

SEA GIRT PLANNING BOARD  
WEDNESDAY, JANUARY 15, 2020

The Reorganization Meeting of the Sea Girt Planning Board was held on Wednesday, January 15, 2020 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, the following members were sworn in:

Class I Member Mayor Ken Farrell through 12/31/20  
Class II Member Karen Brisben through 12/31/20  
Class III Member Councilwoman Diane Anthony through 12/31/20  
Class IV Alternate Member #1 John Ward through 12/31/21

Roll call was then taken:

Present: Carla Abrahamson, Councilwoman Diane Anthony, Larry Benson,  
Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo,  
Ray Petronko, Robert Walker, John Ward, Norman Hall

Absent: None

Kevin Kennedy, Board Attorney, was also present, Board member and Secretary Karen Brisben recorded the Minutes; there were 5 people in the audience. A motion to approve the Minutes for December 18, 2019 was made by Mr. Ward, seconded by Mr. Walker and approved by voice vote, all aye with Councilwoman Anthony, Mr. Petronko & Mrs. Abrahamson abstaining.

It was then time for the election of Chairperson and Vice-Chairperson for 2020 and Mayor Farrell nominated Norman Hall to this position. As no other nominations were made a motion to vote for Norman Hall as Chairperson was made by Mr. Casey, seconded by Mr. Ward and unanimously approved by voice vote, all aye. Mr. Petronko then nominated Eileen Laszlo to the position of Vice-Chairperson. As no other nominations were made a motion to vote for Eileen Laszlo was made by Mrs. Abrahamson, seconded by Mrs. Brisben and unanimously approved by voice vote, all aye.

The Board then turned to the Resolution appointing Kevin E. Kennedy, Esq. to serve as Counsel to the Planning Board for 2020 and the following was presented:

WHEREAS, the Sea Girt Planning Board is a duly organized Planning Board (hereinafter referred to as "Planning Board") having principal offices at 321 Baltimore Boulevard, Sea Girt, NJ; and

WHEREAS, there is a need for the Planning Board to retain the services of a Board Attorney in order to represent its legal interests; and

WHEREAS, Kevin E. Kennedy, Esq., (hereinafter referred to as "Attorney") has expressed an interest in representing the Planning Board in the said regard; and

WHEREAS, the legal services to be provided are deemed to be "professional services" pursuant to the Local Public Contracts Law (N.J.S.A. 40:A11-1, et seq.); and

WHEREAS, the Local Public Contracts Law authorized the awarding of a Contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the Contract and the contract itself are available for public inspection in the Office of the Municipal Clerk and that notice of the awarding of the Contract is published in a newspaper of general circulation in the municipality; and

WHEREAS, the Planning Board, having considered the matter, now wishes to authorize the awarding of a Professional Service Contract to Kevin E. Kennedy, Esq., for the purpose of rendering necessary legal advice.

NOW, THEREFORE, BE IT RESOLVED by the Sea Girt Planning Board as follows:

1. That the Sea Girt Planning Board is hereby authorized to award a Contract to Kevin E. Kennedy, Esq. so as to represent its interests, as General Counsel, in connection with all Planning Board matters.
2. That the compensation associated with the said representation shall be \$140.00 per hour, and shall be memorialized in a Contract for Legal Services, which is incorporated herein at length.
3. That the Contract for Legal Services shall contain a Provision whereby the Contract can be terminated, with or without cause, upon thirty (30) days written notice.
4. That the Board Chair, Vice-Chair, Secretary and other appropriate representatives are hereby authorized to sign the said Professional Service Contract, which, if necessary, shall be approved as to form by the Borough Attorney.
5. That the within Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5, et seq. of the Local Public Contracts Law of New Jersey because the services rendered will be performed by persons authorized by law to practice a recognized profession.
6. That, in accordance with N.J. law, notice of the within appointment shall be published in one of the Borough's official newspapers.

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

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Larry Benson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Ray Petronko, Norman Hall

Noes: None

Not Eligible to Vote (Alternate Members): Robert Walker, John Ward

The next Resolution was to appoint Leon S. Avakian, Inc., Consulting Engineers, as Engineer & Planner for 2020 and the following was presented:

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., (hereinafter referred to as the "Engineer") has expressed an interest in representing the Planning Board in the said regard; and

WHEREAS, the engineering services to be provided are deemed to be "professional services" pursuant to the Local Public Contracts Law (N.J.S.A. 40:A11-1, et seq.); and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a Contract for "professional services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the Contract and the Contract itself are available for public inspection in the Office of the Municipal Clerk and that notice of the awarding of the Contract is published in a newspaper of general circulation in the municipality; and

WHEREAS, The Planning Board, having considered the matter, now wishes to authorize the awarding of a professional service contract to Peter R. Avakian, P.E., PLS, P.P., for the purpose of rendering necessary engineering advice.

NOW, THEREFORE, BE IT RESOLVED by the Sea Girt Planning Board as follows:

1. That the Sea Girt Planning Board is hereby authorized to award a Contract to Peter R. Avakian, P.E., PLS, P.P. so as to represent its interests as Board Engineer in connection with designated/authorized Planning Board matters.
2. That the compensation associated with the said representation shall be consistent with the compensation rate the Engineer receives in his capacity as Borough Engineer. Additionally, the appointment terms shall be memorialized in a Contract.
3. That the Board Chair, Vice-Chair, Secretary and other appropriate representatives are hereby authorized to sign the said Professional Service Contract, which shall be approved as to form by the Borough Attorney or Board Attorney.
4. Any payment to be tendered hereunder shall be subject to the Borough's Finance Office confirming that funds are available for the stated purpose.
5. That the within Contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5, et seq. of the Local Public Contracts Law of New Jersey, because the services rendered will be performed by persons authorized by law to practice a recognized profession.

That, in accordance with N.J. law, notice of the within appointment shall be published in one of the Borough's official newspapers.

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

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Larry Benson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Ray Petronko, Norman Hall

Noes: None

Not Eligible to Vote (Alternate Members): Robert Walker, John Ward

The Board then considered the Resolution for meeting dates for 2020:

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 2020, meetings held at the Sea Girt Elementary School at 7:00 pm:

January 15, 2020  
March 18, 2020  
May 20, 2020  
July 15, 2020  
August 19, 2020  
October 21, 2020  
December 16, 2020

February 19, 2020  
April 15, 2020  
June – no meeting (School not available)  
September 16, 2020  
November 18, 2020

A copy of this Resolution shall be posted on the public bulletin board in the Borough Hall and published in one of the official newspapers of the Board.

A motion for approval was made by Mr. Petronko, seconded by Mr. Casey and then by the following roll call vote:

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Larry Benson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Ray Petronko, Norman Hall

Noes: None

Not Eligible to Vote (Alternate Members): Robert Walker, John Ward

The Board then considered a Resolution appointing the Planning Board Secretary for 2020:

WHEREAS, the Sea Girt Planning Board is a duly organized Land Use Board, operating and existing in accordance with the Laws/Regulations of the State of New Jersey and the Borough of Sea Girt; and

WHEREAS, it is necessary and appropriate for the Board to appoint the Board Secretary to handle the administrative affairs of the Board; and

WHEREAS, the absence of a Board Secretary can potentially compromise the efficient operations of the entity;

NOW, THEREFORE, BE IT RESOLVED by the members of the Sea Girt Planning Board as follows:

1. That Karen Brisben is hereby appointed as Planning Board Secretary for calendar year 2020 or until such time as her successor is appointed and qualified.

2. That the compensation for the said position shall be established by the Borough of Sea Girt.

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

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Larry Benson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Ray Petronko, Norman Hall

Noes: None

Not Eligible to Vote (Alternate Members): Robert Walker, John Ward

The final Resolution was approving the official newspapers for 2020:

WHEREAS, the Sea Girt Planning Board is a duly organized Land Use Board, operating and existing in accordance with the Laws/Regulations of the State of New Jersey and the Borough of Sea Girt; and

WHEREAS, under Prevailing Regulations, it is necessary for the Planning Board to establish official Borough newspapers; and

WHEREAS, the listed/identified newspapers will be the newspapers in which Board-related notices can be lawfully advertised/published;

NOW, THEREFORE, BE IT RESOLVED by the members of the Sea Girt Planning Board as follows:

That the Planning Board hereby establishes the following 2 newspapers as the Board's Official Newspapers: The Coast Star  
The Asbury Park Press

That the within Resolution shall take effect immediately.

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

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Larry Benson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Ray Petronko, Norman Hall

Noes: None

Not Eligible to Vote (Alternate Members): Robert Walker, John Ward

It was then time for the Annual Report from the Board Secretary:

### 2019 APPLICATIONS

The Board heard 10 applications last year, variances approved as follows:

4 Side Yard Setback	4 Building Height
2 Front Yard Setback	1 Curb Cut
4 Lot Coverage	3 Rear Yard Setback
1 Minor Subdivision (with variances)	2 Change in Grade
1 Appeal hearing	2 Window Well encroachment
1 Pool coping Variance	1 Variance application withdrawn
1 appeal dismissed by applicant	1 Minor Subdivision withdrawn
1 Use Variance	1 Front Yard Fencing
1 Driveway Width	

Formation of Committee to study downtown revitalization.

Mrs. Brisben made the comment that the Board heard 11 applications in 2018 so it is consistent with the number of applications heard; in 2018 the Master Plan Update was approved and in 2019 the formation of a committee to study the downtown was made.

As no one had any changes to be made to this report, a motion was made by Mrs. Laszlo, seconded by Mrs. Abrahamson, to accept the report as presented and then there was a roll call vote:

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Larry Benson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Ray Petronko, Norman Hall

Noes: None

Not Eligible to Vote (Alternate Members): Robert Walker, John Ward

## NEW BUSINESS:

The Board then turned to an application for variance relief for Block 42, Lot 15, 208 The Terrace, owned by Michael & Monica Anderson. Side Yard Setback – minimum of 5.02 feet on any one side, existing & proposed is 4.77 feet on one side. Patio – allowed in rear yard only- existing patio is in the front yard. Height of garage – 16 feet allowed, 23.4 feet from The Terrace proposed.

The proper fees were paid, taxes are paid to date and the property owners within 200 feet as well as the newspaper were properly notified. Mr. Kennedy asked if anyone in the audience who was noticed had an issue with the notice and there was no response so the following exhibits were marked:

- Exhibit A-1. The Planning Board application
- Exhibit A-2. Plot Plan by Ray Carpenter dated 9/18/19
- Exhibit A-3. Architectural plan by Christopher Rice dated 9/16/19.
- Exhibit A-4. Survey dated 2/12/19
- Exhibit A-5. Review memo from Avakian Engineering dated 1/7/20
- Exhibit A-6. Letter of Denial from Zoning Officer Chris Willms dated 9/23/19.

Mr. Mark Aikins, Esq. came forward to present this application for the Andersons and explained this is an application for variance relief to allow a detached garage at 208 The Terrace. The issue here is that the structure had to be measured from the crown of the road which is very different than where the garage will be; the garage is only 15 feet high which conforms but will be 23.4 feet from the crown of the road on The Terrace, there is that much difference. He noted this garage will be at the end of an easement off Second Avenue that runs behind the homes here with garages. He said this is approved if it is a flat roof garage but they are asking for a peaked roof.

Mr. Kennedy said the Board is sensitive to the height variances in this area and, if this were a “D” variance request both the Mayor and Councilwoman would be recused from hearing it but as this is a request for a “C” variance they can partake of the hearing and vote.

At this time both Chris Rice, Architect, and William Merunka, Professional Engineer, came forward and were sworn in. Mr. Rice explained that Second Avenue has a driveway that serves 4 homes, this is the last home; the homes after this on the easement are serviced from Third Avenue. He said the grade at this property is almost 10 feet higher than The Terrace and 5 feet higher than Second Avenue. The Andersons purchased the home with an attached garage; they took that off and put on an addition but the requirement in Sea Girt says a home must have a garage so they were going to construct one with a flat roof but then felt that wouldn't work. They do have the approval for the



garage but are asking for a pitched roof and he commented this garage has a garage next to it that is over 20 feet tall and is working fine. The back of the homes on The Terrace are unique and they did not want to go as high as 20 feet, the garage will be 15 feet high with a 5 on 12 pitch which is a low pitch. He commented on an interesting point, an accessory structure has no height limit so they could have a flat garage and a 13-foot high cabana which would be ridiculous and the plan proposed this evening is a lot better. Mr. Petronko asked about the pitch chosen and Mr. Rice said he felt this will look better.

As there were no other questions from the Board, the hearing was opened to the public for questions and Mr. John O'Grady from 206 The Terrace asked about the proposed cabana that will be attached to the garage. Mr. Rice explained they are planning on putting in a pool and cabana which can be up to 120 square feet but they are not putting in the pool right now. Mr. O'Grady asked if it will be part of the garage and the answer was yes but Chairman Hall said it can't have access to the garage or have a kitchen, it will just be on the outside wall. As there were no other questions that portion of the hearing was closed and Mr. Merunka came forward, he is the engineer on this project.

He presented Exhibit A-7 which was an aerial photo of the property and the adjacent garage. He had looked at other garages in this area and found some 21.5 feet and up so this garage will be lower and fit in. All garages here would be over 16 feet high from The Terrace and the final elevation will be 24.4 feet to the top of the garage. As there were no questions from the Board the hearing was opened to the audience for questions and Mr. O'Grady asked how the garage will be accessed to and from Second Avenue; Mr. Rice answered the garage will be facing the easement. Mr. O'Grady wanted to know how they were going to get out to Second Avenue and Mr. Rice said they may have to design a K-turn, some kind of turn-around space. Mr. O'Grady then asked if he can put railroad ties by his property line so a car can't run over into his property and Mr. Rice said that would be no problem as they will not be on his property.

As there were no further questions Mr. Aikins summarized the application and said this will be a better design, as per the Architect; he had nothing else to add.

At this time the hearing was opened to the public for general comments and Mr. O'Grady said if they can get out of their garage okay he had no problem. As there were no other comments that portion of the hearing was closed and the Board went into discussion.

Mr. Ward agreed with the application but felt perhaps the rules should be changed. Mr. Petronko and Mr. Benson were also in agreement and saw no problems, as well as Mr. Walker who also agreed with possible Ordinance

changes. Mayor Farrell said there have been countless applications on this issue, he said his home is 38 feet high from the crown of the road but his home is only 31 feet high, he was in favor of this application. Mr. Casey was also for approval as was Mrs. Abrahamson, Mrs. Laszlo, Mrs. Brisben and Councilwoman Anthony.

Councilwoman Anthony made a motion to approve the application, as presented, this seconded by Mr. Casey; Mr. Kennedy then went over the conditions that will be in the Resolution, after which the following roll call vote was taken:

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Larry Benson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Ray Petronko, Norman Hall

Noes: None

Not Eligible to Vote (Alternate Members): Robert Walker, John Ward

#### OTHER BUSINESS:

Mr. Ward gave an update on the Downtown Revitalization Committee and said they have come up with one idea, a lot of people use Farm Markets which would create people coming into town; they have spoken to groups that do this and they are working on this concept as they feel it is a good opportunity. They are investigating further at this time and this will be in a final report which they hope to have done in the Spring.

#### EXECUTIVE SESSION:

At this time the Board had to go into Executive Session and the following Resolution was read:

WHEREAS, the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, the Sea Girt Planning Board is of the opinion that such circumstances presently exist,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The public shall be excluded from discussion of and action upon specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:  
Pending Litigation.

3. It is anticipated at this time that the above stated subject matter will be made public in the future.

A motion to go into Executive Session was made by Mrs. Laszlo, seconded by Mayor Farrell and approved by the following roll call vote:

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Larry Benson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Ray Petronko, Norman Hall

Noes: None

Not Eligible to Vote (Alternate Members): Robert Walker, John Ward

The Board went into Executive Session at 7:35 p.m. and came out of Executive Session at 8:35 p.m. on a motion by Mrs. Laszlo, seconded by Mr. Casey and approved by voice vote, all aye. Mr. Kennedy then asked for a motion to authorize him to file an answer to the litigation complaint and to work with the Borough representative on this matter. This motion was made by Mr. Walker, seconded by Mr. Casey and then approved by the following roll call vote:

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Larry Benson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Ray Petronko, Norman Hall

Noes: None

Not Eligible to Vote (Alternate Members): Robert Walker, John Ward

As there was no other business to come before the Board a motion to adjourn was made by Councilwoman Anthony, seconded by Mr. Casey and unanimously approved, all aye. The meeting was adjourned at 8:40 p.m.

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Karen S. Brisben, Secretary of the Board

Approved: February 19, 2020

