
WEDNESDAY, JANUARY 16, 2019

The Re-Organization Meeting of the Sea Girt Planning Board was held on Wednesday, January 16, 2019 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 12/31/19  
Class II Member Karen Brisben through 12/31/19  
Class III Member Councilman Michael Meixsell through 12/31/19  
Class IV Member Raymond Petronko through 12/31/22  
Alternate Member No. 2 Robert Walker through 12/31/20

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, Robert Walker, Norman Hall

Absent - None

Kevin Kennedy, attorney for the Board, was also present and Board member/Secretary of the Board Karen Brisben recorded the Minutes. There was one person in the audience. The Minutes of the December 19, 2018 meeting were approved on a motion by Mr. Ward, seconded by Mr. Walker 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, this seconded by Mrs. Laszlo; as there were no other nominations, the motion was approved unanimously all aye. Mrs. Brisben then made a motion to appoint Eileen Laszlo as Vice-Chairperson, commenting she did a great job last year; this motion was seconded by Mrs. Abrahamson and, hearing no other nominations, this was unanimously approved by voice vote, all aye.

The following Resolution was then presented to appoint Kevin E. Kennedy, Esq. to serve as Counsel to the Planning Board for 2019:

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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.

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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 Councilman Meixsell, 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, Robert Walker, Norman Hall

Noes: None

The Board then considered a Resolution appointing Peter Avakian of Leon S. Avakian, Inc., consulting Engineers, as Engineer & Planner for 2019 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:

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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. Laszlo, 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, Robert Walker, Norman Hall

Noes: None

The Board then turned to the Resolution of approving the official newspapers for publications for 2019, meeting dates for 2019 and Planning Board Secretary for 2019 and the following Resolutions were presented:

#### Official Newspapers

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;

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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.

Meeting Dates

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 2019, meetings held at the Sea Girt Elementary School at 7:00 pm (except for June as the school is not available):

January 16, 2019	February 20, 2019
March 20, 2019	April 17, 2019
May 15, 2019	No meeting June
July 17, 2019	August 21, 2019
September 18, 2019	October 16, 2019
November 20, 2019	December 18, 2019

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. Mayor Farrell commented that, if a meeting is needed in June, the Board will try to work something out with the school for an appropriate date.

Board Secretary

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

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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 2019 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 the above three Resolutions was made by Mr. Ward, seconded by Mrs. Laszlo 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, Robert Walker, Norman Hall

Noes: None

The Board then considered the Secretary's Annual Report:

#### 2018 APPLICATIONS

The Board heard 11 applications last year, variances approved as follows:

5 Side Yard Setbacks	1 Height Variance
1 Mech. Equip in Side Yard	1 Bldg. Coverage lessened
1 Bldg. Coverage (due to subdivision)	1 Rear Setback
3 Minor Subdivisions (2 conforming)	1 Driveway Width Variance
1 Lot Coverage (existing)	1 Impervious Coverage
1 Garage Variance (allow in front yard)	1 Garage Overage Variance

a variance request for 110 Beacon Blvd was withdrawn after the Board took a straw poll to deny, to demolish and reconstruct a dwelling.

The Board re-heard two applications, both for non-compliance with Resolutions: JTAS Realty, 526-528 Washington Blvd. and Meyer, 108 Chicago Blvd.

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The Board considered 4 Ordinance Amendments and adopted a Master Plan Update.

Mr. Ward questioned a portion of the report where Mrs. Brisben stated the 110 Beacon Boulevard application was denied, it was withdrawn; the above typed report includes the correction. A motion to accept this report was made by Mr. Ward, seconded by Mr. Casey and then by voice vote, all aye.

**CORRESPONDENCE:**

The Board all received a copy of a notice to the NJDEP regarding Sea Girt National Guard Training Center, Beach & Dune maintenance project. Mr. Casey commented the print was so small on the map he couldn't read it. A question was asked why the Board received this and Mrs. Brisben explained she had received it for the Planning Board and felt they should have a copy just to be informed, there is no action to be taken.

**OLD BUSINESS:**

The Board turned to the approval of a Resolution for a Minor Subdivision for Block 44, Lot 5.02, 313 Beacon Boulevard, owned by John Daniello Trust, LLC, and Block 44, Lot 12, 314 The Terrace, owned by Diane McKnight. Mr. Kennedy explained this is really a rear yard lot line adjustment and went over the conditions stated in the Resolution. Mr. Ward asked Mr. Kennedy why he didn't put in his usual "boiler plate" paragraph that no changes can be made to the plans and Mr. Kennedy said he did not put this in as there were no buildings involved, this is just a lot line adjustment.

As there were no other comments, the following was presented for approval:

**WHEREAS**, representatives of Diane McKnight, the John Gerard Daniello Trust., and the Maureen Katherine Daniello Trust have made Application to the Sea Girt Planning Board for the following properties:

314 The Terrace  
Sea Girt, NJ  
Block 44, Lot 12

313 Beacon Blvd.  
Block 44, Lot 5.02  
Sea Girt, NJ

Both of which are located in the Borough's District 1 East Single-Family Zone, for a Lot Line Adjustment to be effectuated through a Minor Subdivision; and

**PUBLIC HEARING**

**WHEREAS**, the Board held a Public Hearing on December 19, 2018, Applicant's representatives having filed proper proof of service and publication in accordance with Statutory and Ordinance Requirements; and

**EVIDENCE / EXHIBITS**

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

- *Land Development Application Package, introduced into Evidence as A-1;*
- *The Review Memorandum from the Planning Board Sub-Committee, dated December 5, 2018, introduced into Evidence as A-2;*
- *Letter of Exemption, from the Monmouth County Planning Board, dated November 13, 2018, introduced into Evidence as A-3;*
- *Development Plan, prepared by Clearpoint Services, LLC, dated August 21, 2018, last revised November 15, 2018, consisting of 1 sheet, and KBA Engineering Services, LLC, dated September 21, 2018, consisting of 1 sheet, introduced into Evidence as A-4;*
- *Survey for the Block 44, Lot 12 property, prepared by Clearpoint Services, LLC, dated September 7, 2018, introduced into Evidence as A-5;*
- *Survey for the Block 44, Lot 5.02 property, prepared by Clearpoint Services, LLC, dated September 7, 2018, last revised November 15, 2018, introduced into evidence as A-6;*
- *Review Memorandum from Leon S. Avakian, Inc., dated December 6, 2018, introduced into evidence as A-7;*
- *Affidavit of Service;*
- *Affidavit of Publication; and*

**WITNESSES**



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

- Joseph J. Kociuba, P.E., P.P.;
- Michael Rubino, Jr., Esq., appearing;

**TESTIMONY AND EVIDENCE PRESENTED**

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

- The Applicants herein are Danielle McKnight, the John Gerard Daniello Trust, and the Maureen Katherine Daniello Trust.
- Diane McKnight is the owner of the property located at 314 The Terrace, Sea Girt, NJ.
- The John Gerard Daniello Trust and the Maureen Katherine Daniello Trust are the owners of the property located at 313 Beacon Boulevard, Sea Girt, NJ.
- Details pertaining to the existing lots include the following:

**DIANE McKNIGHT  
314 THE TERRACE  
BLOCK 44, LOT 12**

- Lot Size: 24, 013 sq. ft.
- Minimum required Lot Size in Zone: 7,500 sq. ft.
- Existing Use: 2 Story Single-Family Dwelling
- Existing Dwelling Feature: The existing dwelling unit has an existing non-conforming combined side yard setback (29.4 ft. required; whereas only 23.9 ft. exists)
- Existing Lot Shape: Irregular

**THE JOHN GERARD DANIELLO TRUST  
THE MAUREEN KATHERINE DANIELLO TRUST  
313 BEACON BOULEVARD  
BLOCK 44, LOT 5.02**

- Lot Size: 9,000 sq. ft.
- Minimum required Lot Size in Zone: 7,500 sq. ft.

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- Existing Use: 2 Story Single-Family Dwelling
  - Existing Lot Feature: The subject lot was created as part of a subdivision approved in or about 2016.
  - Existing Lot Shape: Irregular
- Though the subject properties are contiguous to each other, the two lots have frontages on different roadways, (i.e. one has frontage on The Terrace and one property has frontage on Beacon Boulevard).
  - The Applicants are proposing to transfer 1,000 sq. ft. of existing Lot 12 to existing Lot 5.02.
  - The said transfer will allow the to-be-enlarged Lot 5.02 to physically accommodate a pool.
  - One the Lot Line Adjustment/Minor Subdivision is effectuated, details pertaining to the two new lots will be as follows:

NEW DIANE McKNIGHT LOT  
NEW LOT 12

Lot Size:	23,013 SF
Minimum Required Lot Size in the Zone:	7,500 SF
Continued Use:	Single-family home
Lot Shape:	Irregular

NEW DANIELLO TRUST LOT  
NEW LOT 5.02

Lot Size:	10,000 SF
Minimum Required Lot Size in the Zone:	7,500 SF
Continued Use:	Single-family home
Lot Shape:	Rectangular

- It is anticipated that the proposed Subdivision will be effectuated through a Deed.

**VARIANCES**

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

**PUBLIC COMMENTS**

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

**FINDINGS OF FACT**

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Borough of Sea Girt, after having considered the aforementioned Application, plans, evidence, and testimony, that the Application is hereby **granted with conditions**.

In support of its decision, the Planning Board makes the following Findings of Fact and Conclusions of Law:

1. The Sea Girt Planning Board has proper jurisdiction to hear the within matter.
2. The within Application involves the following contiguous properties:

314 The Terrace  
Block 44, Lot 12  
Sea Girt, NJ

313 Beacon Boulevard  
Block 44, Lot 5.02  
Sea Girt, NJ

3. Both of the aforesaid properties are located in the Borough's District 1, Single Family Zone.
4. The details pertaining to the existing lots are set forth elsewhere herein, and are more particularly identified on the submitted Plans.
5. The Applicants are proposing to transfer 1,000 SF of existing Lot 12 to existing Lot 5.02.

6. Upon perfection of the Subdivision, details for the new lots will be as follows:

NEW DIANE McKNIGHT LOT  
NEW LOT 12

Lot Size:	23,013 SF
Minimum Required Lot Size in the Zone:	7,500 SF
Continued Use:	Single-family home
Lot Shape:	Irregular

NEW DANIELLO TRUST LOT  
NEW LOT 5.02

Lot Size:	10,000 SF
Minimum Required Lot Size in the Zone:	7,500 SF
Continued Use:	Single-family home
Lot Shape:	Rectangular

7. The said Lot Line Adjustment needs to be effectuated through a Minor Subdivision.

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, the Board notes the following:

- There are no new variances associated with the within proposal.
- Each of the new lots created hereunder will continue to host a single-family home.
- Single-family homes are permitted uses in the subject zone.
- The single-family homes to be hosted on the to-be-reconfigured Lots will comply with most Prevailing Bulk Requirements. That is, and as indicated, there are no new Variances required in connection with the within Application.

- The newly created Lot Sizes will comply with all Prevailing Lot Area Requirements.
- The Lot Line Adjustment approved herein will allow the existing Daniello Lot to be squared-off, so that the same can ultimately accommodate a pool.
- The Lot Line Adjustment approved herein will render new Lot 5.02 more rectangular in nature, which is in keeping with the character of many other lots in the subject area.
- As indicated, the Lot Line Adjustment approved herein does not trigger the need for any new/added Bulk Variances.
- The existing McKnight lot has an existing non-conforming combined side yard setback measurement (i.e. 29.4 ft. is required, and only 23.9 ft. exists). The Planning Board is aware that the said condition is an existing condition, which is not being exacerbated as a result of the within Approval.
- Upon perfection of the Subdivision approved herein, the new McKnight lot will continue to have a non-conforming combined side yard setback.
- There will be no adverse impact to the Zone Plan as a result of the within transfer of 1,000 SF.
- There will be no adverse impact to the character of development in the neighborhood as a result of the within Approval.
- The lot sizes approved herein will be consistent with, and even exceed, the minimum required lot sizes in the zone.
- The Board appreciates the coordinated effort between the multiple Applicants herein.
- The more rectangularly shaped lot approved / created herein represents a better overall zoning alternative for the Borough of Sea Girt.
- There is no new construction authorized/approved herein.
- There was no known public opposition associated with the Application.

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- Subject to the conditions contained herein, and subject to any necessary waivers, the Application, as presented, satisfies the Minor Subdivision Requirements of the Borough of Sea Girt.
- Based upon the above, and subject to the conditions contained herein, the Board is of the unanimous opinion that the Minor Subdivision Application can be granted without causing substantial detriment to the public good.

### **CONDITIONS**

During the course of the Hearing, the Board has requested, and the Applicants' Representatives have agreed, to comply with the following conditions: (Note: Unless otherwise indicated, all Plan Revisions shall be subject to the review and approval of the Board Engineer.)

- a. The Applicants shall comply with all terms and conditions of the Leon S. Avakian Review Memorandum, dated December 6, 2018 (A-7) and the Planning Board Subdivision Committee Review Memorandum, dated December 5, 2018 (A-2).
- b. The Applicants shall arrange for the Subdivision Title Block on the Plans to be modified so as to include references to all appropriate Owners.
- c. The Applicants shall cause the Subdivision Plans to be signed by all property Owners, and/or duly authorized representatives thereof.
- d. Out of an abundance of caution, and as referenced during the Public Hearing process, to avoid any future problems/issues/concerns, the Applicants are encouraged to more formally review/identify existing/proposed utility lines/connections, and implementation of the same, so as to avoid any potential future issues with the Lot Line Adjustment approved herein.
- e. The Applicants shall be required to obtain any and all necessary Permits/Approvals for the proposed installation of any pool – for the within Approval deals only with the Lot Line Adjustment/Minor Subdivision.
- f. The utilities at the site shall be installed in accordance with Prevailing Borough protocol / procedure.

- g. The Applicants shall arrange for the Plans to be appropriately signed / notarized.
- h. The Applicants shall comply with any Prevailing Tree Preservation Ordinances / Regulations in effect.
- i. The Applicants shall comply with any Prevailing On-Site Construction Regulations of the Borough of Sea Girt.
- j. The Applicants shall comply with all Prevailing Construction Code / Building Code Regulations.
- k. The Applicants shall submit revised Plans (5 sets) to address the necessary / applicable items as referenced in the Board Engineering Review Memorandum, and / or as otherwise referenced during the Public Hearing process, and as referenced herein. Any Plan revisions shall be subject to the review / approval of the Board Engineer.
- l. In the event the subdivision is to be perfected via Deed, the Subdivision Deed (including the legal descriptions) shall be reviewed and approved by the Board Attorney and Board Engineer.
- m. The Applicants, or any successor Applicant / Owner, shall comply with all Prevailing Rules and Regulations of the Municipal / Regional Utilities Authority. Additionally, the Applicant shall pay / satisfy any applicable sewer / utility connection fees (and any other charges / fees due and owing.)
- n. The Applicants shall attempt, in good faith, to preserve as many trees on site as possible.
- o. The subdivision shall be perfected in accordance with Requirements of New Jersey Law (and within the timeframe set forth in New Jersey Law.)
- p. The Applicants shall review the proposed Block / Lot designations with the Municipal Tax Assessor so as to confirm the acceptability of the same.
- q. The Applicants (or any successor Applicant) shall comply with all applicable Affordable Housing related Ordinances / Regulations / Contributions / Directives as may be required / imposed by the Borough of Sea Girt, the State of New Jersey, C.O.A.H., the Court System, and / or any Agency having jurisdiction over the matter.
- r. The Applicants shall comply with all terms and conditions of the review memoranda, if any, issued by the Board Engineer,

Construction Office, the Department of Public Works, the Office of the Fire Prevention and Investigation, and/or other agents of the Borough.

- s. The Applicants shall obtain any and all approvals (or Letters of No Interest) from applicable internal / outside agencies - including, but not limited to, the United States of America (FEMA), the Department of Environmental Protection (CAFRA), the Monmouth County Planning Board, the Freehold Soil Conservation District, the local utility offices, the Department of Public Works, the local Fire Department, and any other Agency having jurisdiction over the matter. The Applicants shall also satisfy any conditions associated with such outside agency review.
- t. The Applicants shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees, taxes, and inspection fees.
- u. If required by the Board Engineer, the Applicants shall submit appropriate performance guarantees in favor of the Borough of Sea Girt.

**BE IT FURTHER RESOLVED**, that all representations made under oath by the Applicants and/or their agents shall be deemed conditions of the approval granted herein, and any mis-representations or actions by the Applicants' 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.



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

FOR THE APPLICATION: Larry Benson, Karen Brisben, Jake Casey, Mayor Ken Farrell,  
Councilman Michael Meixsell, Robert Walker, John Ward, Norman

AGAINST THE APPLICATION: None

ABSTENTIONS: None

A motion to approve the above Resolution was made by Councilman Meixsell, Seconded by Mr. Ward and adopted by roll call vote:

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

NOES: None

ABSTAINED: None

NOT ELIGIBLE TO VOTE: Carla Abrahamson, Eileen Laszlo, Raymond Petronko

The Mayor then spoke to the Board about some issues Council is addressing, one Ordinance under consideration is for builders to put up support walls when they build so the neighbor's property is not affected, there have been problems with putting in new driveways and affecting the adjoining properties. They also want no chimneys, air conditioner units for anything else in the side yard setbacks and to have drywalls inspected as some drywalls have failed after being put in. Chairman Hall wanted to see additional fees put in place so the homeowner pays for the inspections, they also have to figure out how to maintain and supervise these; Mayor Farrell said they are working with Peter Avakian for advice on this.

Mayor Farrell also told the Board Council has been approached by a law firm who is filing a suit against the Borough for not enforcing its Ordinances, things are being

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done without a permit. He wanted the Board to consider any pre-existing conditions when an application comes in, people should be able to explain these. Chairman Hall said the Board depends on the Engineer's report and are not investigators; Mayor Farrell used the example of an application that was before the Board a few months ago that had an air conditioner in the side yard and Mrs. Laszlo said this was done by a prior owner and they did address this and changed its location. Mrs. Abrahamson commented her house is very old and how would she know when work was done? Mayor Farrell felt this can be checked by when the home was built, if it was done before the current zoning laws. Chairman Hall said the Board weighs every application that comes in and the Mayor felt, if an applicant can produce documentation that permits were received there would be no problem; right now the town is facing issues that could be expensive.

Mrs. Laszlo asked for an explanation why this is happening and Mayor Farrell said a lot of neighbors hired an attorney; Mrs. Laszlo wondered if these neighbors realized the tax dollars of the town will have to pay for this. Mayor Farrell said there is a problem with the 4<sup>th</sup> largest property in town where the homeowner is using the Borough property next door to store his pool equipment and the town has spent a lot of money in fighting this and it is still ongoing. He wanted all to be a lot more careful; he felt if an application comes in with an air conditioner on the property line it has to be thrown out. Mrs. Laszlo felt this should be on some sort of form people fill out and Mayor Farrell said he is speaking to Zoning Officer Chris Willms about this.

Mayor Farrell ended by saying he just wanted to let the Planning Board know this is going on and, if something is seen that should be investigated it should be reported.

Before adjourning for the evening, Chairman Hall asked the one person in the audience, Councilwoman Diane Anthony, if she wanted to address the Board and she declined. A motion by Mayor Farrell was then made to adjourn, this seconded by Mr. Casey and unanimously approved, all aye. The meeting was adjourned at 7:35 p.m.

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Karen S. Brisben, Secretary

Approved: February 20, 2019