

Wednesday, January 17, 2024

SEA GIRT PLANNING/ZONING BOARD
ORGANIZATIONAL MEETING
WEDNESDAY, JANUARY 17, 2024

The Organizational Meeting of the Sea Girt Planning Board was held on Wednesday, January 17, 2024 at 7:00 p.m. at the Sea Girt Elementary School on Bell Place as well as being a hybrid meeting. In compliance with the Open Public Meetings Act, notice of this Body's meeting had been sent to the official newspapers of the Board and the Borough Clerk, fixing the time and place of this hearing. Kevin Kennedy, Board Attorney, was present and Board Secretary Karen Brisben recorded the Minutes, there was one person in the audience; Board Engineer Peter Avakian and Zoning Officer Chris Willms were absent.

A Salute to the Flag was done, then the following appointments were made:

Class 1 Member Mayor Donald Fetzer through 12/31/24
Class II Member Karen Brisben through 12/31/24
Class III Member Councilwoman Diane Anthony through 12/31/24
Alternate Member No. 1 Stan Koreyva through 12/31/25

After all the appointed members were sworn in the following roll call was done:

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 (Note: Carla Abrahamson and John Ward attended online on the Zoom meeting)

Absent: None

As there was no one in an online audience or in live attendance to discuss any item not on the agenda the Board turned to approval of the Minutes of the December 20, 2023 meeting. As there were no changes to be considered, a motion for approval was made by Councilwoman Anthony, seconded by Mr. Walker and unanimously approved with Mrs. Abrahamson and Mr. Ward abstaining as they were not present at the December meeting.

It was time to elect the Chairperson for the year 2024 and Mrs. Laszlo made a motion to appoint Norman Hall, this seconded by Mrs. Brisben. As there were no other nominations the following roll call vote was taken:

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Mayor Don Fetzer, Norman Hall, Eileen Laszlo, Robert Walker, John Ward

Noes: None

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Not Eligible to Vote: Tom Britt, Stan Koreyva (Alternate Members)

Mrs. Brisben then made a motion to appoint Eileen Laszlo as Vice-Chairperson, this seconded by Mr. Koreyva. As there were no other nominations the following roll call vote was taken:

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Mayor Don Fetzer, Norman Hall, Eileen Laszlo, Robert Walker, John Ward

Noes: None

Not Eligible to Vote: Tom Britt, Stan Koreyva (Alternate Members)

A Resolution appointing Kevin Kennedy, Esq. to serve as Counsel to the Board for 2024 was then introduced, as follows:

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

WHEREAS, there is a need for the Planning/Zoning 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/Zoning 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/Zoning 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/Zoning Board as follows:

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1. That the Sea Girt Planning/Zoning 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 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.
4. 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.
5. That, in accordance with N.J. law, notice of the within appointment shall be published in one of the Borough's official newspapers.

Before a vote was taken, Mr. Ward questioned why there is no cut-off date for termination in the Resolution or is that in the contract itself that will be signed? Mr. Kennedy said it is in the contract that the contract can be terminated, with or without cause, with a 30-day notice; this can be put in the Resolution if the Board wants it. Mr. Ward was okay with it being in the contract and felt this should be in the Resolution or Contract with the engineer as well. Mr. Kennedy said this was not typical for an Engineer, it was typical for the Attorney, he was not sure what the Avakian Contract says and Mayor Fetzer said the Borough contract with the Avakian firm does have that 30-day termination clause in it.

At this time a motion was made by Mayor Fetzer to approve the above Resolution, this was seconded by Mrs. Brisben and then by the following roll call vote:

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Mayor Don Fetzer, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Noes: None

Not Eligible to Vote: Tom Britt, Stan Koreyva (Alternate Members)

Mr. Kennedy thanked the Board for appointing him again, he has had this position for a number of years, has worked with different Mayors and Board members, he was excited to be appointed again and wished all a Happy New Year.

The Board then considered the Resolution for a Board Engineer for the year 2024, Chairman Hall said he had called Peter Avakian, who had been sick and he was

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feeling better and was planning on being at the February meeting. The following was then introduced:

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

WHEREAS, there is a need for the Planning/Zoning Board to retain the services of a Board Engineer in order to represent its engineering interests on designated/authorized matters; and

WHEREAS, the firm Leon S. Avakian, Inc. (hereinafter referred to as the "Engineer") has expressed an interest in representing the Planning/Zoning 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/Zoning Board, having considered the matter, now wishes to authorize the awarding of a professional service contract to Leon S. Avakian, Inc. for the purpose of rendering necessary engineering advice.

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

1. That the Sea Girt Planning/Zoning Board is hereby authorized to award a Contract to the firm Leon S. Avakian, Inc. to represent its interests as Board Engineer in connection with designated/authorized Planning/Zoning 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.

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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 the above Resolution was made by Mayor Fetzer, with the addition of the 30-day termination clause in the contract, this seconded by Mrs. Brisben and then by the following roll call vote:

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Mayor Don Fetzer, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Noes: None

Not Eligible to Vote: Tom Britt, Stan Koreyva (Alternate Members)

The Board then turned to the Resolutions for Meeting Dates for 2024 and the official newspapers of the Board:

OFFICIAL NEWSPAPERS

WHEREAS, the Sea Girt Planning/Zoning 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/Zoning 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/Zoning 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.

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A motion to approve the above Resolution was made by Mayor Fetzer, seconded by Councilwoman Anthony and then by the following roll call vote:

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Mayor Don Fetzer, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Noes: None

Not Eligible to Vote: Tom Britt, Stan Koreyva (Alternate members)

MEETING DATES 2023

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 at 7:00 p.m. is hereby set for meetings of the Sea Girt Planning/Zoning Board for the year 2024 at the Sea Girt Elementary School, Bell Place, live and virtual at <https://us02web.zoom.us/j/82429052723>, one tap mobile: 1-646-876-9923 (the Board reserves the right to have a meeting on Zoom only):

January 17, 2024
March 20, 2024
May 15, 2024
July 17, 2024
September 18, 2024
November 20, 2024

February 21, 2024
April 17, 2024
June 19, 2024 (Zoom only)
August 21, 2024
October 16, 2024
December 18, 2024

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

Mrs. Brisben explained to the Board that she, Chairman Hall and Mr. Kennedy had a discussion on the meeting dates and it was decided if there was not much business to come before the Board on a meeting night the meeting could be held on a Zoom meeting only, this would mean the school would not have to go through the process of setting up the school and the Board can just meet on Zoom. She asked if anyone had a problem with this and there was no response and she reminded all she did put this information in the above notice.

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A motion to approve the above Resolution was then made by Councilwoman Anthony, seconded by Mr. Walker and then by the following roll call vote:

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Mayor Don Fetzer, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Noes: None

Not Eligible to Vote: Tom Britt, Stan Koreyva (Alternate Members)

The last item was a Resolution appointing a Secretary of the Board for the year 2024:

WHEREAS, the Sea Girt Planning/Zoning 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/Zoning Board as follows:

1. That Karen Brisben is hereby appointed as Planning/Zoning Board Secretary and Chris Willms be appointed as Alternate Planning/Zoning Board Secretary for the calendar year 2024.
2. That compensation shall be established by the Borough of Sea Girt.

The above Resolution was approved on a motion by Mrs. Laszlo, seconded by Councilwoman Anthony and then by the following roll call vote:

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Jake Casey, Mayor Don Fetzer, Stan Koreyva, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Noes: None

Abstain: Karen Brisben

Not Eligible to Vote: Tom Britt (Alternate Member)

The Board then turned to the Annual Report from Board member John Ward:

Mr. Ward explained the Board had 18 requested variances from 8 different properties which was down from the previous two years where the Board heard applications on 13 properties in 2021 and 2022. In 2023 the Board approved all 18 of the requests whereas in the previous 2 years not all variance requests were approved. He felt that people are starting to see that they should come in with something they really need rather than “asking for 10 but accepting 3”; he thought the change was pretty dramatic. The Board had no questions for Mr. Ward, Mayor Fetzer and Chairman Hall thanked him for a thorough job done. At this time a motion was made by Mrs. Brisben to accept the report and send it to Council for their review, this seconded by Mayor Fetzer and approved by voice vote of the Board, all aye. Note: a copy of this report is attached at the end of the Minutes.

OLD BUSINESS:

The Board then turned to the approval of a resolution for variance relief for Block 19, Lot 7, 115 Chicago Boulevard, owned by Kathleen Lindenthal, to allow converting a first floor interior space to a covered porch & extension. Mr. Kennedy explained this was heard last month for improvements to an existing single-family home and noted a part of the Resolution (page 7) where it says the applicant is reducing interior living space to convert to a porch and reduced overall impervious coverage. He then went over the conditions of this approval and the following was offered for adoption:

WHEREAS, Kathleen Keane Lindenthal has made Application to the Sea Girt Planning Board for the property designated as Block 19, Lot 7, commonly known as 115 Chicago Boulevard, Sea Girt, New Jersey, within the Borough's District 1, East Single-Family Zone, for the following approval: Bulk Variances associated with an Application to effectuate a number of improvements to an existing single-family home, including:

- Conversion of a portion of the existing first floor into a covered front porch;
- Extension of the covered front porch;
- Modification to the existing rear patio; and
- Installation of a swimming pool.

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on December 20, 2023, Applicant having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE / EXHIBITS

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

- *Application Package, introduced into Evidence as A-1;*
- *Completeness Checklist Form, introduced into Evidence as A-2;*
- *Architectural Plans, prepared by Paul A. Damiano, Architect, LLC, dated March 30, 2023, last revised August 11, 2023 (on the Plot Plan, the last revision date is May 25, 2023), consisting of 6 sheets, introduced into Evidence as A-3;*
- *Topographic Survey, prepared by Paul K. Lynch, PLS, dated July 14, 2023, introduced into Evidence as A-4;*
- *Survey Report (average Front Building Setbacks), prepared by Paul K. Lynch, PLS, dated April 5, 2023, introduced into Evidence as A-5;*
- *Leon S. Avakian, Inc. Review Memorandum, dated October 10, 2023, introduced into Evidence as A-6;*
- *Survey of property, prepared by Paul K. Lynch, PLS, dated February 2020, introduced into Evidence as A-7;*
- *A picture board, containing 3 photographs of the existing home, taken by Michael Rubino, Jr., Esq., introduced into Evidence as A-8;*
- *Pictures of the existing home / driveway, taken by Michael Rubino, Jr., Esq., introduced into Evidence as A-9;*

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- *Picture of the rear yard of the subject property, taken by Michael Rubino, Jr., Esq., introduced into Evidence as A-10;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*
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WITNESSES

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

- Kathleen Keane Lindenthal, Applicant;
- Paul Damiano, Architect;
- Michael Rubino, Jr., Esq., appearing;

WHEREAS, Chris Willms, the Municipal Zoning Officer, was also sworn with regard to any testimony / information he would provide in connection with the subject application; and

TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANT

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

- The Applicant is the Owner of the subject property.
- The Applicant has owned the subject property for approximately 1 ½ years. (That notwithstanding, the property has been in the Applicant's family for quite a long period of time.)
- There is an existing single-family home at the site.
- Upon information and belief, the existing home was built in or about 2006 or 2007.

- The Applicant recently moved into the house.
- In order to make the home more modern and more functional, the Applicant is proposing a number of improvements.
- The proposed improvements include the following:
 - A. Conversion of a portion of the existing first floor into a covered front porch;
 - B. Extension of the covered front porch;
 - C. Modification to the existing rear patio; and
 - D. Installation of a swimming pool.
- Details pertaining to the proposed improvements include the following:

Front Porch

Location	Front of home (per plans)
Size	Per plans
Covered?	The proposed front porch will be covered.
Enclosed?	The proposed front porch will not be enclosed.
Materials	Per testimony and plans

Extension of the Front Porch

Location	Front of home
Size	Per Plans

A modification to Existing Rear Patio

Details	Per Plans
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Installation of a Swimming Pool

Location	Between house and garage
Size (surface water)	@290 SF (per plans)
Pool Depth:	4-6 Ft.
Pool equipment location	In garage / cabana

- Other improvements associated with the proposal include the following:
 - A. The Applicant will be changing the siding of the home;
 - B. The kitchen will be remodeled; and
 - C. New floors will be installed in the home.
- Upon completion of the renovation process, the home will include the following:

Cellar

Great Room

Storage Room

Mechanical Room

Powder Room

Elevator Shaft

First Floor

Kitchen

Study

Bathroom

Family Room

Entry Foyer

Sitting Area

Elevator Shaft

Covered Porch

Second Floor

Primary Bedroom

Primary Bathroom

Sitting Room

Bedroom

Bathroom

Laundry Room

Elevator Shaft

- The Applicant anticipates that the work will be completed in the near future.
- The Applicant will be utilizing licensed contractors in connection with the construction / renovation process.

VARIANCES

WHEREAS, the Application as presented requires approval for the following

Variances:

*BUILDING COVERAGE: Maximum 20% allowed;
whereas 20.9% proposed.*

*IMPERVIOUS COVERAGE: Maximum 35% allowed;
whereas 37.9% proposed.*

PUBLIC COMMENTS

WHEREAS, no member of the public expressed any questions, comments, statements, concerns, and/or objections in connection with the subject Application.

FINDINGS OF FACT

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

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

1. The Sea Girt Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is located at 115 Chicago Boulevard, Sea Girt, New Jersey, within the Borough's District 1, East Single-Family Zone.
3. The subject property contains an existing single-family home.
4. Single-family use is a permitted use in the subject Zone.
5. In order to improve the appearance of the home and in order to improve the functionality of the existing home, the Applicant proposes to effectuate a number of improvements to the existing single-family home.
6. The details of the proposed improvements are set forth herein, are set forth on the approved plans, and were discussed, at length, during the Public Hearing process.
7. Such a proposal requires Bulk Variance approval.

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

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

- Currently, there is no real / functional front porch at the site. Rather, only a covered front stoop exists.
- The existing front stoop is rather small, and does not contain sufficient space for individuals to functionally stand / sit / gather thereon.
- The improvements authorized herein will, among other things, result in the creation / construction of a modern / functional front porch.
- Quite frequently, Applicants petition Land Use Board members for relief simply requesting permission to construct / expand an existing structure in accordance with the Applicant's individual needs / preferences for increased living space, irrespective of the zoning restrictions. While the Board can appreciate such a goal, the Board Members must also be sensitive to such things which include, but are not necessarily limited to, the following:
 - A. The impact any proposed construction / expansion will have on the Front Yard Setback;
 - B. The impact any proposed construction / expansion will have on the overall setbacks at the site;
 - C. The impact any proposed construction / expansion will have on the existing streetscape;
 - D. The impact any proposal for an addition / expansion can have on the overall lot coverage / building coverage at a site;
 - E. The impact that any proposed improvements / expansion can have on the overall grading / drainage situation at the site;
 - F. The overall aesthetic impact any proposed expansion / construction can have on the property; and

- G. The bulkiness associated with any proposed construction / expansion.
- In the within situation, the Board notes, positively, that instead of just adding / creating / constructing additional square footage, the Applicant herein has:
 - A. Sacrificed existing living space in order to accommodate the new addition; and
 - B. Reduced the overall impervious coverage.
- In conjunction with the above, the Board notes that the Applicant herein is only creating / adding an additional 38 SF (approximately) to create the front porch approved herein.
- The aforesaid actions (sacrificing existing living space and simultaneously reducing overall impervious coverage to better accommodate the non-conforming proposal) certainly mitigates any potentially adverse impacts associated with the requested variance relief.
- The Applicant herein certainly recognizes the limitations / restrictions of the prevailing zoning regulations and, importantly, the Applicant, and the Applicant's representatives, attempted, in good faith, to design / propose improvements within the general confines of the prevailing bulk regulations.
- Per the submitted plans, the prevailing front setback for the property is 18.81 Ft., which is the average front setback of homes in the immediate block. (Per prevailing zoning regulations, the required front yard setback is the average setback.)
- The improvements authorized herein will not change the existing front setback at the site. Rather, the new improvements authorized herein will result in a continued front setback of 18.81 Ft.
- As a result of the above, approval of the within Application will not adversely affect, or otherwise impact, the existing streetscape.
- Once the renovation is complete, the structure at the site will be no closer to the front yard property line than that which currently exists.

- The within proposal has been designed to recognize and respect the Borough's prevailing zoning regulations.
- Because the porch approved herein will continue to honor the existing front yard setback, one Board Member positively indicated (during the Public Hearing) that approval of the within Application does not represent a "march to the sidewalk" – further evidencing the compliant front yard setback associated with the within proposal.
- Respectfully, the existing structure has somewhat of a "boxy" appearance (from an architectural standpoint).
- The front porch approved herein, with the new gable, and the remodeled front door, will all add architectural flair / character to the existing home.
- The proposed improvements will architecturally enhance the existing structure.
- The improvements authorized herein will help "soften" the overall appearance of the existing structure.
- The proposed improvements will also "open up" the ground level floor at the site, without causing substantial detriment to the public good.
- The proposed improvements will also allow for better / easier access to the home, which is appropriate for a modern structure.
- Installation of an improved front door (to facilitate better overall access at the site) represents sound planning.
- The Application as presented requires a technical variance for overall impervious coverage. The relevant calculations in the said regard include the following:
 - Maximum allowable impervious coverage.....35%
 - Existing impervious coverage.....44.2%
 - Proposed impervious coverage.....37.9%
- As referenced above, although an Impervious Coverage Variance is still required, approval of the within Application will

actually reduce the overall impervious coverage at the site from a non-compliant 44.2% to a non-compliant 37.9%.

- As referenced above, approval of the within Application will reduce overall impervious coverage at the site by approximately 6.3%.
- The Board recognizes that the overall reduction in impervious coverage is the result of a) a reduction in the size of the patio space at the site; b) a removal of some existing planters from the site; c) removal of some existing walkways at the site; and d) removal of a portion of the existing driveway.
- Significantly reducing the overall impervious coverage at the site represents sound planning.
- Significantly reducing the overall impervious coverage at the site will also better improve the overall stormwater management runoff situation.
- The Board recognizes that there tremendous benefits associated with the reducing overall impervious coverage at a site.
- The reducing in the overall impervious coverage at the site will be beneficial for the subject property, the neighborhood, and the community as a whole.
- The Application as presented requires approval for a Building Coverage Variance. The relevant calculations in the said regard include the following:

Maximum allowable building coverage.....	20%
Existing building overage.....	20.4%
Proposed building coverage.....	20.9%

The Board recognizes that the slight increase in building coverage, as referenced above is, in large part, generated by the proposed porch / porch extension.

- The Board recognizes that approval of the within Application will increase the overall building coverage at the site by approximately .5%.

- The benefits associated with a) significantly decreasing the overall impervious coverage at the site; b) maintaining and honoring the same front yard setback at the site; and c) substantially improving the overall aesthetic appeal of the property far outweigh any detriments associated with the within Application.
- The Board finds that the .5% increase in overall building coverage the site (associated with the within approval) is, under the circumstances, de-minimus in nature.
- As a condition of the within approval, the Applicant has agreed to install and maintain a drywell – which should further help mitigate any issues associated with a slightly excess building coverage / lot coverage.
- Per the testimony and evidence presented, the proposal has been designed to satisfactorily address any water runoff associated with the proposed improvements.
- Many members on the Board recognize the architectural / aesthetic / functional benefits associated with a front porch.
- The swimming pool complies with all prevailing pool regulations.
- There is sufficient landscaping at the site to mitigate any potential detriments associated with the proposed improvements.
- The proposed improvements approved herein will render the structure more functional and more modern.
- The proposed improvements will address the functional / space limitations associated with the existing dwelling.
- Approval of the within Application will result in the continued existence (and renovation / improvement) of the home (as opposed to demolition).
- The Board appreciates the benefits of improving / renovating an old structure (so as to avoid demolition).
- Preserving older structures represents a positive, appropriate, and legitimate development goal.

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- The renovations to the existing old structure constitute an adaptive re-use of an existing structure.
- The improvements authorized herein (with the Variant conditions) will result in a more aesthetically pleasing design.
- Per the testimony and evidence presented, there is a need for a proposed improvements at the site.
- The proposed improvements will aesthetically enhance the appearance of the existing home.
- The proposed porch improvements will architecturally enhance the front of the existing home.
- The proposed improvements will be functional, practical, and aesthetically pleasing.
- Per the testimony of the Applicant, and per a condition of the within approval, the front porch approved herein will not be enclosed, absent further approval of the Planning Board.
- Construction of the improvements approved herein will not change the character of the neighborhood.
- There were no public objections associated with the subject Application.
- The expanded porch and other improvements authorized herein will approve the overall aesthetic appeal of the site.
- The construction of the proposed improvements will not materially change the height of the existing home.
- The design of the improvements is attractive and will be architecturally / aesthetically compatible with the neighborhood.
- Per the testimony and evidence presented, and subject to the conditions contained herein, the renovation approved herein will not detrimentally change / affect the grading at the Site.
- The improvements authorized herein are not unduly large, particularly given the size of the lot and the size of the existing home.

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- The Board is of the belief that the size of the proposed improvements are appropriate for the site / lot.
- The architectural / aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicants' inability to comply with all of the specified bulk standards.
- The architectural design of the proposed improvements will not be inconsistent with the architectural character of other similar improvements in the area.
- Approval of the within Application will allow the Applicant to more functionally and comfortably use and enjoy the property.
- The proposed additions / improvements will be architecturally and aesthetically consistent with the existing structure.
- Approval of the within Application will not intensify the existing (and permitted) single-family residential use of the site.
- The existing Lot is conforming in terms of Lot area (i.e. 7,500 SF is required, and 7,500 SF exists). Had the lot been undersized, the within Application may not have been approved.
- Subject to the conditions contained herein, the approved improvements will not over-power or otherwise over-whelm the subject Lot.
- Upon completion, the renovation approved herein will not overpower / dwarf other homes in the area.
- Approval of the within Application will not detrimentally affect existing parking requirements at the site.
- Sufficiently detailed testimony / plans were presented to the Board.
- The proposed renovation should nicely complement the property and the neighborhood.
- Approval of the within Application will have no known detrimental impact on adjoining property owners and, thus,

the Application can be granted without causing substantial detriment to the public good.

- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented satisfies the Statutory Requirements of N.J.S.A. 40:55D-70(c) (Bulk Variances).
- The Application as presented, and subject to the conditions contained herein, will have a minimal impact on the surrounding neighborhood.

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

CONDITIONS

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

- a. The Applicant shall comply with all promises, commitments, and representations made at or during the Public Hearing Process.
- b. The Applicant shall cause the plans to be revised so as to portray and confirm the following:
 - The inclusion of a note confirming that a compliant pool fence shall be installed / maintained at the site (i.e. a 4 foot pool fence with a self-closing latch and gate)
 - The inclusion of a note confirming that the Applicant shall perpetually maintain / replace / replant landscaping at the site, as necessary;

- The inclusion of a note confirming that the Applicant shall install a drywell at the site (the details of which shall be reviewed and approved by the Board Engineer);
 - The inclusion of a note confirming that the pool lighting shall comply with prevailing municipal requirements;
 - The inclusion of a note confirming that there shall be no adverse light spillover associated with the subject property;
 - The inclusion of a note confirming that any survey / plan discrepancies shall be corrected;
 - The inclusion of a note confirming that the pool equipment shall be located in a zoning-compliant location;
 - The inclusion of a note confirming the swale details (which shall be reviewed and approved by the Board Engineer);
 - The inclusion of a note confirming that runoff shall be contained on site, in accordance with prevailing regulations;
 - Confirmation that additional landscaping shall be placed in front of the property (the details of which shall be reviewed and approved by the Zoning Officer);
 - Confirmation that the existing landscaping in the front of the home shall be replaced with new landscaping (the details of which shall be reviewed and approved by the Zoning Officer);
 - The inclusion of a note confirming that the Applicant shall replace / replant / supplement any landscaping which is damaged / removed during the construction / renovation process;
 - The inclusion of a note confirming that the swimming pool shall comply with all prevailing municipal regulations;
 - The inclusion of a note confirming that the Applicant shall comply with all prevailing FEMA / Flood Regulations;
- c. The drywell shall be installed and maintained in accordance with manufacturing guidelines, and other best practices.

- d. The Applicant shall arrange for the swale details to be placed on the Plot Plan – and the same shall be reviewed and approved by the Board Engineer / Zoning Officer prior to the issuance of final permits / Certificate of Occupancy.
- e. The Applicant shall comply with all prevailing affordable housing rules / regulations / contributions / directives as may be required by the State of New Jersey, the Borough of Sea Girt, COAH, the Court system, and any other agency having jurisdiction over the matter.
- f. The porch approved herein shall not be enclosed, absent further approval of the Sea Girt Planning Board.
- g. The Applicant shall comply with the terms and conditions of the October 10, 2023 Review Memorandum of Leon S. Avakian, Inc. (A-6).
- h. If requested by the Board Engineer, the Applicant shall submit a Grading Plan, which shall be approved by the Board Engineer.
- i. The Applicant shall manage storm water run-off during and after construction (in addition to any other prevailing / applicable requirements/obligations.)
- j. The Applicant shall obtain any applicable permits / approvals as may be required by the Borough of Sea Girt - including, but not limited to the following:
 - Building Permit
 - Plumbing Permit
 - Electric Permit
 - Demolition Permit
- k. If applicable, the proposed structure shall comply with applicable Provisions of the Americans with Disabilities Act.
- l. If applicable, grading plans shall be submitted to the Board Engineer so as to confirm that any drainage / run-off does not go onto adjoining properties.

- m. The proposed structure shall comply with the Borough's Prevailing Height Regulations.
- n. The construction, if any, shall be strictly limited to the plans which are referenced herein, and which are incorporated herein at length. Additionally, the construction shall comply with Prevailing Provisions of the Uniform Construction Code.
- o. The Applicant shall comply with all terms and conditions of the Review Memoranda, if any, issued by the Board Engineer, Borough Engineer, Construction Office, the Department of Public Works, the Bureau of Fire Prevention and Investigation, and/or other agents of the Borough.
- p. The Applicant shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District. To the extent the Application materially changes as a result of such outside approvals then, in that event, the Applicant shall be required to return to the Board for further / amended relief.
- q. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.
- r. If required by the Board / Borough Engineer, the Applicant shall submit appropriate performance guarantees and/or the NJMLUL, in favor of the Borough of Sea Girt.
- s. Unless otherwise agreed by the Planning Board, the approval shall be deemed abandoned, unless, within 24 months from adoption of the within Resolution, the Applicant obtains a Building Permit for the construction / development approved herein.
- t. 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 Applicant is 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 Applicant and her 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, the Applicant and her 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. The Applicant is 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, the Applicant is to be mindful that the Applicant is ultimately responsible for the actions of the Applicant, 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 her agents shall be deemed conditions of the approval granted herein, and any mis-representations or actions by the Applicant contrary to the representations made before the Board shall be deemed a violation of the within approval.

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

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BE IT FURTHER RESOLVED, that the granting of the within Application is expressly made subject to and dependent upon the Applicant's 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 Applicant of responsibility for any damage caused by the subject project, nor does the Planning Board of the Borough of Sea Girt, the Borough of Sea Girt, or its agents/representatives accept any responsibility for the structural design of the proposed improvement, or for any damage which may be caused by the development / renovation.

FOR THE APPLICATION: Councilwoman Diane Anthony, Karen Brisben, Mayor Don Fetzer, Stan Koreyva, Eileen Laszlo, Robert Walker,
Norman Hall

AGAINST THE APPLICATION: None

ABSENT: Carla Abrahamson, Tom Britt, Jake Casey, John Ward

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

IN FAVOR: Councilwoman Diane Anthony, Karen Brisben, Mayor Don Fetzer, Stan Koreyva, Eileen Laszlo, Robert Walker, Norman H all

OPPOSED: None

NOT ELIGIBLE TO VOTE: Carla Abrahamson, Tom Britt, Jake Casey, John Ward

OTHER BUSINESS:

The Board then turned to a discussion from Jake Casey on the Ordinance Review Committee and correspondence from Stan Koreyva regarding open porches. Mr. Casey said Open Porches is in their Committee now and the letter from Stan was assigned to Committee Member Heather Scaturo some time ago; this was discussed at their last meeting and Mrs. Scaturo was concerned about starting changes to open

porches if Council was not for it and it was suggested she poll Council to see if they were willing to address this issue and he has not heard of any "yes" comments to this from Councilmembers. He again told the Board the Committee has put Ordinance changes to Council and it takes a lot of work on their part to do this and then it goes to Council and it takes a while for them to act on it. Also, as it was getting near the end of the year, anything submitted to Council would not be acted on in time for the end of 2023 so the Committee is looking forward to 2024 for more work to be done. Chairman Hall asked Mayor Fetzer what is being done with the Ordinance changes submitted to Council but not done and Mayor Fetzer he did not know but will find out. Mrs. Brisben said that the Council did approve the changes to the Ordinance on Mechanicals (Tree Ordinance had been done earlier), that in the November or December meeting of Council, so two Ordinance changes have been done.

Mr. Casey went on to say that some of the other items the Committee had been looking into had some controversy among members so there was nothing else to submit at the end of 2023. Chairman Hall felt that Council should address what Ordinance changes have been submitted to them; Mayor Fetzer said he knew that Council has them and he again said he will look into where they stand and Mr. Casey said there still is the roof pitch & ½ story Ordinance which was submitted to Council on March 21st as well as the driveway issue, the basement under garages and accessory structures was submitted on March 27th and resubmitted again later, the light pollution issues were submitted on June 22nd, other issues are still being worked on by the Committee but most were submitted last March.

Chairman Hall asked who to submit these issues to now that Jim Gant is gone and Mayor Fetzer said Police Chief Justin Macko has taken over as Interim Administrator for a few months until a new Administrator is appointed and he is doing an amazing job; Mayor Fetzer was sure he had the files on this. It was requested to have some sort of report by the next meeting on the standing of these changes requested and Mayor Fetzer agreed that can be done.

At this point Chairman Hall wanted to address the correspondence from Mr. Koreyva on open porches, Mrs. Laszlo said she and Stan have not yet had a chance to speak to each other on what was circulated but she did speak to Chris Rice, the Architect in town who had worked on the revision to Spring Lake's Ordinance on porches, she asked him if he would come in and speak to the Board and he said he would. She ran some of the bullet points past him and they talked about difficulties in doing this based on the age of the house as people do renovation work, etc.; she felt if he could come in the Board could ask questions and have a discussion, perhaps allowing this on a two-story house and not a three-story house. She agreed not to spin wheels here but felt the Planning Board can at least look into this to let the people of Sea Girt know it is being addressed, the ability of being able to put up an open front porch.

Mr. Casey wanted her to know that the Ordinance Review Committee does have this to look into and they are aware of it. Mr. Britt, who is on the Ordinance Committee, then spoke and felt this issue is different from other Ordinance reviews, they were more for clarity on what was worded and this one needs a framework to come up with a

definition for a front porch and go from there, he felt there should be a conceptual agreement that the Committee and Planning/Zoning Board can accept, he would be in favor of something that is practical and reasonable.

Chairman Hall asked for suggestions and Councilwoman Anthony felt that Mrs. Laszlo's suggestion of having Chris Rice come in and speak to the Board was a good idea, the Board should hear a Professional Architect's perspective on it. She was concerned with building coverage and allowing front porches that create overbuilding on a property but realized this is a passionate matter for some Board members as well as some members of the community and felt the Board should get as much information as it can but reminded all that there are some residents of Sea Girt that do not want to see any changes being done to the 40-foot setback rule so both sides have to be looked at.

Mr. Ward then spoke and said he had looked at the Master Plan update that was spoken about at the December meeting and read the following from page 40: "an open and unscreened entrance porch as defined herein leading to the first floor and extending no more than the width of the front façade may project no more than 8 feet, not including steps, into a required front yard area, provided the floor of the porch is within 3 feet of the adjoining ground level. Porches shall be considered part of the principal building for the purpose of calculating building coverage. Porches shall not be considerable habitable floor area. Average front yard setbacks shall be measured from the building line, not the porch line." He went on to say this talks about the sanctity of the 20% and he felt it would be most confusing if Council were to address this. He felt it was a compromise from the people who drafted the Master Plan because it was addressing the front porches but respecting the 20% coverage.

Mrs. Laszlo felt there should be a roll call vote at this time to see if the Board members want to address this and made a motion for such to make it easier for residents to put front porches on an appropriate house, this was seconded by Mr. Koreyva. Mayor Fetzer did not feel a vote was necessary, the Board can look into it at any time. Mr. Casey felt the Board may have been confused by his comments, Mrs. Scaturro was speaking of asking Council to look into this and how they may feel about it. If it was going to be looked at, would Council be supportive of it. Mr. Casey felt Council is not in favor of this and Chairman Hall commented the Council has had changes in the last 6 months and there may be other opinions. Mr. Casey suggested that Mrs. Scaturro keep looking into this and Mr. Koreyva work on a plan to present to the Committee, then the Ordinance Review Committee will have something to work on to present to the Planning Board.

Mr. Koreyva said his letter was based on conversations he had with Mr. Casey back in June 2023 but he felt that here, before the Board, is on a higher level as to the issue as it is not as basic as the other changes and commented that, as Councilwoman Anthony had said, is a passionate argument on both sides of the table. He recommended listening to Chris Rice to start with, hear what he has to say and then have another conversation as it is such a strong point of contention. He felt strongly that this should not go to the Ordinance Review Committee and be handled by the Planning Board. Mrs. Laszlo said she will reach out to him to see if he is available for the February or March meeting.

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Mr. Casey wanted to give one bit of caution on this and said that, when one gets into these discussions, it takes longer than you think and it can get complicated. The Board agreed with Mr. Casey but felt it should try; Councilwoman Anthony thought this is a positive right now and the Board is having a good discussion on this as well as inviting Chris Rice to a meeting to talk and wanted to move forward.


Mayor Fetzer noted that Councilman Zakin is in the audience this evening, he is on the Public Safety Committee and the Code Enforcement section of that and is interested in the Land Use side as well; Chairman Hall was glad he was here.

Mrs. Brisben said she had just the other day received information on the Fair Share Housing Settlement Agreement and read from an email received that the Court has adjourned the hearing for the final compliance hearing to April 19th at 1:30 and this allows Borough Council to introduce the Fair Share Ordinance (which the Board had gone over in November). She said the Zoning Ordinance will have to come back to the Planning Board for Master Plan consistency before Council can go through this. Mrs. Brisben had not received any paperwork but wanted the Planning Board to know this will be coming.

Chairman Hall asked if there has to be a Planning Board report and Mr. Kennedy explained that, whenever Council introduces a Zoning Ordinance, by law it is forwarded to the Planning Board for review, comment and consistency or inconsistency with the Master Plan. The direct charge will be to see if the Ordinance is consistent with the Master Plan or not and, also, can add any comments or suggestions. The Borough Council will introduce the Ordinance first, then forward it to the Planning Board for review before it can be adopted by Council. Mayor Fetzer said it is going to be introduced at the February 7th Council meeting and Mrs. Brisben said she hoped to have the paperwork for the Board to consider at their February 21st meeting and then it goes to Council for adoption at their March 13th meeting.

As there was no other business to come before the Board a motion to adjourn was made by Mayor Fetzer, seconded by Councilwoman Anthony and approved unanimously by voice vote, all aye. The meeting was adjourned at 7:55 p.m.

Approved: February 21, 2024



Karen S. Brisben, Secretary

SEA GIRT PLANNING BOARD VARIANCE REQUESTS TRACKING FOR 2023

MEETING		PROPERTY	REQUESTED		COMMENTS
DATE			GRANTED		
1/18/2023	1 Beacon Blvd		3	3	variances - front and side yard setbacks, height
2/15/2023	415 Chicago Blvd.		1	1	variance - front yard generator
3/15/2023	802 Seventh Avenue		4	4	use variance also - rear and side setbacks, second floor coverage, parking space sizing
4/19/2023	705 New York Blvd.		2	2	variances - front yard setback, building coverage
5/17/2023	535-541 Washington Blvd.		0	0	Site plan approval - only existing multiple non-conformities
6/21/2023	None				
7/18/2023	Meeting cancelled				
8/16/2023	Meeting cancelled				
9/20/2023	812 First Avenue		5	5	variances - pool: location, closeness to house, set back, fence height; patio in front yard
#####	712 Morven Terrace		1	1	variance - Integrated garage set back issue
#####	None				
#####	115 Chicago Blvd.		2	2	variances - building coverage 20.9%, reduction in impervious coverage to 37.9%, still above 35%
TOTAL			18	18	

THREE YEAR SUMMARY

2021 - 13 PROPERTIES	37	16
2022 - 13 PROPERTIES	18	7
2023 - 8 PROPERTIES	18	18