

Wednesday, February 16, 2022

SEA GIRT PLANNING/ZONING BOARD  
REGULAR MEETING  
WEDNESDAY, FEBRUARY 16, 2022

The Regular Meeting of the Sea Girt Planning Board was held on Wednesday, February 16, 2022 at 7:00 p.m. virtually. 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 and a Silent Prayer roll call was taken:

Present: Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben, Tom Britt, Jake Casey, Mayor Don Fetzer, Stan Koreyva, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Absent: None

Board Attorney Kevin Kennedy was also present as well as Board Engineer Peter Avakian and Board Secretary Karen Brisben recorded the Minutes. Chairman Hall told those in attendance, including the public, that he usually has this time period for the public to speak, however, as there are going to be various discussions this evening on different topics the public will have a chance to comment later. One of the items he wanted to discuss was to set up a standard of procedures and protocol of how we act towards each other. People are wanting to do things to their homes and speak to the Board and this Board will not tolerate disrespect of each other; this includes the applicants, the people asking questions on an application or making comments and applies to the public, Board members and professionals representing applicants. Chairman Hall said he had the power to mute anyone if the need arises and he will do that if necessary, someone will be warned first and then muted if they continue to be disrespectful. Mrs. Laszlo will be working on putting this protocol up on the website in the Planning Board section.

Mr. Kennedy also wanted to make the announcement that the notice for this Board meeting did have the login information posted and, therefore, this is a lawfully held meeting where the public can participate. Mrs. Brisben gave her email, [kbrisben@seagirtboro.com](mailto:kbrisben@seagirtboro.com) if someone is having a problem logging on.

Chairman Hall then asked if there were any errors or omissions to the Minutes of the January meeting and Mrs. Brisben said that Mr. Ward had sent comments he had about some of the testimony given, the wording. Mrs. Brisben said she had typed into the Minutes what was said and she stood by that; Mr. Ward did want the name of Mr. Henderson in another part, instead of "he" and she can put that in. Mr. Ward, however, felt the testimony words should be changed in two places and Mrs. Brisben asked Mr. Kennedy for advice. Chairman Hall felt the Minutes should be written as what is stated and Mr. Kennedy offered to put in a note of what was actually meant. Mrs. Brisben said she will put in different wording in parenthesis for clarification. Mr. Ward agreed to this but had a problem with the other comment where Mr. Koreyva said the Board gave

“direction” and he felt it should say “suggestion” It was decided to use the word “recommendation”. With these changes the Minutes were approved on a motion by Mrs. Laszlo, seconded by Mr. Ward and approved, all aye with Mrs. Abrahamson abstaining as she was absent at the January meeting.

**OLD BUSINESS:**

The Board then turned to the approval of a Resolution of Dismissal without Prejudice for variance relief for Block 27, Lot 18, 104 Stockton Boulevard, owned by Robert & Jody D’Agostini. Chairman Hall asked Mr. Kennedy to explain again to all what the term “dismissal without prejudice” means. Mr. Kennedy says this means there was no substantive decision on it, it allows the file to be closed with no automatic approvals and if the applicant wants to come back to the Board again they can in the future. If the application were denied they can’t come back before the Board unless it is substantially changed but a procedural dismissal means it’s okay to come back.

In terms of the Resolution itself, Mr. Kennedy did go into some detail of what happened and tried to capture the gist of the hearings. At this time the following was presented for approval:

**WHEREAS**, Jodi D’Agostini, or representative thereof, submitted a Development Application to the Borough of Sea Girt; and

**WHEREAS**, the said materials involved the property located at 104 Stockton Boulevard, Sea Girt, NJ, and more formally identified as Block 27, Lot 18; and

**WHEREAS**, the said materials were submitted in the hope of the Applicant securing approval effectuate the following:

- Construction of a covered front porch;
- Construction of a 1-story addition;
- Installation of a hot tub; and

**WHEREAS**, Agents of the Borough issued a Denial of Development Permit; and

**WHEREAS**, the aforesaid Denial of Development Permit indicated that in order to proceed with the project, the Applicant would need to receive formal Variance Approval from the Sea Girt Planning Board; and

**WHEREAS**, Application materials were submitted, the Application was deemed complete, and the matter was scheduled for a Public Hearing; and

**WHEREAS**, the duly noticed first Public Hearing on the matter occurred on or about October 20, 2021; and

**WHEREAS**, during the aforesaid October Public Hearing, some Members of the Public expressed some questions, comments, and / or concerns regarding the Application; and

**WHEREAS**, at the aforesaid October 20, 2021 meeting, some Board Members also expressed some questions, comments, and / or concerns regarding the Application; and

**WHEREAS**, the October, 2021 Public Hearing was adjourned, so that the Applicant could more formally review the matter and consider the possibility of modifying the Plans so as to address some of the aforesaid questions, comments, and / or concerns; and

**WHEREAS**, the Public Hearing was ultimately continued on January 19, 2022, Applicant having again publicly noticed for the meeting, in accordance with Statutory and Ordinance Requirements; and

**WHEREAS**, in furtherance of the continued Public Hearing, revised Plans were submitted; and

**WHEREAS**, among other things, the Applicant's Plans were revised as follows:

- The size of the proposed covered front porch was reduced;
- The 1-story addition was eliminated; and
- The hot tub was eliminated; and

**WHEREAS**, at the January 19, 2022 continued Public Hearing, some Board Members and some Members of the Public appeared to still have some questions, comments, and / or concerns regarding some aspects of the proposal; and

**WHEREAS**, at the January 19, 2022 continued Public Hearing, some Members of the Public and some Members of the Board seemed to be of the opinion that the requested Variance relief could be granted without causing substantial detriment to the public good; and

**WHEREAS**, although no formal vote was taken at the January 19, 2022 Public Hearing, it did not appear that a majority of the Board Members were ultimately inclined to approve the Application; and

**WHEREAS**, the Applicant's representatives privately reviewed the matter; and

**WHEREAS**, thereafter, the Board Members and the Applicant's representatives publicly discussed the proposal, potential further modifications, the Doctrine of Res Judicata, and other related topics; and

**WHEREAS**, upon the conclusion of an additional private discussion between the Applicant and her representatives, the Applicant's Attorney advised, on-the-record, that the Applicant would withdraw the Application, without Prejudice; and

**WHEREAS**, it is therefore necessary for the Board to officially dismiss the Application, without Prejudice; and

**WHEREAS**, such a dismissal will allow the Borough / Zoning Office / Board to officially close the file on the matter; and

**WHEREAS**, such a dismissal will also facilitate the return of any unused escrow charges (to the Applicant); and

**WHEREAS**, in addition to the above, under New Jersey Law, if an Application is not ruled upon in a timely fashion, there could, under certain circumstances, be an automatic approval; and

**WHEREAS**, an automatic approval of any Application could have a significant and detrimental impact upon the Borough of Sea Girt, and the residents thereof; and

**WHEREAS**, the concept of an “automatic approval” is diametrically opposed to the traditional practice employed by the Sea Girt Planning Board in reviewing submitted Zoning Applications; and

**WHEREAS**, an automatic approval would not be in the best interest of the Borough of Sea Girt or the residents thereof;

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

1. That at the request of the Applicant's Attorney, the Jodi D'Agostini Application (regarding the 104 Stockton Boulevard, Sea Girt, NJ property) (Block 27, Lot 18) is hereby **dismissed, without prejudice**.

2. That the Applicant shall cause all outstanding Application / escrow charges (if any) to be satisfied, in full.

3. That upon satisfaction of any outstanding municipal bills / invoices, any remaining escrow charges shall be returned to the Applicant.

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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 Applicant;
- b. The Applicant's Attorney
- c. The Board Attorney; and
- d. The Borough's Zoning Office.

FOR THE DISMISSAL: Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Stan

Koreyva, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

AGAINST THE DISMISSAL: None

ABSENT: Carla Abrahamson

NOT ELIGIBLE TO VOTE: Tom Britt, Mayor Don Fetzer

The above Resolution was approved on a motion by Mr. Walker, seconded by Mrs. Brisben and then by the following roll call vote:

Ayes: Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Stan Koreyva, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Noes: None

Absent: None

Not Eligible to Vote: Carla Abrahamson, Tom Britt, Mayor Don Fetzer

OTHER BUSINESS:

Chairman Hall noted the Board has a unique situation tonight as there are no new applications to be heard and this is a good time to do some discussions on different things as noted on the agenda. The first thing he commented on was the Master Plan,

which has to be updated every 10 years; he felt the Board should take a section of the Master Plan and see if we are following it, as it was approved by Council, and see if we should make any revisions. So tonight one section of the Master Plan will be discussed and Chairman Hall had asked Mr. Ward, who was on that committee in 2018, to give a report. Mr. Ward said he will give a review of the re-examination plan and read from the Master Plan itself rather than his interpretation. For full disclosure, he was one of four members of the Board on the committee that, with substantial support from the Licensed Planner, drafted the document for consideration and was approved by both the Planning Board and the Council unanimously.

In terms of the purpose he read from the actual report: “the Re-examination Report’s purpose is to review and evaluate Municipal planning documents and development regulations on a periodic basis to reflect the changing needs of the Borough and to affirm the continued relevance of policies that were previously set forth. Sea Girt adopted its last Re-examination Report in May of 2008, following a Re-examination Report conducted in 2001.” (page 3) Mr. Ward said this was started by NJ and the towns had to adopt Master Plans to be updated every 6 years, they now have changed this to every 10 years. He also noted that, since the update of 2018, 5 of the 7 members of Council have changed and 4 of the 11 members of the Planning Board have also changed.

This update contains various recommendations – directional, aspirational and common-sense reminders, and this latest Master Plan Update in 2018 was the first revision since Superstorm Sandy; there is a much heightened awareness since then, especially of environmental aspects as 90 Sea Girt homes were damaged, nearly 10% of the housing stock at that time. What this also did was enhance the role of the NJDEP (Department of Environmental Protection) and CAFRA (Coastal Area Facilities Review Act of 1973), as further amended. There are also Federal, State and County plans and regulations that also come into play and they have all been accentuated by Sandy.

The first thing to do in a re-examination is to look at the last one and figure out what issues still exist today. Mr. Ward again quoted from the 2018 Update: “previous land use planning policies have focused on protecting the existing character and natural resources of the Borough by confronting infill development trends that sought to place large and out-of-character structures amongst traditional housing types.” He then said there were two issues in the 2008 examination report and quoted: “1) preserve the character of the Borough’s built and natural environment. Since the 2001 Reexamination Report, the Borough implemented land use regulation revisions targeted at preserving the traditional character of residential development.” At the end of this paragraph it says “However, the Borough continues to face issues related to non-traditional bulk characteristics and spillover impacts from intensive accessory uses.” 2) Address potential future uses for the Sea Girt Army Camp (if the Camp gets sold by the State). Mr. Ward felt that, if this happened, Sea Girt would be able to have certain leverage points.

Mr. Ward then addressed the significant changes in Assumptions, Policies and Objectives and quoted: "Over the six-year planning horizon anticipated by the Re-examination Report, the Borough's principal challenge is to manage and direct the gradual evolution of land use patterns within the built-out context in such a way as to maintain its character as a seaside residential community. There have been some significant changes at the State, County and local level affecting the assumptions, policies and objectives forming the basis of the Master Plan. This section discusses the following changes in conditions and assumptions: Local demographic characteristics, impacts from Superstorm Sandy as an impetus for Sustainability and Resiliency Planning, circulation planning and State and County regional planning."

There have been changes in the population of Sea Girt, the average is a 60/40 split between full time and part time residences; with Covid, this may change but we don't know that as of yet. Going to the environmental side the report speaks of Sustainability and Resiliency: "in the wake of Superstorm Sandy, municipalities in New Jersey are following national and global trends towards planning for enhanced environmental sustainability and community resiliency. Land Use planning and land development policies often mediate the natural and built environments. Sustainability is defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Many municipalities have started to address sustainability issues by forming citizen-led Green Teams and participating in Sustainable New Jersey, the statewide program that has established a framework for implementing sustainable practices across many community development dimensions. Sea Girt is not yet an actively participating community. In 2011, the Borough passed a Resolution supporting participating in the Sustainable Jersey Program, however, no Green Team has been formed and the Borough has yet to pursue a level of certification. Resiliency is defined as the capacity of a system to withstand disturbance while still retaining its fundamental structure, function and internal feedbacks. In many municipalities community resilience to natural disaster was put to the test like never before when Superstorm Sandy hit New Jersey in October 2012. Shore communities such as Sea Girt faced staggering levels of damage from wind, storm surge, wave action and river flooding. The Department of Community Affairs reports that 90 homes in Sea Girt were damaged, 21 of which sustained damage in the major to severe categories. One pillar of resiliency is the use of mitigation techniques before disaster strikes in order to anticipate and potential avoid likely threats to life and property." (page 19)

Mr. Ward then said when the committee examined the Sea Girt Master Plan they were focused on several things: "promote the public's awareness of their flood risks and mitigation strategies to protect themselves and their community; introduce Ordinances and design standards that will better enable homes and businesses to withstand the effects of coastal storms; focus public agencies on community vulnerabilities to hazards such as flooding; ensure that future capital projects are designed and constructed to incorporate features that are resilient to storm and flood-related impacts; integrate hazard mitigation into Master Plan elements; and provide greater awareness of



environmental protection and stewardship to provide for a more sustainable future”. (page 22-23).

Mr. Ward said CAFRA is a key proponent and he again quoted from the report: “Almost the entirety of the Borough, with the exception of the western most block between Seventh Avenue and Eighth Avenue is located in the Coastal Area Facilities Review Act (CAFRA) zone. CAFRA was enacted in order to counteract development pressures that threatened the quality of waterfront and aquatic natural resources in areas along New Jersey’s shoreline. With the passage of CAFRA, the New Jersey Department of Environmental Protection received the authority to regulate all major development within the delineated CAFRA area, thereby controlling the water pollution, beach deterioration and exacerbated stormwater runoff associated with increased development in this environmentally, economically and culturally important area of the State. The State Planning Commission and NJDEP coordinate planning policy in the CAFRA zone. NJDEP adopted rules that incorporate portions of the State Plan and the State Plan Policy Map into the Rules on Coastal Zone Management. A number of statewide planning policies included in the SDRP reference, also known as the State Development and Redevelopment Plan, the coastal region of New Jersey, including:

1. Rely on the plans and regulations of the NJDEP which may incorporate policies of the State Plan as a basis for implementing the objectives of the Federal Coastal Zone Management Act and CAFRA, coordinate efforts to establish an intergovernmental coastal management program.
2. Promote well-planned coastal communities that sustain economies and the natural environment. Manage development to protect and enhance the special uses and unique qualities of the coastal area.
3. Coordinate growth management plans and policies with response planning and mitigation for disasters.
4. Promote coastal maintenance and restoration and encourage recreational opportunities and public access.” (page 24)

Mr. Ward said that CAFRA has seven policy objectives and he spoke of the one that relates to his presentation: “Encourage the reclamation of environmentally damaged sites and mitigate future negative impacts, particularly to waterfronts, beaches, scenic vistas and habitats. (page 25)

He went on to say there were four new issues that were raised in this re-examination: trees, overdevelopment, downtown and community facilities improvement. Mr. Ward then gave his own opinion on the tree issue and stated the Borough did enact a Tree Ordinance and, while it is helpful, small trees planted to replace larger ones taken down is not a perfect substitute. The Planning Board has tried to address this issue by asking developers to minimize the number of mature trees taken down during construction. However, this is only a good faith ask, not an enforceable requirement as in most cases ownership of the property changes once a redevelopment decision is made and is not at all binding on the new owner.

Mr. Ward said the Master Plan came up with comprehensive goals, 8 of them, but he was going to touch on 3 tonight, and quoted the report, as follows:

1. "As a built-out community, manage and direct the gradual evolution of land use patterns in such a way as to maintain its character as a seaside residential community. Promote land use patterns that balance the needs of high-quality development with the continued functioning of valuable natural ecosystem services.
2. Encourage the development of active and passive recreation opportunities that meet the needs of year-round residents and visitors alike.
3. Promote the wellbeing of future generations of Borough residents by engaging in sustainability and resiliency planning, supporting land use and community development policies that provide for the needs of current residents without compromising the needs of future residents." (page 29)

The report went on with Planning Recommendations (page 31) and, on pages 32-33, Mr. Ward quoted the following:

1. " Prepare an updated Open Space, Recreation and Conservation Master Plan Element that updates the Borough's recreation and Open space inventory, analyzes the adequacy of existing facilities in meeting the needs of all age groups and population segments and identifies specific properties for targeted open space, conversation or recreation preservation.
2. Prepare a Natural Resource Inventory, to be sure that Land Use regulations and planning policy is made based on a full understanding of current environmental conditions in the Borough and to assist in tracking changes over time.
3. Preserve the Borough's remaining trees in order to continue to enjoy the aesthetic and environmental benefits of tree cover."

In terms of community facilities, Mr. Ward read the following from the report:

1. " Evaluate and assess the usage of community facilities in order to determine where resources could be used most effectively and where there may be gaps in service.
2. Acknowledge the potential impacts of public, semi-public and institutional uses on surrounding residential neighborhoods and regulate these uses accordingly to mitigate impacts from anticipated intensive use.
3. Examine public and semi-public bulk and performance standard requirements to ensure that any such facilities would have adequate land for required accessory needs such as parking, stormwater management, utilities and the like." (page 35).

In conclusion, Mr. Ward said his remarks are intended to give the public and the relevant Governing Bodies a reminder of what was in the Master Plan revision in 2018. Hopefully, by refreshing everyone's memories, this presentation will be helpful to

stimulate productive dialogue on the issues summarized here. He concluded by reminding all that the full Re-examination Report can be found on the Borough's website under the Planning Board dropdown.

Chairman Hall thanked Mr. Ward for a very thorough report. He said this Master Plan is composed and presented to Council as recommendations, not a requirement; Council is the one to act to make suggested changes and some things have been changed and some have not. Mr. Avakian then spoke and felt this was remarkable that a member of the Board should have the knowledge and ability to make this presentation, his office and the committee worked very closely in 2018. Right now, they are authorized to act, statutorily for the next update, to consider climate change, resiliency, smart growth and environmental sustainability, this to be considered in the next report. This has already been started and includes smart growth, electric vehicle infrastructure, storm resiliency, a lot of things Mr. Ward referenced in his report. He agreed it would be smart to start looking at these things even though our next report is not due until 2028. He ended by stating it is so important to keep our beach and boardwalk in pristine condition.

Chairman Hall then opened the discussion to any Board member and to think if we should make some modifications; we can amend the Master Plan at any time, there just has to be an official update every 10 years. A lot of things change over 10 years, the community has changed, between Superstorm Sandy and the pandemic a lot of our lives and needs have changed. Tonight we are doing green acres and the environment and then we may want to look at changing some of our Ordinances and Land Use. Mayor Fetzer felt that Mr. Ward did a great job, a good synopsis and this is good to hear from time to time and brings us back into focus.

Chairman Hall felt the Sea Girt Planning Board is a really good one and all have their own strengths and give a great contribution. Councilwoman Anthony also felt that Mr. Ward did a phenomenal job and she knew this has always been a passion of his. She did appreciate the information about the NJ Sustainable Certification and Sea Girt already does many environmentally conscious things, we do have the Sea Girt Conservancy and an Environmental Commission within the Council but we don't have a Green Team per say which is different from the Conservancy. She would like to see a group of citizens who would be willing to be involved. She then mentioned a comprehensive report that the Sea Girt Conservancy has put together that will be presented to Council in the not too distant future. There also is a recreational and open space document the town has that can be obtained through the Borough. There are 80 acres in town which would be considered open space or parkland and it is possible that changes can be made with recommendations, working with the DEP and Audubon Society, etc.

Councilman Hall noted that, if Council forms an Environmental Commission, a Class IV Planning Board member should be on that Commission. He then asked about the Sea Girt Conservancy's meeting and can anyone attend? He has been asked this by some residents, as well as their reports, are they open public documents? There is a lot of "alternate information" out there, things being said around town that get distorted.

Mr. Bogan, Board attorney, responded and said the Conservancy is an independent entity and the Council does not control it, it is independent. Participation is going directly going into the Conservancy, Councilwoman Anthony is the liaison and Alan Zakin is the Chairperson of the Executive Board right now. One can contact Mr. Zakin for information. Mrs. Laszlo said she has been told the Conservancy is a quasi-governmental entity and she asked Mr. Bogan if that is the case. Mr. Bogan again said it is independent and voted as such by the Council, there are benefits being derived by not making it part of Council. He was not sure who designated it a quasi-governmental entity and that is a nebulous definition to the extent that the entity interacts with Council and uses some of the same resources. But it is not recognized as such by the Council and it is a cooperative entity that is both independent but works with Council. He referred to the Holly Club who has gotten things for the town and is not a quasi-governmental entity either, but a cooperative entity as well.

Michael Matthews had a virtual hand up to speak so Chairman Hall invited him into the conversation as he is involved with environmental issues. Mr. Matthews, 401 New York Boulevard, said he was a member of the Sea Girt Conservancy and he felt the discussion was fascinating to see what the Planning Board is trying to do and what the Conservancy is trying to do. They do not consider themselves a quasi-government group and, in terms of membership, this is a very new organization and they are currently set up as a non-member entity, which the legal people can speak to better than he could. They are a Board without active members, they accept donations but do not give out memberships. Meetings are not open to the public and he was not aware of a requirement for this. He said he was more of a technical guy and involved in invasive weed control and, in that regard, in the overlap of what the Planning Board is trying to accomplish in the next 6 years, they are also working on natural resource inventories on some of the remaining open space, such as Crescent Park, which was done with the State Forestry Management Plan, Edgemere Park and The Terrace, he commented that Edgemere Park and The Terrace are not enough space to apply for any Forestry Management Plan. They are looking to hire those who can do the natural resource inventories and would cooperate with the Planning Board any way they can. Their roll, as they see it, is strictly advisory; if they see something they think can be improved, they research it and then present it to Council; they are not trying to control anything.

Chairman Hall felt this was all good information and clears up information that is going around. He asked Councilwoman Anthony if the town has applied for Green Acres funds and for what projects? She said they did take advantage of a NJ Department of Transportation Grant for the Bell Place bike path, and also, through the Conservancy, the town did receive a \$20,000 grant from the Monmouth County Open Space Fund for fencing by the railroad tracks in Edgemere Park. She was not aware of any Green Acres Funding at this time. Mr. Avakian agreed with her and said the town has utilized as many resources as it can, the Monmouth County Open Space has been a great program and also has been used for improvements at the Sea Girt Elementary School, however, the town has never had Green Acres Funding and he noted that they have investigated it in the past but never used it. He also commented that Green Acres Funding puts restrictions on their usage and future use and Sea Girt is not under any of

those kind of restrictions today. Chairman Hall asked if we have any restrictions in place for any open space improvements in Edgemere Park, the bike path or Cornelius Park and Mr. Avakian said he would have to investigate this, the Monmouth County Open Space program provides a "deed of easement" insuring public access. Councilman Hall felt this information would be helpful to all the Planning Board members for the future Master Plan recommendations.

Mr. Matthews asked to speak on some of the restrictions, there is a beach management plan with the DEP and that plan specifies activities in three sections of the beach that need to be treated in different ways. Invasive plant management is an issue that may be brought up and the Borough is in the process of addressing this.

Michael Meixsell then asked to speak, he is also on the Conservancy and explained that, back in 2020, Councilwoman Anthony asked if any residents wanted to try and preserve the open spaces in the community, that is point A. Point B is that the Sea Girt Conservancy is a 501C3 non-profit organization and is not required to have public meetings and has Zoom meetings among themselves; he wanted this to be clarified. Chairman Hall appreciated this information to understand this so the people that are listening can hear from the people that have the facts. Mr. Meixsell said that SeaGirtConservancy.org can be looked for more information, the email is checked and if there are questions they can be answered through this; they are just trying to take care of the open spaces.

As there were no more comments or discussion, Chairman Hall turned to a discussion on Cornelius Park and the proposal being looked at by Council. He had asked Mr. D'Atrui to attend tonight but he could not but the proposed paddle board court preliminary plan is posted on the website. He emphasized that nothing discussed tonight is binding as the final proposal is still being worked on and Council will entertain the Planning Board's thoughts after that is done. He wanted to be completely clear that the Council has approved the procedure to go forth with the plan, nothing has been approved for any construction or permits being issued, information is still being gathered. The final drawings, when done, will start the procedure of going out to bid, seeing how much this will cost, etc. and will go on for a while.

Mayor Fetzer was asked to comment on this and he confirmed that nothing has been authorized for bids, Mr. Avakian's plans are preliminary, more work is to be done such as landscaping and lighting; when all is ready the Planning Board will want to comment on it. The process going forward is to gather information, such as cost and Mayor Fetzer said this is not done yet. If they are going to go with the project a bid package would be put together, advertised for bid, etc. and again emphasized this is not going anywhere quickly. Chairman Hall added that the viewing stand is not in the plans on the website and Mayor Fetzer explained that has been eliminated and what was added were ramps up to the courts themselves. Chairman Hall asked if this is ADA compliant and Mr. Avakian spoke and said this is a hard question to answer about it being a mandated requirement, but if the law is read as the intent is that when you have municipal recreation facilities access has to be provide for all the public and that is

generally how the Borough has addressed every municipal improvement. The Borough of Sea Girt has always addressed handicapped accessibility and this includes the beachfront. So the ramps will be ADA compliant and they do add a considerable cost to the project. Also, he wanted to state that the cost for the platform tennis court went from approximately \$100,000 6 to 8 months ago to \$160,000 today, now there has to be a consideration of whether or not it is worth the financial expenditure to proceed with the project.

Chairman Hall wanted a discussion from the Board members but again said this is not a review, just comments and the Board has to consider if this in compliance with the Master Plan. As this is not a Capital Expenditure the Council does not have to ask the Board for comments but as a courtesy it is being done. He wanted to keep this as a nice discussion and focus on whether this is following the Master Plan or would another place follow it better as far as open space use. Mr. Casey asked where does the Board fall in the approval process and Chairman Hall said that, unless there is a capital expenditure, and he added that there is a certain level of expenditure to achieve to make it a capital expenditure, if this happens then the Board gets more involved. The Board can then make recommendations, it can't tell the Council they can or cannot do it, it's just recommendations. This may also require a change in the Land Use or Ordinance that Council has to do. He gave the example of having Mr. Avakian get paid by the town for doing the preliminary report and Mayor Fetzer said that Mr. Avakian's fees are being paid by the Recreational Commission. He added that all the towns he knows around the area submit projects to the Planning Board, whether a Capital Improvement or not, and their comments are taken into consideration. He encourages comments and abide by the Ordinances and sometimes things are not able to get done as they are different from what the Ordinance may say.

Mr. Bogan added this is an advisory circumstance and it does not imply, in any way, that it is not significant in the eye of Council, the advice of the Board is cherished by the Council; but from a legal standpoint this is advisory only; any advice can only put further light on any issue. Mr. Kennedy then spoke and agreed with what has been said; barring unusual circumstances, if this does come to the Board, it is not a typical application for development that the Board would approve or deny, it is a courtesy review. To answer further Mr. Casey's question on procedure, someone from the Borough would present the plans to the Board for a courtesy review to explain how this will all work, setbacks, drainage, lighting, etc. and the Board would ask questions as it normally does and then express opinions; the Council will then take into consideration the comments made and Mr. Kennedy stated, as said earlier, the Board does not have the right to say yes or no. Chairman Hall added that the Board cannot discuss this amongst themselves without violating the Open Public Meetings Act and that is why this is being discussed this evening in an open forum.

Mr. Casey asked Mr. Avakian about the plans, he wanted to know what is the height difference between the existing concrete sidewalk and landing, he wanted to make sure it was easy to walk through and be comfortable for folks. Mr. Avakian said the concrete sidewalk is flush with the landing, the landing is really the bottom platform

for the ramp. Chairman Hall said the overall depth is 96 feet altogether and the width is 66 feet, 12 trees will be removed and again said this is on the website. Mr. Casey added that he was encouraged by the fact that the viewing platform has been removed from the plan. Mayor Fetzer spoke and said that part of the 96 feet overall that Chairman Hall spoke about already exists, the one court is already there; Chairman Hall said this is correct, he quoted the total footage of the entire area.

Mr. Ward asked for clarification on using the term that this is Recreation Commission money, to him it is the town's money however it was accumulated, the town supports the Recreational Commission in raising funds and has oversight in terms of using the funds. Mayor Fetzer said these funds were raised through the Sea Girt 5K and the commission is a little different than a committee, the town does approve its expenditures, this is why they are coming before Council, they can't spend money without Council saying it is okay. Chairman Hall said he wanted to keep the discussion on how this applies to the Master Plan and told the audience that the Board is actually two Boards, Planning Board and Zoning Board combined, there are different requirements for each and is explained in the Borough Ordinances. Mr. Walker felt it is good to have these discussions but he would rather wait until the final plans are done and be able to take a more complete look at everything. Chairman Hall did agree but said he wanted to have a preliminary discussion. Mrs. Brisben asked Mr. Avakian if the parking will change, will more be put in with the new court and Mr. Avakian did not think there will be any change in parking as this is being installed in an area where parking does not exist now. He did not think there was a problem with the current parking spaces, the parking that was put in place awhile ago was done with the idea of keeping the traffic way safe and more spaces were put in at that time; he did not think the new court will require more spaces but that may be looked at. Chairman Hall wanted to know if the parking is a permeable surface or a non-permeable surface and Mr. Avakian said it is stone with porous drains that are under the road surface, it is more pervious than impervious. Chairman Hall then asked if water will flow through the platform tennis court, Mr. Avakian said the way it is designed the slats for the playing surface have separations in them so water goes through and underneath can be pervious and there will be concrete footings here. Mr. Britt wanted to speak to agree with Mr. Walker, he felt the Board should hold off on the plans until they are finalized and Council decides to move forward.

At this time the discussion was open to the public and Kimberly Patterson spoke for Fred Marziano, she said that, after listening to the great presentation on the Master Plan, it made her more than ever to question the location that has been chosen. She was also concerned about the location creating noise issues which could create lawsuits for the town. She also had a question, now that the facility is going to be ADA accessible it will change the parking as that surface will have to be hard and non-slip, the gravel there does not meet that criteria, it also needs to be double-wide to accommodate a handicapped van and people can't park behind it. She felt that to say the parking will not be affected does not seem right to her. Chairman Hall spoke and told her this evening they want to focus on the Master Plan and does this meet the environmental and open space goal. The ADA element will need to be discussed but

that is not in the realm of the Planning Board at this time. Ms. Patterson then said that this project does not seem to be in the spirit of that plan. At this time Mr. Fred Marziano said he would like to speak as well, he gave his address as 116 New York Boulevard. He also listened to the Master Plan discussion and felt it was very helpful and he was hard pressed to see how this project would work as it seems to go against the principles that were discussed. He also commented that he did not see any landscaping on the plans and asked Mr. Avakian to answer this. Mr. Avakian felt this was premature as details are not being addressed tonight; he wanted to make it clear to all that he was not taking sides here, he works for the Borough, all departments, and sometimes there are projects that he will not take sides on but he did feel the Master Plan was quite comprehensive and does encourage development of active and passive recreational opportunities that meets the needs of year-around residents and visitors – that is stated in the Master Plan. To say this project does not comply with the Master Plan is not really true to the Master Plan but there are environmental conditions that have been talked about before and this is why the Planning Board is so important and there has to be civil conversations on this.

Mr. Marziano said their main concern was location, not whether or not there should be passive or active recreation, of course there should be, the question is where. He felt this can't be approved yet as more information needs to come, lighting, fencing, landscaping, parking, etc., hasn't been resolved. He was wondering what needs to go forward here or not go forward and Chairman Hall explained this is preliminary as was stated on the website and just to be where we are at this stage. Once the final plans are done, then there will be a discussion on the Planning Board side. He did think that a lot of opinions are not about having a paddle-board court but where to have it without harming environmental concerns. Mr. Marziano ended by complimenting the Board on having a healthy, informative and education discussion tonight and he thanked the Board for this.

Diane Raver was next to speak and she also thanked Mr. Ward for his wonderful presentation and having a living, breathing Master Plan is extremely important and the Board was doing a wonderful job. She agreed with what was said that it is not about the paddle-board court but where it is.

Megan Pacetti then spoke and felt Mr. Ward's presentation was amazing and she was happy to hear words like environmentally conscious, green committee, things like that as she felt that was the direction the town has to go; she was happy the Planning Board was going to chime in on this whole paddle-board conversation and give their opinion, it is an important topic and she was grateful for having their opinion. Chairman Hall felt this was the purpose tonight, to have conversation.

Susan Sharp then unmuted herself and gave her address as 120 Stockton Boulevard and reiterated what was said about the Board acting as an advisory Board and thanked Mr. Ward for his presentation and clarity on the Master Plan. She had read it but hearing is spoken about helped her to understand it a lot more. She felt it was everything that what it being stood for in regards to opposing the court. It is never



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too early to be pro-active and that is what the residents are doing. She hoped that as everyone sees the plans, the Board will feel as strongly as they do.

As no one else was on the list to speak, Chairman Hall thanked all and appreciated the consideration given as to time speaking so all could talk. Mayor Fetzer also wanted to thank all who participated, he felt it was helpful.

The Board then went on to the next item on the agenda, the formation of an Ordinance Review Committee. Chairman Hall said this is one of committees to form to get the Planning Board involved and have cooperative discussions on the Ordinances in town that have to do with Land Use. The Zoning Officer, Chris Willms, has asked the Board to look at Ordinances and try to clarify some of the building codes. The NJ Codes are looked at every 3 years because things change and people find ways to get around clarifications. He would like to form a committee, he is not assigning anyone tonight, but the committee should consist of two members of the Planning Board, two members of the community and maybe Mayor Fetzer or Councilwoman Anthony or one person from Council. He said he already had one person from town interested in doing this and gave his email address of [Nchall411@gmail.com](mailto:Nchall411@gmail.com) for anyone else to respond if they are interested. This committee will not give binding comments but recommendations to Council to amend/update an Ordinance as they are the ones that have the authority to do this. This will give the Board dialog from different aspects of town to have a voice, the Planning Board, members of town, and Council.

Mayor Fetzer asked Mr. Kennedy if this would be appropriate, for either him or Councilwoman Anthony to serve on this committee as the final report would be a recommendation to Council. Is that a conflict? Mr. Kennedy did not think it would but he will check with the Borough Attorney, Ray Bogan and let the Board know. Mrs. Laszlo asked if this committee would discuss things like what was in Chris Willms' letter and Chairman Hall said this would be the first concern. Councilwoman Anthony asked if anyone who is going to be volunteering for this may have a conflict in the future if they apply for a variance, after a brief discussion Mr. Kennedy did not feel there would be an explicit conflict, all are bound by the regulations of the town, he did think if there was a particular interest by someone on this committee they should step out of it if there is something pending. Chairman Hall repeated this is just a committee making recommendations, not doing anything binding, making anything final.

Mr. Casey asked Chairman Hall how he will help this group, as Chairman he has a broad scope of knowledge and Chairman Hall said he is always available to help out if requested and offer his experience but he wouldn't vote. Mr. Avakian offered paperwork, to assistant in contemplating Ordinances and formulate wording for Ordinances to represent the thoughts & desires needed, to look at something the committee will be contemplating and modify it to meet the needs. Chairman Hall said this is the concept and, at a future meeting, we can formalize it and organize it.

Chairman Hall then went on to the last item on the agenda, discussion of proper procedures of applications, including protocol and behavior of all participants. Both he

and Vice-Chairperson Laszlo felt it is important for people to know what the procedure is for the Planning/Zoning Board and, as Mrs. Laszlo was the one with the idea to put it on the website, he asked her to speak. Mrs. Laszlo said the Planning/Zoning Board is a quasi-judicial Board, with lawyers, exhibits, swearing in people to testify and she felt a guideline would be particularly helpful to people who do this on their own. Lawyers are paid to do their job and sometimes ask tough questions of witnesses, so she thought it would be helpful to put something on the website for people to read in advance, to see this is a civil forum and the Board expects certain behavior from people who come before the Board. She felt that Mrs. Brisben does a great job of helping through the process but felt something in writing on the website should be available. Chairman Hall emphasized the need to be civil, Mrs. Laszlo said the Board is not just sitting around discussing something, this is a Board that has to decide where an application is in regards to Ordinances and if it is possible to grant a variance; she noted the Board also has professionals who guide the Board members and she is appreciative of this; Chairman Hall added the Board is not here to argue, but discuss and in the end have to make a decision that may not be likable and he felt that all Board members are interested in maintaining Sea Girt. Mrs. Brisben told Mrs. Laszlo that she has a paper that she sometimes gives to people explaining what to expect when coming before the Planning Board and she will forward that to her, it may be helpful.

Mrs. Laszlo then told the Board that she and Mrs. Brisben had discussed future Board meetings and whether to use the school library or stay virtual, there are applicants with notice requirements coming up and a decision on this has to be made. Chairman Hall said he has also spoken with the Secretary and agreed that, until we are able to have a meeting in the school gym/auditorium, which the school will have to be agreeable to open up for them, we will continue to meet virtually, it's too much hassle to try to meet in the small school library. Mayor Fetzer said the Council tried to do a hybrid meeting but it was shut down again when Omicron came along, they may go back to hybrid but they do not have the exhibit issues the Planning Board has; he has seen other towns and sometimes their hybrid meetings go well and sometimes they wish they had done something different. Chairman Hall commented that he is traveling for work a lot and it would be better for him to not have to miss a meeting but login from his hotel room and be able to participate. Mrs. Brisben said she had spoken to Mr. Kennedy on this also and he agreed we should stay virtual for now.

Mrs. Brisben also wanted the Board to know the Sitar matter on Washington Boulevard will be coming up soon, it is in engineering review, and it is anticipated a lot of people will be interested in that meeting, another reason to stay virtual and not try to meet in the small school library, to stay on Zoom until the gym/auditorium opens up. Chairman Hall asked Mr. Kennedy to inform the public when this application happens as to what has transpired so they are aware. Mr. Kennedy agreed and also re-affirmed what the Mayor had said, the Planning Board has a lot more things to deal with at a meeting, a lot more practical issues, and he felt staying on Zoom is the way to go for now, we will go back live in time. Councilwoman Anthony asked Mrs. Brisben when the Board would be hearing the Sitar application and Mrs. Brisben said she was trying to get it on for April or May, it's up to when the engineering report is received. Mr. Avakian

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said they are working on the report and there are other agencies they would like to hear from, this is on a County road, etc. Then there was a brief discussion on the point that an applicant has the right to be heard before County approval and Mrs. Brisben noted that the Board has already heard from the County and they have 1 ½ pages of changes that need to be complied with. Mr. Kennedy spoke up at this time and did not want to talk about this as it is an application to be heard and he will address this at a later time and he will speak with Ray Bogan, Borough Attorney, on this as well before it is heard. Mrs. Brisben said she only brought this up to emphasize the point that the Board should stay virtual until this is heard as there will be a lot of interest and it would be very crowded if the Board met at the school library.

Mrs. Brisben also wanted the Board and public to know about the Paul Cerami application, 116 Baltimore Boulevard, that has been carried month after month, they had asked for another postponement and Mrs. Brisben told their attorney that this application will again be heard after revised plans are submitted and reviewed by the Board Engineer, the Board cannot be carrying it every month; this was agreeable by their Attorney, Mark Aikins who waived the time for approval. Mr. Casey asked if the owner of the property has to also give his approval on this and Mr. Kennedy said it is the applicant that has to proceed, the owner gave his approval at the initial application and that consent holds, it is not needed again.

As there was no other business to come before the Board, all Board members thanked Mr. Ward for his presentation; a motion was then made by Mrs. Laszlo, seconded by Councilwoman Anthony, to adjourn the meeting and this was done by a unanimous voice vote, all aye. The meeting was adjourned at 9:09 p.m.

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Karen S. Brisben, Secretary

Approved: Wednesday, March 16, 2022

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