

Wednesday, December 18, 2019

SEA GIRT PLANNING BOARD
WEDNESDAY, DECEMBER 18, 2019

The Regular Meeting of the Sea Girt Planning Board was held on Wednesday, December 18, 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 all hearings.

After a Salute to the Flag, roll call was taken:

Present: Larry Benson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Absent: Carla Abrahamson, Ray Petronko

Kevin Kennedy, Board Attorney, was absent; Board member and Secretary Karen Brisben recorded the Minutes. There one person in the audience. A motion to approve the amended Minutes for October 16, 2019 and the Minutes for November 20, 2019 was made by Mr. Ward, seconded by Mayor Farrell and unanimously approved by voice vote, all aye.

OLD BUSINESS:

The Board then considered a Resolution of approval for a Minor Subdivision for Block 85, Lot 13, 602 Beacon Boulevard, owned by Estate of Claudia Monteverdi. Chairman Hall went over some of the relevant points of the Resolution and emphasized that if the new construction on the new lot does not comply, they will be back before the Board.

As all Board members had received a draft copy and there was only one change (the "boilerplate" paragraph for the need to follow the Resolution allowances was added), the following amended draft was then presented for approval:

WHEREAS, representatives of the Estate of Claudia Monteverdi have made Application to the Sea Girt Planning Board for the property designated as Block 85, Lot 13, commonly known as 602 Beacon Boulevard, Sea Girt, NJ, within the Borough's District 1, West Single Family Zone, for the following approval:

- Minor Subdivision Approval;
- Bulk Variance Approval; and

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on November 20, 2019, 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:

- *Planning Board Application Package, introduced into Evidence as A-1;*
- *Minor Subdivision Plan, prepared by Lakeland Surveying, dated October 16, 2018, introduced into Evidence as A-2;*
- *Topographic Survey, prepared by Lakeland Surveying, dated January 2, 2018, introduced into Evidence as A-3;*
- *Review Memorandum from Leon S. Avakian, Inc., dated March 6, 2019, last revised October 8, 2019, introduced into Evidence as A-4;*
- *Review Memorandum from the Sea Girt Planning Board Subdivision Committee, dated January 30, 2019, introduced into Evidence as A-5;*
- *Communication from the Board Attorney, to the Applicant's Attorney, dated November 4, 2019, introduced into Evidence as A-6;*
- *E-mail communication from Patrick Accisano, Esq. to the Board Attorney, dated November 4, 2019 (3:52 p.m.), introduced into Evidence as A-7;*
- *Correspondence from the Municipal Tax Assessor, dated March 7, 2019, introduced into Evidence as A-8;*

- *Plot Plan, prepared by KBA Engineering Services, LLC, dated May 15, 2019, last revised October 8, 2019, introduced into Evidence as A-9;*
- *Large illustrated aerial photograph of the subject property and the surrounding area, introduced into Evidence as A-10;*
- *Aerial photograph of the surrounding neighborhood (taken from Google Maps), introduced into Evidence as A-11;*
- *Illustrated photograph of the adjacent / unimproved Right-of-Way (Edgemere Place), introduced into Evidence as A-12;*
- *Illustrated photograph of the existing home located at the site, taken by the Applicant's Attorney, introduced into Evidence as A-13;*
- *Illustrated photograph demonstrating the existing Side Yard Setback, taken by Patrick Accisano, Esq., introduced into Evidence as A-14;*
- *Illustrated photographs of the proposed home (general concept of the proposed home), introduced into Evidence as A-15;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

WITNESSES

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

- Andrew Thomas Repoli, Co-Executor of the Estate of Claudia Monteverdi, and a Licensed Architect;
- Joseph Kociuba, Engineer / Planner;
- Patrick Accisano, Esq., appearing

TESTIMONY AND EVIDENCE PRESENTED

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

- The Applicant herein is the Estate of Claudia Monteverdi.
- The Co-Executors of the subject Estate are Andrew Thomas Repoli and Matthew Repoli.
- The Estate is the Owner of the subject property.
- The property has been in the Monteverdi Family for over 70 years.
- The existing Lot contains 20,999.25 SF.
- There is an existing single-family home at the site.
- The Applicant's representatives propose to subdivide the existing Lot into 2 Lots; namely, proposed Lot 13.01 and proposed Lot 13.02.
- Details pertaining to the proposed new Lots include the following:

PROPOSED LOT 13.01

Minimum Required Lot Area:	7,500 SF
Proposed Lot Area:	11,619 SF
Proposed Use:	The existing single-family home at the site will remain.

PROPOSED LOT 13.02

Minimum Required Lot Size:	7,500 SF
Proposed Lot Area:	9,380.25 SF
Proposed Use:	New single-family home, with a detached garage.

- As referenced, both Lots will ultimately contain single-family homes.
- The Applicant's representatives anticipate having both homes occupied by family members – and, essentially, creating some sort of family compound for the extended family.
- While the Applicant's representatives have submitted some pictures of the proposed single-family home, the exact layout / design has not yet been agreed upon (other than the building footprint).

- The Applicant will likely be perfecting the Subdivision via Deed.
- The proposed Subdivision will be perfected in accordance with New Jersey Law.

VARIANCES

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

PROPOSED LOT 13.01

COMBINED BUILDING SETBACK: 23.23 ft. required;
whereas 15 ft. proposed.

PROPOSED LOT 13.02

SIDE YARD SETBACK FOR AN ACCESSORY
STRUCTURE (GARAGE) (ON A CORNER LOT):
15 ft. required; whereas 5.09 ft. proposed (along
Edgemere Place).

PUBLIC COMMENTS

WHEREAS, there were no members of the public who expressed any questions, comments, concerns, or objections associated 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 / 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 602 Beacon Boulevard, Sea Girt, NJ, within the Borough's District 1, West Single-Family Zone.
3. The subject parcel is a corner Lot, and the same is located on the southwestern corner of Beacon Boulevard and the unimproved Right-of-Way known as Edgemere Place.
4. The existing Lot contains 20,999.25 SF; whereas, the minimum required Lot size in the Zone is 7,500 SF.
5. The existing Lot contains a 2-story framed dwelling, with a driveway, wood decks, and a slate patio.
6. The Applicant's representatives propose to subdivide the existing mother Lot into 2 Lots, namely, proposed Lot 13.01 and proposed Lot 13.02.
7. Details pertaining to the proposed new Lots include the following:

PROPOSED LOT 13.01

Minimum Required Lot Area:	7,500 SF
Proposed Lot Area:	11,619 SF
Proposed Use:	The existing single-family home at the site will remain.

PROPOSED LOT 13.02

Minimum Required Lot Size:	7,500 SF
Proposed Lot Area:	9,380.25 SF
Proposed Use:	New single-family home, with a detached garage.

8. Such a proposal requires Minor Subdivision Approval and Bulk Variance Approval.

9. The Sea Girt Planning Board is statutorily authorized to grant the requested relief and therefore, the matter is properly before the said entity.

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

- The Application was initially submitted, and the first Public Hearing occurred in or about March of 2019. At the conclusion of the March 2019 Hearing, the Application was adjourned so that the Applicant's representatives could review and clarify certain potential plan inconsistencies / issues. Thereafter, revised Plans were submitted, and the Hearing was to have been continued. At the November 20, 2019 meeting, there was a public and on-the-record discussion as to whether the initial Application should be continued or whether the Applicant's representatives should dismiss/withdraw the initial Application and start again from the very beginning of the presentation. The Board representatives and the Board Members discussed a number of rather unique circumstances present in the subject situation – including, but not limited to, the following:
 - a. The length of time which had transpired between the first Public Hearing (March, 2019) and the continued Hearing of November 20, 2019;
 - b. The fact that the plans had been significantly revised;
 - c. The fact that the most recent proposal required further / amended relief which was different from the relief initially sought at the March 2019 Hearing;
 - d. The fact that the Applicant's representatives re-noticed for the November 20, 2019 meeting;
 - e. The fact that at least 2 of the current Board Members (who were present for the November 20, 2019 meeting) were not present for the initial March 2019 Hearing; and
 - f. The likely fact that many of the Members of the Planning Board (and / or Public) would not necessarily recall, with specificity, the nature of the testimony / information presented at the long-ago March 2019 Hearing.

Under the circumstances, at the recommendation of the Board Attorney, and with the consent of the Board Members and the Applicant's representatives, at the November 20, 2019 meeting, the Board commenced the Application as if it were starting from the beginning.

- The aforesaid procedural decision was appropriate under the circumstances.
- The aforesaid procedural decision was practical and functional, and prevented Board Members / representatives from having to review prior transcripts from 6 months earlier.
- The aforesaid procedural decision represented an efficient and judicious use of Board / Public / Applicant time.
- The aforesaid procedural decision did not in any way compromise the interest of the public, the Applicant, the Planning Board, or the Borough of Sea Girt.
- As indicated, each Lot will contain a single-family home.
- Single-family homes are permitted uses in the subject Zoning District.
- The existing Lot contains 20,999.25 SF, which is well in excess of the 7,500 SF minimum Lot Area required in the Zone.
- Per the above, the existing Lot is nearly 3 times greater than what is required in the Zone.
- Proposed new Lot 13.01 will contain 11,619 SF, which conforms with the Prevailing Lot Area Requirements.
- Proposed Lot 13.02 will contain 9,380.25 SF, which conforms with the Prevailing Lot Area Requirements.
- As referenced above, each Lot created hereunder will still be significantly larger than the minimum required Lot Size in the Zone.
- As indicated, proposed Lot 13.01 will continue to host the existing single-family structure which exists at the site.
- There is no new construction proposed for new Lot 13.01.
- The Application as initially presented at the November 20, 2019 meeting required a Variance for the front setback to the porch.

Specifically, a 40 ft. Setback was required, whereas 34.93 ft. was existing. However, during the Public Hearing Process, the Applicant's representatives advised, on-the-record, that they could modify the Application so as to present a conforming (i.e. Variance-free) Front Setback. The Board clearly appreciates, and encourages, the elimination of Variances whenever possible.

- The existing dwelling on Lot 13.01 has a non-conforming Side Setback of only 6 ft. – and, as referenced, the said condition is an existing condition.
- The pre-existing non-conforming Side Setback of only 6 ft. (for Lot 13.01) will not be exacerbated as a result of the within approval.
- The Application as presented also requires a Variance for Combined Side Yard Setback (for Lot 13.01). Specifically, a 23.23 ft. Combined Side Yard Setback is required; whereas the Applicant is only proposing a 15 ft. Combined Side Yard Setback. The Board is aware that on the existing mother Lot, no such Combined Side Yard Setback Variance Relief is required; given the nature of the 20,999.25 SF mother Lot. However, with the Subdivision, and the associated reduced Lot width for what will be new Lot 13.01, the Combined Side Yard Setback will total approximately 15 ft., whereas 23.23 ft. is otherwise required. As referenced, the Board notes that the said non-conforming condition is only being created because of the existing location of the existing dwelling on the to-be-subdivided mother Lot. That is, the Board recognizes there is no new construction associated with the said deviation on new Lot 13.01.
- Had there been new construction on new Lot 13.01, the Applicant's representatives would likely be required to relocate the home so as to obtain conforming, or a more conforming, Combined Side Yard Setback.
- As indicated, there is no new construction associated with new Lot 13.01, and the Board Members certainly recognize that it would be unduly burdensome, and impractical, under the circumstances, to require the Applicant's representatives to relocate an existing dwelling.
- That notwithstanding, the Board Members were sensitive about granting such Combined Side Yard Variance relief, in that the same could, under certain circumstances, be construed as allowing a future / new home on Lot 13.01 (if the existing home were ever demolished or destroyed) to be constructed with a non-conforming Combined Side Yard Setback. However, the Applicant's

representatives publicly, and on-the-record, agreed, and acknowledged, that if the existing dwelling on new Lot 13.01 were to ever be demolished, destroyed, or more than 50% damaged, any new construction would need to comply with the prevailing Combined Side Yard Setback Requirements, absent further / formal approval of the Sea Girt Planning Board.

- The Board appreciates the Applicant's representatives / concessions / acknowledgements in the said regard.
- But for the Applicant's representations, as set forth in the immediate bullets preceding, the within Application would not have been approved.
- The Board is also aware that, under the circumstances, the non-conforming garage location approved herein (on new Lot 13.02) is more appropriate for the site than a conforming garage setback. That is, the non-conforming Garage Setback approved herein results in a more functional backyard area for the ultimate inhabitants of the home on Lot 13.02.
- The non-conforming Garage Setback approved herein will allow the home (on new Lot 13.02) to be located further away from the railroad tracks, which is clearly more marketable, more functional, more practical, more desirable, and more aesthetically pleasing.
- The Board is also aware that the non-conforming garage location approved herein will simultaneously result in the driveway for the subject property being located closer to the railroad tracks (which, under the circumstances, is preferable).
- The Applicant's representatives testified that there are no additional / adjacent lands available for acquisition which could, in any way, eliminate, or otherwise minimize, the nature of the Garage Setback relief.
- The Board is also aware that the non-rectangular / non-square nature of Lot 13.02 also complicates the ability of the Applicant to satisfy all Prevailing Bulk Requirements.
- The unique non-traditional shape of the property, which is bordered by a Municipal / unimproved Right-of-Way, appears to be the main driving force as to why the garage cannot be constructed in a totally conforming location.
- The Board notes that there were no public objections associated with the Application.

- Approval of the within Application will not have an adverse aesthetic impact on the site or the neighborhood.
- Subject to the conditions contained herein, the homes which will ultimately be located on the 2 new Lots will not overpower / overwhelm the neighborhood.
- Per the testimony and evidence presented, the existing home at the site is an older home which will remain as is. The Board appreciates the Applicant's willingness to retain the older home (as opposed to demolishing the same).
- There is value in approving Applications which help preserve older homes.
- There is a significant amount of demolition occurring within the Borough of Sea Girt – and it is refreshing that the Applicant herein has decided to preserve an existing / older structure.
- The Borough's Master Plan essentially encourages the preservation of older homes when the same is possible – and approval of the within Application will, to an extent, advance such a goal / objective.
- There is a functional, practical, architectural, and aesthetic value in preserving the existing structure at the site.
- The preservation of older homes represents a legitimate development goal.
- Preserving the older home at the site (on new Lot 13.01) is appropriate under the circumstances.
- The benefits of preserving an older home will benefit the Sea Girt community, now, and in the future.
- The Board is aware that there are societal benefits associated with approving Applications which allow older structures to be preserved.
- The Board is also aware that the Lot sizes created by the within Subdivision will be more in line with the Zoning Standards than that which currently exists.
- Subject to the conditions contained herein, approval of the within Application will not compromise the amount of air, light, or open space at the site.

- The Application as initially presented at the November 2019 meeting required a Variance for Building Coverage. However, during the Public Hearing process, the Applicant's representatives advised that they had likely calculated the Building Coverage in an incorrect fashion. As a result, and per the interpretation of the existing Borough Regulations, the Applicant's representatives advised that they could eliminate the request for the subject Building Coverage Variance.
- Clearly, the Board appreciates, and encourages, the elimination of any potential Variances whenever possible.
- The Application was presented requires a Variance for the Side Yard Setback for the Garage (on proposed Lot 13.02). Specifically, a 15 ft. Setback is required; whereas, only a 5.09 ft. Setback is proposed (along Edgemere Place). Typically, in the absence of extraordinary circumstances, the Board Members would not be inclined to grant such a Variance for a newly constructed garage on what will be an oversized Lot. However, under the circumstances, extraordinarily compelling reasons exist for the grant of the requested relief.
- As previously referenced, proposed Lot 13.02 is essentially a corner Lot, located at the southwest corner of Beacon Boulevard and the unimproved Right-of-Way identified as Edgemere Place.
- The existence of the unimproved Right-of-Way, as aforesaid, is generating the need for the Setback for the garage structure on new Lot 13.02.
- It is believed that there are only approximately 2 other similar Lots in the Borough which are so affected by the Edgemere Place Right-of-Way.
- The existence of the unimproved paper street / Right-of-Way complicates the ability of the Applicant's representatives to have a conforming Garage Setback.
- The Board is also aware that but for the existence of the unimproved Right-of-Way (Edgemere Place), there would be no need for the Garage Setback Variance.
- Notwithstanding the non-conforming Garage Setback, the Board is aware that there is a very significant amount of actual space between the proposed garage and the actual adjacent structures / property lines.

- Thus, as a result of the above, the non-conforming Garage Setback will not aesthetically impact the overall aesthetic beauty of the project/site/neighborhood.
- Per the testimony and evidence presented, some Municipal Officials doubt that the unimproved paper street (Edgemere Place) will ever be developed. In fact, some Municipal Officials described the unimproved Right-of-Way, as a “road to nowhere.”
- Given the nature of the surrounding uses, and the nature of the unimproved Right-of-Way, and given the space between the proposed structures/property lines, the Board concludes that the non-conforming Garage Setback (on new Lot 13.02) will not adversely impact the overall interests of the Borough of Sea Girt, or the residents thereof.
- Subject to the conditions contained herein, subject to any necessary Waivers, the Application as presented, and modified, 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, and the requested Variance 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: (Note: Unless otherwise indicated, all Plan Revisions shall be subject to the review and approval of the Board Engineer.)

- a. The Applicant's representative shall comply with all promises, commitments, and representations made at or during the Public Hearing process.
- b. The Applicant shall comply with all terms and conditions of the Leon S. Avakian Review Memorandum, dated March 6, 2019, last revised October 8, 2019 (A-4).

- c. The Applicant shall comply with the terms and conditions of the Review Memorandum from the Planning Board Subdivision Committee, dated January 30, 2019 (A-5).
- d. The new home to be constructed on Lot 13.02 shall comply with all Prevailing Bulk Requirements, as no Variances are granted for the same. (Rather, the only Variance associated with new Lot 13.02 is for the Setback for the Garage.) To the extent any Variance relief is necessary for the new home to be constructed on new Lot 13.02, then, in that event, the Applicant shall be required to return to the Sea Girt Planning Board and obtain further / formal relief.
- e. The Plans for the new home shall be reviewed and approved by the Zoning Officer and the Board Engineer. In conjunction therewith, the Applicant shall submit an as built, in addition to the other Requirements set forth in the Review Memorandum from the Board Engineer.
- f. The Applicant's representatives shall cause the Plans to be revised so as to portray and confirm the following:
 - i. The elimination of the Front Yard Setback Variance for Lot 13.01 (as no Variance relief is granted for the same).
 - ii. The elimination of the Building Coverage Variance for proposed Lot 13.01 (as no Variance relief is granted). (That is, the Applicant shall arrange for the elimination of at least 286 SF of building, so as to eliminate the Building Coverage Variance.)
 - iii. As referenced elsewhere herein, in detail, if the existing home on new Lot 13.01 is ever demolished / destroyed, then, in that event, any replacement home shall comply with all Prevailing Zoning Regulations, in the absence of further / formal relief from the Sea Girt Planning Board. That is, in conjunction with Prevailing State Regulations / Municipal Regulations / Case Law, the Applicant, and successor Applicants / Owners recognize that if more than 50% of the existing home on new Lot 13.01 is damaged / destroyed / demolished, then, in that event, any replacement home will need to comply with all

Prevailing Bulk Requirements (pending further / formal review / approval of the Sea Girt Planning Board).

- g. The Applicant shall comply with any and all Prevailing FEMA / Flood Regulations.
- h. The Applicant shall obtain any and all necessary curb-cut Permits.
- i. The Applicant shall submit details for a compliant driveway apron.
- j. As discussed on-the-record, the Application, which was initially noticed for, and initially discussed, and initially reviewed at the March 2019 Planning Board Hearing is hereby withdrawn/dismissed.
- k. Any further construction / intensification / extension of the new garage on new Lot 13.02 shall require further / formal approval from the Sea Girt Planning Board.
- 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. Prior to the issuance of any Construction Permits, the Applicant (or successor Applicants / Owners) shall submit a grading, drainage, plot, and utility plans (and drainage calculations) to the Board Engineer, for his review and approval.
- n. The Applicant, or any successor Applicants / Owners, shall comply with all Prevailing Rules and Regulations of the Municipal Utilities Authority. Additionally, the Applicants shall pay / satisfy any applicable sewer / utility connection fees (and any other charges / fees due and owing.)
- o. Prior to the issuance of any Building Permit, the Applicant, or any successor Applicants / Owners, shall submit detailed Plans / Elevations – and the said documents shall be reviewed / approved by the Board Engineer (as well as any other applicable municipal official).

- p. The Applicant shall attempt, in good faith, to preserve as many trees on site as possible.
- q. The Subdivision shall be perfected in accordance with Requirements of New Jersey Law (and within the timeframe set forth in New Jersey Law.)
- r. The Applicant shall review the proposed Block / Lot designations with the Municipal Tax Assessor so as to confirm the acceptability of the same.
- s. The Applicant (or any successor Applicants) shall comply with all applicable Affordable Housing related Ordinances / Regulations of the Borough of Sea Girt – as the same may be amended from time-to-time.
- t. Any construction / development of the Site shall comply with the Prevailing FEMA Requirements.
- u. The Applicant 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.
- v. The Applicant 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.
- w. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees, taxes, and inspection fees.
- x. If required by the Board Engineer, the Applicant shall submit appropriate performance guarantees in favor of the Borough of Sea Girt.
- y. **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 referenced 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 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 Applicants', 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 Applicant and/or its 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 any constructed improvement, or for any damage which may be caused by the development / subdivision.

FOR THE APPLICATION: Carla Abrahamson, Larry Benson, Mayor Ken Farrell, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

AGAINST THE APPLICATION: None

RECUSED: Karen Brisben, Ray Petronko

ABSENT: Jake Casey

The foregoing Resolution was offered by Mrs. Laszlo, seconded by Mayor Farrell, and adopted by Roll Call Vote:

IN FAVOR: Larry Benson, Mayor Ken Farrell, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

OPPOSED: None

ABSTAINED: None

Wednesday, December 18, 2019

INELIGIBLE: Karen Brisben, Jake Casey

ABSENT: Carla Abrahamson, Ray Petronko

The next item for consideration was a Resolution of Dismissal for a Minor Subdivision for Block 81, Lot 1, Baltimore Boulevard by the Railroad Tracks, owned by the Borough of Sea Girt. Chairman Hall explained that Council had, at their December 4th meeting, passed a Resolution to “Dismiss Without Prejudice” their application for this subdivision, which means they can come back with the application at a later date if they so choose.

As all Board members had received a draft copy and there were no changes to be made, the following was presented for approval:

WHEREAS, Agents of the Borough of Sea Girt (the Applicant) previously submitted a Development Application to the Borough of Sea Girt Planning Board; and

WHEREAS, the said Application involved the vacant property located on Baltimore Boulevard, Sea Girt, NJ, and more formally identified as Block 81, Lot 1; and

WHEREAS, the said Application involved a request by the Borough of Sea Girt to subdivide the said property; and

WHEREAS, the said matter was scheduled to be presented to the Sea Girt Planning Board, and adjudicated by the Sea Girt Planning Board, on or about December 18, 2019; and

WHEREAS, on or about November 19, 2019, and November 20, 2019, agents of the Borough of Sea Girt (including, the Administrator, the Mayor, and the Borough Attorney) verbally advised that the Application was going to be withdrawn; and

WHEREAS, under the circumstances, it is appropriate to officially dismiss the Application, without prejudice, so as to avoid the possibility of any legislatively mandated approval of the request;

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

1. That at the request of the Applicant's representatives, the subject Application is hereby dismissed, without prejudice.

2. That the Applicant shall cause all outstanding escrow charges (and other duly authorized / appropriate charges) to be satisfied in full.

3. That upon satisfaction of all applicable charges, any remaining escrow, if applicable, shall be returned to the Applicant.

4. That the Board Secretary, Board Attorney, and Zoning Office Representatives are hereby authorized to take all reasonable actions necessary to effectuate the intentions of the within Resolution.

5. That a certified true copy of the within Resolution shall be forwarded to the following:

- A. The Municipal Administrator.;
- B. The Borough Attorney;
- C. The Borough's Zoning Officer

FOR THE DISMISSAL: Larry Benson, Jake Casey, Eileen Laszlo, Robert Walker,
Hall

AGAINST THE DISMISSAL: None

ABSTENTIONS: None

RECUSED: Karen Brisben, Mayor Ken Farrell, John Ward

ABSENT: Carla Abrahamson, Ray Petronko

FOR THE RESOLUTION: Larry Benson, Jake Casey, Eileen Laszlo, Robert Walker,
Norman Hall

AGAINST THE RESOLUTION: None

Wednesday, December 18, 2019

ABSTENTIONS: None

INELIGIBLE TO VOTE: Karen Brisben, Mayor Ken Farrell, John Ward

ABSENT: Carla Abrahamson, Ray Petronko

As there was no New Business, the Board was done for the evening; Mrs. Brisben said there are 3 new applications waiting for an Engineer's report and then they will be scheduled, she hopes to have one of them for the January meeting. Chairman Hall then asked the one person in the audience if she had any questions and she said she was just interested in coming to the meeting and asked if the Resolutions/applications can be seen beforehand; Mrs. Brisben said the applications are on file at Borough Hall and can be seen then and Chairman Hall explained the Resolutions are written approvals of what was done with the applications that were heard the previous month.

As there was no other business to come before the Board a motion to adjourn was made by Mrs. Laszlo, seconded by Mr. Casey and unanimously approved, all aye. The meeting was adjourned at 7:15 p.m.

Approved: January 15, 2020