

SEA GIRT PLANNING BOARD  
TUESDAY, JULY 2, 2019

A Special Meeting of the Sea Girt Planning Board was held on Tuesday, July 2, 2019 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 this hearing. After a Salute to the Flag, roll call was taken:

Present: Larry Benson, Karen Brisben, Jake Casey, Eileen Laszlo,  
Raymond Petronko, Robert Walker, John Ward, Norman Hall

Absent: Carla Abrahamson, Mayor Ken Farrell, Councilman Michael  
Meixsell

Also present was Kevin Kennedy, Board Attorney; Board member and Secretary Karen Brisben recorded the Minutes. There were 10 people in the audience.

The Minutes of May 15, 2019 meeting were approved on a motion by Mrs. Laszlo, seconded by Mr. Petronko and approved with a voice vote, all aye with Mr. Ward abstaining.

OLD BUSINESS:

The Board turned to the approval of a Resolution for variance relief for Block 20, Lot 12, 112 Chicago Boulevard, owned by Eric & Karen Hinds, to allow construction of a pool, addition, shed & driveway alterations.

Mr. Kennedy went over the conditions of the Resolution and that revised plans will need to be submitted due to an inconsistency in side yard setback figures and noted that Mr. Rubino, the attorney for the Hinds, had received a copy of the Resolution and was agreeable to it. As all Board members had received a draft copy and there were no changes or recommendations, the following was presented for approval:

**WHEREAS**, Eric and Karen Hinds have made Application to the Sea Girt Planning Board for the property designated as Block 20, Lot 12, commonly known as 110 Chicago Boulevard, Sea Girt, New Jersey, within the Borough's District 1, East Single Family Zone, for the following approval: Bulk Variances associated with an Application to effectuate a number of improvements to an existing single-family dwelling / site; and

## **PUBLIC HEARING**

**WHEREAS**, the Board held a Public Hearing on May 5, 2019, 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:

- *Application Package, introduced into Evidence as A-1;*
- *Zoning Officer Denial Letter, dated November 29, 2018, introduced into Evidence as A-2;*
- *Plot Plans / Variance Plan, prepared by KBA Engineering Services, LLC, dated November 2, 2018, last revised March 13, 2019, introduced into Evidence as A-3;*
- *Architectural Plans, prepared by Virtuoso Architecture, dated November 22, 2018, introduced into Evidence as A-4;*
- *Survey Plat, prepared by William J. Fiore, Inc., dated January 9, 2018, introduced into Evidence as A-5;*
- *Leon S. Avakian, Inc., Review Memorandum, dated April 3, 2019, introduced into Evidence as A-6;*
- *The Board, containing the Floor Plans, prepared by Virtuoso Architecture, introduced into Evidence as A-7;*
- *Illustrated Variance Plan, prepared by IBA Engineering Services, LLC, dated May 15, 2019, introduced into Evidence as A-8;*
- *A photo-board containing 8 photographs of the subject property, taken by the Applicant's Attorney, on or about May 14, 2019, introduced into Evidence as A-9;*
- *A photo-board, containing 5 photographs of the subject property, taken by representatives of KBA Engineering Services, Inc., on or about May 15, 2019, introduced into Evidence as A-10;*

- *As built drawing, prepared by Virtuoso Architecture, dated May 15, 2019, introduced into Evidence as A-11;*
- *Affidavit of Service;*
- *Affidavit of Publication.*

### **WITNESSES**

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

- Eric Hinds, Applicant;
- Karen Hinds, Applicant;
- Paul Grabowski, Architect;
- Joseph Kociuba, Professional Engineer / Professional Planner;
- 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 2012.
- There is an existing single-family home located at the site. (The property also contains an attached garage.)
- In order to make the home more functional, and in order to make the home more appealing, the Applicants are proposing a number of improvements.
- The proposed improvements include the following:
  - Construction of an 18 SF addition;

- Construction of a 28 SF addition;
  - Removal of an existing shed;
  - Installation of a new shed;
  - Installation of an in-ground swimming pool (with no patio);
  - Replacement of the existing driveway;
  - Removal of an existing rear deck; and
  - Installation of an outdoor shower.
- The Applicants would like to have the improvements constructed / installed in the very near future.
  - The Applicants will be utilizing licensed contractors in connection with the renovation process.

### **VARIANCES**

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

*BUILDING COVERAGE: Maximum 20% allowed; whereas 22.92% proposed;*

*SIDE YARD SETBACK: 5 ft. required; whereas 3.18 ft. proposed;*

*COMBINED SIDE YARD SETBACK: 15 ft. required; whereas 13.48 ft. proposed;*

### **PUBLIC COMMENTS**

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

### **FINDINGS OF FACT**

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

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

1. The Sea Girt Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is located at 110 Chicago Boulevard, Sea Girt, New Jersey, within the Borough's District 1, East Single Family Zone.
3. The subject property is rectangular in shape.
4. The subject property contains 7,500 SF; whereas a minimum of 7,500 SF is required in the subject Zone.
5. A single-family home currently exists on the site.
6. Single-family use is a permitted use in the subject Zone.
7. In order to address existing deficiencies with the home/site, and in order to make the home more modern / functional, the Applicants are proposing a number of improvements to the existing dwelling / site.
8. The proposed improvements include the following:
  - Construction of an 18 SF addition;
  - Construction of a 28 SF addition;
  - Removal of an existing shed;
  - Installation of a new shed;
  - Installation of an in-ground swimming pool (with no patio);

- Replacement of the existing driveway;
- Removal of an existing rear deck; and
- Installation of an outdoor shower.

9. Such a proposal requires Bulk Variance approval.

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

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

- Approval of the within Application (in conjunction with the improvements already undertaken by the Applicants) will improve the overall appearance at the site.
- Per the testimony and evidence presented, the Applicants considered other design / location options for the proposed improvements so as to minimize and / or otherwise eliminate the need for some of the Bulk Variances. However, per the testimony and evidence presented, the other locations considered were not appropriate host sites for the expansion / improvements approved herein.
- The structural improvements approved herein will architecturally / aesthetically match the existing structure.
- Approval of the within Application will not materially change or otherwise alter the height of the existing structure.
- The existing home is not shaped like a traditional square or rectangle. Rather, there are several prominent jut-outs associated with the existing structure, which limit the overall functionality / space efficiency of the home. The additions approved herein will help “fill-in” some of the more prominent jut-out features associated with the existing dwelling.
- The building additions approved herein are quite modest in nature, measuring 18 SF and 28 SF respectively.
- The building additions approved herein will not be readily visible / noticeable from the public street.

- The building additions approved herein will allow the existing kitchen to be “squared-off” so as to become larger, and, by extension, more modern / functional.
- The existing building coverage at the site is 28.2%, which exceeds the 20% maximum which is otherwise allowed in the Zone.
- Because the Applicants will be removing the existing rear deck as part of the within Application (which counts towards Building Coverage), when the renovations are completed, the actual Building Coverage associated with the site will be reduced from 28.2% to 22.92%.
- As referenced above, approval of the within Application will reduce the non-conforming Building Coverage from 28.2% to 22.92% (roughly equating to 396 SF).
- Though the 22.92% Building Coverage approved herein still exceeds the maximum 20% allowed in the Zone, the within situation represents a significant reduction in overall Building Coverage.
- The Board recognizes that most Applicants do not present Variance Applications seeking to reduce, let alone significantly reduce, a non-conforming feature at the existing site (as the Applicants herein propose).
- The significant reduction in Building Coverage should help improve storm-water management issues associated with the property as well.
- There are many societal / site benefits associated with significantly reduced Building Coverage.
- The significantly reduced Building Coverage certainly helps mitigate other potentially adverse impacts associated with the within approval.
- The Application as presented requires a Variance for a Side Yard Setback and a Combined Side Yard Setback. Specifically, a 5 ft. Setback is required; whereas 3.18 ft. is proposed. Likewise, a Combined Side Yard Setback of 15 ft. is required; whereas a Combined Side Yard Setback of 13.48 ft. is proposed.

- The Board notes that the existing West Side of the home has an existing non-conforming Setback of 3.18 ft.
- Likewise, the Board notes that the existing site has a non-conforming Combined Side Yard Setback of 13.48 ft.
- Thus, in conjunction with the above, the Board is aware that the Side Yard Variances granted herein are, under the circumstances, and given the nature / location of the existing home, quite de-minimus in nature.
- The Board notes that the Side Yard Setback and Combined Side Yard Setback approved herein are generally consistent with the existing Setbacks at the site.
- In reviewing the within Application, and the nature / extent of the Variance relief required, the Board Members reviewed the average Setbacks of other structures in the immediate area. Likewise, the Board critically reviewed pictures of the existing site, so as to better determine the overall impact of the proposed approval. Based upon such an extensive review, and subject to the conditions set forth herein, the Board finds that the subject Application can be granted without causing substantial detriment to the public good.
- Per the testimony and evidence presented, the existing structure was, upon information, and belief, constructed in or about 1920's. Thereafter, there was an apparent major renovation which occurred in or about 1999, and a subsequent renovation in or about 2006..
- The Board appreciates and applauds the Applicants' desire to keep the existing / older home intact (as opposed to the demolition of the same).
- The within Application essentially represents a slight re-adaptation of an existing older home, which is beneficial.
- Approval of the within Application will contribute to the preservation of an older home at the site.
- The Board appreciates and applauds the Applicants' desire to keep the existing / older home intact (as opposed to a demolition of the same).

- Single-family use as approved/continued herein is a permitted use in the subject Zone.
- The proposed pool complies with all prevailing Municipal Zoning Regulations.
- A swimming pool, as proposed/approved herein, is a permitted accessory use.
- The proposed pool will comply with all prevailing setback requirements.
- The location of the proposed improvements is practical and appropriate.
- The size of the proposed improvements is appropriate, particularly given the size of the existing Lot.
- The existing Lot is conforming in terms of Lot area (7,500 square feet required, and 7,500 SF exists).
- Subject to the conditions contained herein, the additions 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 – particularly in light of the residential nature of the surrounding uses.
- The size of the renovated home is appropriate – particularly as evidenced by the fact that the same will comply with the Borough’s Prevailing Height Requirements.
- The renovations approved herein are attractive and upscale, in accordance with Prevailing Community Standards.
- The site will provide a sufficient amount of off-street parking spaces for the Applicant’s needs and thus, no Parking Variance is required.
- The existence of sufficient and appropriate parking is of material importance to the Board – and but for the same, the within Application may not have been approved.
- There was no known public opposition associated with the Application.

- Sufficiently detailed testimony / plans were presented to the Board.
- The proposed renovation should nicely complement the property and the neighborhood.
- Subject to the conditions contained herein, the proposal will not appreciably intensify the single-family nature of the lot.
- Additionally, the architectural/aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicants' inability to comply with all of the specified bulk standards.
- The architectural design of the renovated home will not be inconsistent with the architectural character of other single family homes in the area.
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated with the same.
- Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and, thus, the Application can be granted without causing substantial detriment to the public good.
- The improvements to be constructed herein will not be inconsistent with other improvements located within the Borough.
- Subject to the conditions contained herein, approval of the within application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented and ultimately modified, satisfies the Statutory Requirements of N.J.S.A. 40:55D-70(c) (Bulk Variances).

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

### **CONDITIONS**

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

- a. The Applicants shall comply with the terms and conditions of the Leon S. Avakian, Inc. Review Memorandum, dated April 3, 2019 (A-6).
- b. The Applicants shall comply with all prevailing affordable housing requirements/directives/contributions as may be required by the State of New Jersey, the Borough of Sea Girt, C.O.A.H., the Court system, and/or any other Agency having jurisdiction over the matter.
- c. The Applicants shall comply with all prevailing Building/Construction Code Requirements.
- d. The Applicants shall cause the Plans to be revised so as to portray and confirm the following:
  - The inclusion of a note confirming that the outdoor shower shall comply with all Prevailing Municipal Regulations;
  - The inclusion of a note confirming that the code-compliant fence shall be installed / maintained around the pool;
  - The inclusion of a note that the Setback will be 3.18 ft. and the Combined Side Yard Setback will be 13.48 ft.
  - The inclusion of a note confirming that the that the pool shall, in all respects, comply with Prevailing Municipal Regulations.
- e. The garage shall not be utilized as living space.

- f. The Applicants shall obtain Zoning Officer review / approval for the installation of any zoning-compliant pool.
- g. The Applicants shall submit grading and drainage details to the Board Engineer, for his review and approval.
- h. The Applicants shall only build in accordance with the Plans approved herein.
- i. Five sets of revised Plans shall be submitted to the Board Secretary.
- j. The Applicants shall utilize good faith efforts to manage storm-water run-off during and after construction (in addition to any other Prevailing / applicable Requirements / obligations).
- k. 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
- l. If applicable, the proposed structure shall comply with applicable Provisions of the Americans with Disabilities Act.
- m. Unless waived, grading/drainage plans shall be submitted to the Board Engineer so as to confirm that any drainage/run-off does not go onto adjoining properties.
- n. The proposed structure shall comply with the Borough's Prevailing Height Regulations.
- o. 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.
- p. 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.

- q. 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.
- r. The Applicants shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.
- s. If required by the Board / Borough Engineer, the Applicants shall submit appropriate performance guarantees in favor of the Borough of Sea Girt.
- t. Unless otherwise agreed by the Planning Board, the approval shall be deemed abandoned, unless, within 24 months from adoption of the within Resolution, or any agreed upon extension, the Applicants obtain a Certificate of Occupancy for the construction / development approved herein.
- u. **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 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-approval 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 Applicants building process, will create uncertainty, will create stress, will delay construction, will potentially void the Board Approval, and the same will result in the Applicants 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 Applicants, their Agents, their representatives, their employees, their contractors, their engineers, their architects, their builders, their lawyers, and other 3<sup>rd</sup> 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 Applicant contrary to the representations made before the Board shall be deemed a violation of the within approval.

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

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

**BE IT FURTHER RESOLVED**, that the action of the Board in approving the within Application shall not relieve the Applicants of responsibility for any damage

caused by the subject project, nor does the Planning Board of the Borough of Sea Girt, the Borough of Sea Girt, or its agents/representatives accept any responsibility for the structural design of the proposed improvements, or for any damage which may be caused by the development / renovation.

FOR THE APPLICATION: Larry Benson, Karen Brisben, Jake Casey, Eileen Laszlo, Councilman Michael Meixsell, Raymond Petronko, Robert Walker, Norman Hall

AGAINST THE APPLICATION: None

ABSENT: Carla Abrahamson, Mayor Ken Farrell, John Ward

The foregoing Resolution was offered by Mrs. Brisben, seconded by Mr. Walker and adopted by Roll Call Vote:

AYES: Larry Benson, Karen Brisben, Jake Casey, Eileen Laszlo, Raymond Petronko, Robert Walker, Norman Hall

NOES: None

ABSTAINED: None

INELIGIBLE TO VOTE: John Ward

NEW BUSINESS:

The Board then considered an application for a Minor Subdivision for Block 81, Lot 1, Baltimore Boulevard/Sixth Avenue (by the railroad tracks), owned by the Borough of Sea Girt, to create two conforming buildable lots.

Before starting this application, Mrs. Brisben had to recuse herself as she is an employee of the Borough who is the applicant. She asked to be allowed to stay on the dais as she was recording the Minutes and was given permission to do so.

Property Owners within 200 feet were noticed as well as the newspaper; Mr. Nicholas Montenegro, Esq., Borough Attorney, came forward to present this application. Mr. Kennedy explained this is a special meeting and confirmed notices were sent out to the appropriate entities. He then asked if anyone in the audience had any questions on the notice they did receive & Larry Decaria of 514 New York Boulevard asked to speak, he said the letter was unprofessionally done and was hard to read, it had cross-outs and

was hard to understand. He said he had asked the engineers he had seen on the property what was going on and they said it was for the railroad; he complained about the notice.

Mr. Montenegro said his office did not prepare the notice, it went out by the Borough Administrator and he felt it clearly said this would be a two lot subdivision that was being applied for. Mr. Kennedy had received a copy of the notice that was sent to the newspaper and read it, it does say this is a Minor Subdivision application and the paperwork is on file in Borough Hall. Mr. Ward asked if the notices to the property owners were sent by Certified Mail and Mrs. Brisben said yes, she had the proof of mailings and certified receipts.

Mr. Decaria then showed the notice he received to Mr. Montenegro and then it was shown to Mr. Kennedy; it did have deletions but the notice did say it was for a Minor Subdivision that was being applied for at the school – it was then passed around for the Board members to view. Mr. Ward, after seeing it, felt it was missing context and Mrs. Laszlo said the lawyer in her would like to see more definition. Mr. Kennedy said the base information needed for a notice, by law, is in there and property owners can decide if they want to attend the meeting or not. He was glad that Mr. Decaria came and questioned this and decide not to attend, but the question now is does the Board proceed? Mr. Decaria again stated he felt this is a failed notice with cross-outs and he did not want to be here but came.

Mr. Kennedy said if the notice is not done correctly the Board can't proceed, he then asked Mr. Montenegro if he wants to proceed with the hearing or not? Mr. Montenegro said the Borough is prepared to proceed this evening, they feel the notice was adequate.

Chairman Hall asked Mrs. Brisben, the secretary, what usually happens with a notice being sent out and Mrs. Brisben explained there is a form in the application package to follow and that notice is the one to be sent to both the property owners and the newspaper, the same notice goes out to all, apparently here a different notice was sent to the property owners than what was published in the newspaper.

Mr. Kennedy then asked Mr. Montenegro again about proceeding; Mr. Montenegro spoke briefly with the Borough Administrator, Lorraine Carafa, and then came back to the podium and said they want to go forward with the application this evening. Mr. Ward commented that only one person who was noticed came but if the letter is not clear maybe that is why no one else is here.

Mr. Kennedy said this is a unique situation as there is no known street address for this property. Mrs. Brisben told Mr. Decaria that the notice should say that all paperwork is on file in the Borough Hall for review before the meeting but it was pointed out that this sentence was crossed out in the notices sent out. At this time two other people said they were also here due to the notice received and were concerned.

Mr. Montenegro explained that this application is to create two buildable lots and offered that if the Board is not satisfied they can re-notice. Mr. Kennedy told the Board and audience to be mindful of the fact that there may be someone out there who may not have understood the notice so, out of an abundance of caution, he felt they should re-notice and avoid a potential lawsuit.

Mr. Montenegro then asked for a postponement as there is an issue and did agree about the potential litigation. Chairman Hall again told the audience they can always go to the Borough Hall for a matter before the Planning Board or Council if they have any questions. Mr. Decaria felt that plans should be included in the notices sent out and Mr. Kennedy said there is no statutory requirement to do this, then notice says paperwork is in file and can be reviewed.

At this point another date was asked for and Mrs. Brisben said she will have to look into it to see when the school is available as well as all professionals & the Board. Chairman Hall said the Board will do everything it can to get a date. It was announced that new notices will be sent out with the date for this hearing.

#### OTHER BUSINESS:

The Board then had a discussion on possibility giving time limits for applications and Mr. Ward felt it would be a benefit to both sides if we estimated a time limit so the Board does not get boxed in. There was a discussion on possibly not having new witnesses after 10:00 p.m., giving each applicant 1 ½ hours to present their application, giving each applicant 1 hour with ½ hour for discussion & audience participation. Chairman Hall noted that the Board has an obligation to allow the applicant as much time as possible to present their case. Mr. Petronko commented that he felt it would be a good message to let the applicant know the parameters.

Mr. Kennedy agreed with some of the remarks and said that, sometimes with bigger applications, this gives the Board the ability to carry to another meeting. But all this should be up to the Board and they can decide if they are willing to go over the time limit if it looks like the matter can be finalized. Chairman Hall felt that giving an applicant one hour to present was good with the exception if more time is needed for audience comments. Mr. Kennedy felt this is a work in progress and agreed it was a good idea to get the word out that the Board is going to take action on this.

Chairman Hall appointed Mr. Ward, Mr. Kennedy and Mrs. Brisben to take on the task of getting something together for Board review; Mr. Kennedy said he will work on something to present to Mr. Ward and Mrs. Brisben and come up with a plan.

At this time Chairman Hall opened the meeting to the public for any comments and Sue Blasi felt that people don't come to the Planning Board meetings because they are too long. Mr. Robert Kregg then spoke and could not see why the subdivision was not heard this evening because one man complained, he wanted to know where is the problem? Mr. Kennedy explained that the notice had cross-outs and it is possible that

someone may have received the notice and did not understand it, the first question he always asks before starting a hearing is if anyone in the audience had a problem with the notice.

Chairman Hall added this is information presented and the Planning Board gets sued for everything; there could be an issue here, just because it is a simple subdivision does not make it not have to be done properly. This was not the Planning Board's fault this was not heard tonight.

Mr. Kregg then switched to question the Ordinances that are in town that are adopted and referenced the one requiring temporary service for new construction, he sees homes being built without temporary utility services. Chairman Hall commented this was a good point but the Planning Board is not an enforcement agency, he needs to speak to those responsible to see that the Ordinance is adhered to. Mr. Kregg then asked if he complains can a Stop Work Order be done? Mrs. Laszlo reiterated what Chairman Hall had said, he can go to the Construction Department and let them know.

Mr. Kregg then referenced window wells being put in the side setback which is another Ordinance that is not being followed, then they come in for a variance after it's done. Mr. Kennedy said if there is an application coming in for a variance the Board can't discuss it publicly now.

Mr. Laszlo went back to the subdivision application this evening and said the Board would much rather have gone forward with it but the Planning Board has to be cautious and she felt the Borough attorney made the right decision to re-notice.

As there was no other business to come before the Board a motion to adjourn was made by Mr. Walker, seconded by Mrs. Laszlo and unanimously approved, all aye. The meeting was adjourned at approximately 8:10 p.m.

Approved: July 31, 2019