

SEA GIRT PLANNING/ZONING BOARD
REGULAR MEETING
WEDNESDAY, NOVEMBER 17, 2021

The Regular Meeting of the Sea Girt Planning Board was held on Wednesday, November 17, 2021 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 roll call was taken:

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

Absent: Mayor Don Fetzer

Board Attorney Kevin Kennedy was also present, as well as Zoning Officer Christopher Willms, Board Engineer Peter Avakian was absent and Board Secretary Karen Brisben recorded the Minutes.

Mrs. Brisben asked to speak to let the Board know that, with the resignation of Raymond Petronko, Robert Walker now becomes a Regular Member and Stan Koreyva moves up to Alternate No. 1, the Board is in need of another member for the Planning Board. Chairman Hall said he and the Mayor have some people who are interested in serving and they are looking into this. Mr. Kennedy wanted it on record that adequate notice of this meeting had been given to the official newspapers of the Board as well as login instructions so this is a lawfully convened meeting in accordance with NJ law.

At this time Chairman Hall opened the meeting for any public comments, this rather than waiting until the end of the evening; there was no response. Chairman Hall then proceeded to discuss the concept of going to live meetings along with the virtual Zoom meetings, a hybrid meeting. Council had done this and it was successful with working out the logistics, both he and Vice-Chairperson Eileen Laszlo were there the afternoon of the meeting and had seen what was being done; Chairman Hall felt the Planning Board can do the same. The difference between Council and Planning Board is that the Board has a lot more presentation done with people sharing screens to show plans, etc. The Library does have a large screen that can be used and Chairman Hall felt this would work as people who are not present and on Zoom will be able to see all as well. He said he has had experience with hybrid meetings through his work and felt it was important to try to get back to live meetings and was planning on starting this at the January 2022 meeting of the Board; he also commented he felt the sound was better in the library and said this would be a work in progress.

He then asked Mr. Kennedy for advice on going forward with this. Mr. Kennedy said the Board is different from Council as the Board is a quasi-judicial entity. The Board has to get the logistics worked out so all can see the exhibits presented; also, a

statutory requirement is that there is recording equipment in place. The other thing is that this week is the League of Municipalities conference and, while Mr. Kennedy was not going, he had people there who were going to report to him on any discussions on this topic and he would have information on this. Also, while the Board has to give notice on meetings at least 48 hours before the date of the hearing, an applicant has to give at least 10-day notice so this has to be worked out beforehand with coordination. Mr. Kennedy said he knows of towns that have hybrid meetings and he will reach out to them for direction.

Chairman Hall added that both he and Vice-Chairperson Laszlo will be attending the Board of Education meeting as well, he will be there live and she will be on Zoom. Mrs. Laszlo added that the school requires masks and all are 3 feet apart. Also, some from the Board will have to set up the library as the school is short a custodian. She said the current Executive Order on this from the Governor expires on Jan. 11th and we will be meeting on Jan. 19th, 2022 so we don't know what may come up; Mr. Kennedy did not know either what may happen.

Mr. Casey asked Chairman Hall if he was going to run a test in advance of the January meeting to make sure it all works out; Chairman Hall said he is planning on going into the school over the holidays and do a dummy presentation, a mock meeting.

As there was no further conversation on this, Chairman Hall went back to the agenda and asked for approval of Minutes for the October 20th meeting. Mr. Ward said he found a slight typo and, other than that, all was in order. Mrs. Laszlo then made a motion to approve the Minutes, this seconded by Mr. Casey and approved 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

Abstain: Carla Abrahamson

OLD BUSINESS:

Chairman Hall then announced that the continuation variance hearing for Block 23, Lot 6, 116 Baltimore Boulevard, Paul Cerami, applicant, is being carried (by the applicant's request) to the Wednesday, December 15th meeting of the Board; however, a letter was received just yesterday from the applicant's attorney, Mark Aikins, asking that the hearing be postponed to the January 19, 2022 meeting of the Board. Chairman Hall felt the application should be carried to the February meeting of the Board and asked that the Board ask for a letter from Mr. Aikins agreeing to waive the time frame to March 31, 2022 in case there is a snow storm and the meeting has to be postponed. Mr. Kennedy agreed and noted they will have re-notice and he had also contacted Mr. Asadi, the objector's attorney, so he knew what was going on. Mrs. Brisben said the

date for the February meeting will be February 16, 2022. Mr. Ward commented that they have been postponed several times and they are taking up a slot that someone else could have used; Mr. Kennedy agreed this is a valid point; but they are making revisions to be more compliant, so on one hand we want to work with them but they will have to give us a definite time to meet and we can't keep carrying this application. Chairman Hall asked if there is anything that says we have to carry an application and Mr. Kennedy said the Board just has to ask for an extension of time for approval, we do have flexibility. Mr. Casey reminded all that Mr. Cerami is not the owner of the property and Mr. Kennedy said he will make sure the owner is agreeable as well and he will write a letter to Mr. Aikins explaining all this. At this point a motion was made, by Mrs. Laszlo, to carry the hearing for 116 Baltimore Boulevard to the Feb. 16, 2022 meeting, this seconded by Mr. Walker and unanimously approved, all aye.

The Board then turned to the consideration of a Resolution of approval for a Minor Subdivision for Block 34, Lot 8, 217 Washington Boulevard, Peter & Debbie Bell. Mr. Kennedy went over the conditions and Mr. Ward wanted it added that all the owners' names are included, not just the applicants, as there are other members of the family that are owners. Mr. Kennedy agreed.

At this time the following was presented for approval:

WHEREAS, Peter and Debbie Bell have made Application to the Sea Girt Planning Board for the property designated as Block 34, Lot 8, commonly known as 217 Washington Boulevard, Sea Girt, NJ, within the Borough's District 1, East Single-Family Zone, for the following approval:

- Minor Subdivision Approval; and

PUBLIC HEARING

WHEREAS, the Board held a remote Public Hearing on October 20, 2021, Applicants having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE / EXHIBITS

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

- *Planning Board Application Package, introduced into Evidence as A-1;*
- *Minor Subdivision Committee Review Memorandum, dated September 15, 2021, introduced into Evidence as A-2;*
- *Minor Subdivision Committee Review Memorandum, with the Tax Assessor hand-written notes contained thereon, dated September 15, 2021, introduced into Evidence as A-3;*
- *Minor Subdivision Plot, prepared by Clearpoint Services, LLC, dated May 17, 2021, introduced into Evidence as A-4;*
- *Development Plan, prepared by KBA Engineering Services, LLC, dated July 1, 2021, consisting of 1 sheet, introduced into Evidence as A-5;*
- *Outbound and Topographic Survey, prepared by Clearpoint Services, LLC, dated April 7, 2021, introduced into Evidence as A-6;*
- *Leon S. Avakian, Inc. Review Memorandum, dated September 7, 2021, introduced into Evidence as A-7;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

WITNESSES

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

- Peter Bell, Applicant;
- Joseph Kociuba, Engineer / Planner;
- Michael Henderson, Esq. appearing;

TESTIMONY AND EVIDENCE

WHEREAS, testimony and other evidence presented by the Applicants and their representatives revealed the following:

- The subject property is owned by Peter Bell, Barbara Mandy, and Megan Bell.

- The aforesaid Owners have owned the subject property for approximately 12 years.
- The Applicants herein are Peter and Debbie Bell.
- The Owners have consented to the filing of the within Application.
- The subject property (i.e. Mother Lot) contains 15,000 SF.
- The subject property contains an existing single-family home.
- The Applicants propose to effectuate the following:
 - Demolition of the existing structure on the site;
 - Subdivision of the Mother Lot into 2 Lots; and
 - Construction of a new single-family home on each of the 2 new Lots.
- The single-family use, as proposed herein, is a permitted use.
- As indicated, the Applicants' representatives are proposing to subdivide the subject property into 2 single-family Lots; namely, proposed Lot 8.01, proposed Lot 8.02.
- Details pertaining to the proposed Lots include the following:

PROPOSED LOT 8.01

Minimum Required Lot Area:	7,500 SF	
Proposed Lot Area:	7,500 SF	
Proposed Use:	New	single-family home

PROPOSED LOT 8.02

Minimum Required Lot Area:	7,500 SF	
Proposed Lot Area:	7,500 SF	
Proposed Use:	New	single-family home

- As referenced, both Lots will ultimately host a conforming (i.e. Variance-free) single-family home.
- The Applicants will attempt, in good faith, to preserve as many trees on the site as possible

VARIANCE

WHEREAS, the Application as presented does not require approval for any Variances; and

PUBLIC COMMENTS

WHEREAS, no members of the public expressed any questions, comments, and / or statements in connection with the Application:

FINDINGS OF FACT

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Sea Girt, after having considered the aforementioned Application, plans, evidence, and testimony, that the Application is hereby **approved / granted 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 217 Washington Boulevard, Sea Girt, NJ, within the Borough's District 1, East Single-Family Zone. (The subject property (i.e. the mother Lot) is located on the north side of Washington Boulevard, between Second Avenue and Third Avenue.)
3. The subject site (i.e. the Mother Lot) currently contains 15,000 SF.
4. The Applicant proposes to demolish the existing structures and to subdivide the property into 2 Lots; namely, proposed Lot 8.01 and proposed Lot 8.02.
5. Such a proposal requires Minor Subdivision Approval.

6. There are no Variances associated with the within proposal.
7. Each of the new Lots created hereunder will ultimately host a new single-family home.
8. Single-family homes are permitted uses in the subject Zone.
9. The single-family homes to ultimately be constructed on the Lots will comply with all Prevailing Bulk Requirements. That is, and as indicated, there are no Variances required in connection with the within Application.
10. The newly created Lot Sizes will comply with all Prevailing Lot Area Requirements.
11. The subject property has an existing non-conforming Side Yard Setback, an existing non-conforming Building Coverage, and an existing non-conforming Lot Coverage. However, in conjunction with the demolition of the existing structure, and the ultimate Subdivision of the property, the aforesaid non-conforming conditions will be eliminated.
12. Sufficient parking spaces will be provided on each new lot created hereunder.
13. There was no known public opposition associated with the Application.
14. Subject to the conditions contained herein, and subject to any necessary waivers, the Application as presented satisfies the Minor Subdivision Requirements of the Borough of Sea Girt.
15. Based upon the above, and subject to the conditions contained herein, the Board is of the unanimous opinion that the Variance-free Minor Subdivision Application can be granted without causing substantial detriment to the public good.

CONDITIONS

During the course of the Hearing, the Board has requested, and the Applicants' Representatives have agreed to comply with the following conditions: (Note: Unless otherwise indicated, all Plan Revisions shall be subject to the review and approval of the Board Engineer.)

- a. The Applicants shall comply with all promises, commitments, and representations made at or during the Public Hearing process.
- b. The Applicants shall comply with all terms and conditions of the Leon S. Avakian Review Memorandum, dated September 7, 2021 (A-7).
- c. The Applicants shall comply with the terms and conditions of the Minor Subdivision Committee Review Memorandum, dated September 15, 2021 (A-2).
- d. The Applicants shall arrange for any curbs and driveways to be repaired, as necessary.
- e. The Applicants shall obtain approval from the County of Monmouth prior to perfection of the Subdivision.
- f. The Applicants shall arrange for dry-wells to be installed on each Lot, in accordance with Prevailing Ordinance Requirements. Additionally, the said dry-wells shall be installed and maintained in accordance with industry standards and other best practice guidelines.
- g. The Applicants shall revise the Plans so that the same contain the correct new Lot designations (i.e. an obligation to correct the erroneous Lot designations).
- h. The Applicants shall submit a signed Letter of Consent, as signed by all property owners.
- i. The Applicants shall comply with any Prevailing Tree Preservation Ordinance Requirements.
- j. 5 Revised Subdivision Plans shall be submitted to the Board Secretary.

- k. The Applicants shall obtain any necessary demolition Permits, as the Borough of Sea Girt may require.
- l. The Subdivision shall not be perfected until such time as all of the existing structures on the site are demolished / removed.
- m. In the event the subdivision is to be perfected via Deed, the Subdivision Deed (including the legal descriptions) shall be reviewed and approved by the Board Attorney and Board Engineer.
- n. Prior to the issuance of any Building / Construction Permits, the Applicants (or successor Applicants / Owners) shall submit grading, drainage, plot, and utility plans (and drainage calculations) to the Board Engineer, for his review and approval.
- o. The Applicants, or any successor Applicant / Owner, shall comply with all Prevailing Rules, Regulations, Installation, and Hook-Up Requirements of the Municipal Utility Authorities.
- p. Prior to the issuance of any Building Permit, the Applicants, or any successor Applicant / Owner, shall submit detailed Plans / Elevations / Grading & Drainage Details – and the said documents shall be reviewed / approved by the Board Engineer / Zoning Officer (as well as any other applicable municipal officials).
- q. Any single-family homes to be constructed on the newly created Lots shall comply with all Prevailing Bulk Zoning Regulations (as no Variances are granted hereunder.)
- r. The subdivision shall be perfected in accordance with Requirements of New Jersey Law (and within the timeframe set forth in New Jersey Law.)
- s. The Applicant shall review the proposed Block / Lot designations with the Municipal Tax Assessor so as to confirm the acceptability of the same.
- t. The Applicants (or any successor Applicants) shall comply with all applicable Affordable Housing Rules / Regulations / Ordinances / Contributions / Directives as may be required by the Borough of Sea Girt, the State of New Jersey, C.O.A.H., the Court System, or any other Agency having jurisdiction over the matter.
- u. Any construction / development of the Site (if applicable, and if authorized herein) shall comply with the Prevailing FEMA Requirements.

- v. The Applicants shall comply with all terms and conditions of the review memoranda, if any, issued by the Board Engineer, Construction Office, the Department of Public Works, the Office of the Fire Prevention and Investigation, and/or other agents of the Borough.
- w. The Applicants shall obtain any and all approvals (or Letters of No Interest) from applicable internal / outside agencies - including, but not limited to, the United States of America (FEMA), the Department of Environmental Protection (CAFRA), the Monmouth County Planning Board, the Freehold Soil Conservation District, the local utility offices, the Department of Public Works, the local Fire Department, and any other agency having jurisdiction over the matter.
- x. The Applicants shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees, taxes, and inspection fees.
- y. If required by the Board Engineer (or the New Jersey Municipal Land Use Law), the Applicants shall submit appropriate performance guarantees in favor of the Borough of Sea Girt.

BE IT FURTHER RESOLVED, that all representations made under oath by the Applicants and/or their agents shall be deemed conditions of the approval granted herein, and any mis-representations or actions by the Applicants contrary to the representations made before the Board shall be deemed a violation of the within approval.

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

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

BE IT FURTHER RESOLVED, that the action of the Board in approving the within Application shall not relieve the Applicants of responsibility for any damage caused by the subject project, nor does the Planning Board of the Borough of Sea Girt, the Borough of Sea Girt, or its agents / representatives accept any responsibility for the structural design of any constructed improvement, or for any damage which may be caused by the demolition / development / subdivision.

FOR THE APPLICATION: Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Stan Koreyva, Eileen Laszlo, Ray Petronko, Robert Walker, John Ward, Norman Hall

AGAINST THE APPLICATION: None

ABSENT: Carla Abrahamson, Mayor Don Fetzer

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

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

OPPOSED: None

ABSTAINED: None

INELIGIBLE: Carla Abrahamson

ABSENT: Mayor Donald Fetzer

The Board then turned to the continuation of an application for variance relief for Block 33, Lots 1 & 2, 201 & 205 Trenton Boulevard, owned by Mark & Maureen Angelo, Use Variance no longer required. Chairman Hall felt this application was a little confusing as the Board had received a letter from Peter Avakian, Board Engineer, that the Use Variance no longer applied as per conversations with Chris Willms, Zoning Officer and Kevin Kennedy. This changes this application and there may be questions from the Board as well as the Council members that could not hear this first application as it was a Use Variance. However, Councilwoman Anthony did listen to the tape of the first hearing and, therefore, was eligible to vote on this matter. Mr. Kennedy

commented that this is the proper procedure and he did speak with the applicant's attorney who agreed; he thanked Councilwoman Anthony for listening to the tape of that hearing.

Chairman Hall noted that the removal of the Use variance does not stop the variances here, there are existing non-conformities so the Board needs to know what is happening here tonight and what the Board has to approve or disapprove. There is an existing garage that is 511 square feet which is an existing non-conformity; do we have to consider this, also the setback along Second Avenue which is 14.75 feet setback instead of 15 feet required. Then there is the pool setback that is less than 10 feet from the garage, 2 driveways and a setback of the combination of the two lots that needs a side yard variance as 32.89 feet is proposed where 37 feet is required and the existing home is at 35.11 feet tall where 35 feet is required. So do we have to address the existing nonconformities as well as the new variances?

Mr. Kennedy had spoken to Mr. Steven Hehl, attorney for the Angelos, this afternoon and asked him if he had any thoughts on this. Mr. Hehl still felt this was a Board of Adjustment case and not Planning Board. Mr. Kennedy told him this is a joint Board and the Mayor and Councilperson do participate in all hearings other than Use Variance and he was ok with them proceeding in this hearing; Mr. Hehl agreed. In answer to Chairman Hall's question, it will be noted there are existing non-conformities that are pre-existing and not being exacerbated by the application. We typically don't grant variance relief for that but we do acknowledge those conditions exist.

Chairman Hall then asked Mr. Kennedy about the notice to property owners and Mr. Kennedy asked if anyone in the audience had any problems with the notice received and there was no response. Mr. Kennedy also asked Mrs. Brisben if everyone present this evening on the Board was eligible to vote on this application and the answer was yes.

Mr. Kennedy then marked more exhibits into the record:

Exhibit A-9. Lot Consolidation plan prepared by EKA Associates, revised 5/24/21, combined with a grading/drainage plan revised 5/24/21.

Exhibit A-10. Illustrated architectural renderings, 4 sheets, prepared by Gregory Ralph, Architect.

Exhibit A-11. Supplemental review memorandum done by Board Engineer Peter Avakian, dated 10/18/21.

Exhibit B-1. Statement from Councilwoman Diane Anthony stating she has listened to the tape of the Minutes from the May 2021 hearing on this application.

Mr. Kennedy said he and Mrs. Brisben had reviewed the notices sent and all was in order so the Board does have jurisdiction to proceed. Before continuing, Mr. Ward wanted to know why the professionals changed their opinion on the Use Variance need 180 degrees? He did not feel the plan has changed that materially to move it back to a single residence. Mrs. Brisben noted that Chris Willms, Sea Girt Zoning Officer was

present this evening and asked him to answer the question. Mr. Willms was then sworn in and Mr. Kennedy asked him to give the Board his titles. Mr. Willms said he is the Zoning Officer as well as Code Enforcement along with a few other positions; he has been Zoning Officer since 11/18 and Code Enforcement since 11/18 as well. He explained that at the initial application it was determined that this would be a two-family home, then revisions were made, which included only 1 electrical service, 1 water line, 1 sewer line, the second garage was removed; also a full two-story addition was created instead of just a second-floor bridge type of addition. With all these modifications it was decided that this is now a single-family home in accordance with our zoning.

Chairman Hall commented one of the things in the earlier application was two kitchens in a single residence but it has been found out that, in Sea Girt, two kitchens in one home is allowed and 99% of the new construction today has this, one outside and one inside or one on the 2nd floor and a smaller one on the 1st floor. A two-family home must have two separate entrances and cannot be attached and that does not apply here on this application, thus this is a single-family home. Chairman Hall felt that perhaps this two-kitchen concept should be looked into at a later time and Mr. Willms agreed as there are inconsistencies in the Ordinance on this matter. He was planning on making recommendations to the Board next year on this and then, in turn the Board can send this on to Council for review and Mr. Willms said that Peter Avakian, Board Engineer, will be involved. At this time Chairman Hall asked if any Board member had any questions for Mr. Willms and there was no response; Mr. Hehl had no questions or comments either.

Mr. Hehl then spoke and appreciated the Board hearing this, changes were made after the May hearing to reply to response from the Board. Now there is a full connection between the first and second homes, one garage has been removed, now a single electric, gas, water/service to the home and this is no longer a Use Variance. The proposed driveway was reduced, the curb cut width was reduced, the addition was moved closer to the existing dwelling, the kitchen is now a true indoor-outdoor kitchen near the pool and will serve both the addition area and the pool, the patio was an addition to the existing pool. The applicant is still asking for two curb cuts for two driveways, they exist now and there is a benefit to having a second driveway; he noted they are on two different streets at the edge of the properties on the given street and this will provide more off-street parking.

Mr. Gregory Ralph, Architect, was then asked to speak to take the Board through the changes to the plan. Before he started, Mr. Hehl told the Board that Mr. Quinn, the Engineer for this project, was also present if needed as well as Mr. Graviano the Planner. Mr. Ralph came forward and was sworn in again, as an abundance of caution, giving his address as 1924 Route 22 East, Bound Brook, N.J.; there was no change to his qualifications from the last hearing as an expert witness. At this time Mr. Kennedy marked as Exhibit A-12, the Architectural plans done by Mr. Ralph, dated 5/27/21, consisting of 5 pages. Mr. Ralph wanted to start his presentation with Exhibit A-9, the grading plan. The grading plan shows the existing home on the right which will remain, along with the existing garage, patio & pool. The home on the lot to the left will be

removed. On the schedule of requirements which is shown on the plan #1 speaks of the lot consolidation plan and commented that anything noted with an asterisk is an existing non-conforming condition, as noted on the porch at 201 Trenton Boulevard, the porch is at 14.7 feet now where a 15 foot setback is required. The garage on 201 Trenton is oversized, the maximum allowed is 500 square feet and it is 511 square feet. The maximum building height is 35 feet and the existing home at 201 Trenton is at 35.12 feet. He then noted the new addition will be at 31.5 feet so will comply. The minimum setback for a pool is 10 feet from a structure and the existing pool is at 6.87 feet from the garage and will remain. The only change to the patio is to connect it to the addition.

Mr. Ralph then addressed the proposed addition as shown on Exhibit 9, as shown on the left of the second page and noted the garage has been removed and they have put in a drainage inlet. The driveway used to be the most of the sideline but now has been shortened to less than 70 linear feet which helps with the impervious coverage regulations. The addition has also been pulled closer to the existing home by 4 feet, 5 inches. They wanted an inlet between the two structures and were sensitive to some of the feedback from the last hearing and made the addition 20.19 feet from the side lot line and the chimney is at 18.14 feet, the requirement is 12.5 feet; the addition is quite conforming but it is the combined setback that needs a variance.

Mr. Ralph then addressed Exhibit A-12, the architectural plans. The subterranean connection, now the foundation will simply be 3 feet deep below the frost line. On the first floor there was not a connection to the addition but they now have a 6-foot-wide corridor with large windows with 4-foot openings on either side which will connect to the primary living space of the existing dwelling; it is effectively a grand, light-filled hallway. Another change due to the feedback was a change to the kitchen to make it a back outdoor-indoor kitchen with panels which will be able to be opened for the summer which will serve the pool/patio area.

He then went on to the second floor and the open hallway connection to connect the existing bedroom block with the addition. On the elevations, Mr. Ralph referred to Exhibit A-10, renderings prepared by his office, done on 11/15/21 in preparation for this hearing, and show the addition structure. Mr. Ralph said the front design of the new home was a really key component, it looks like it belongs here. He showed the recess, that used to be the breezeway, and explained this brings relief to the massive area and it looks like it fits in on the property. The colors shown are the ones to be used, grey with a rust colored roof, cedar shake siding and white painted trim and columns.

It was then time for questions from the Board. Councilwoman Anthony asked if there were any photos or renderings of the sides and back. Mr. Ralph said the first image shows the side of the new home, it will be more modern and the rear side has larger windows with a slightly different color palette. Councilwoman Anthony asked about the material to be used for the driveway, she was concerned with the impervious coverage; Mr. Ralph said the driveway will be pavers to match the other driveway. Chairman Hall asked about the indoor/outdoor kitchen and will there be a flat roof on the second story – the answer was yes. Chairman Hall then asked Mr. Willms if Sea Girt

allows flat roofs here, he thought that had been changed to a certain pitch. Mr. Willms said pitches are required on secondary structures and there is no comment on how much the pitch is; obviously in this instance this is the only area for a flat roof and there is a mix here of two styles, it depends on how one reads the Ordinance explanation; he noted there are flat roofs in the back of homes in town.

Mr. Walker asked what is the purpose of the second driveway and Mr. Ralph said it is based on the size of the family and the number of cars on the property; there is a need to have room for 3-4 cars and this will keep them off the street. Mr. Ward asked how many bedrooms and bathrooms are there and will be; Mr. Ralph said there are 4 bedrooms now on the second floor of the existing home, a bedroom on the first floor will be eliminated for the passageway. The addition will have 4 bedrooms and there are now 7 bathrooms in the existing home, the total in the end with the addition will be 8 bedrooms and 12 bathrooms. Mr. Ward asked when 201 Trenton Boulevard was built and the answer was 2006. He asked if variance relief was not required then or were they approved and Mr. Hehl said there were no changes to the existing home other than the pool, which he believed needed a variance. Mr. Ralph added that all was built in accordance with the zoning at that time. Mr. Ward asked about the oversized garage and Mr. Willms did not know when the Ordinance changed on garages. As far as the height deviation, Trenton Boulevard has been milled and paved twice since 2006 and this may be the reason the home is a little over in height. Chairman Hall added that back around 2006-2007 there was a change in the sizes of garages allowed so the garage may have complied back when the home was built; Mr. Ward said back 2005 he wanted to build a garage and was told it had to be 500 square feet or under. Mr. Ward then asked about the basement in the new addition, will it be just a slab or living space. Mr. Ralph said it will be finished at about 900 square feet but will not be livable space; Mr. Ward asked if it could be finished at some time and the answer was yes, Chairman Hall noted there would have to be egress if it were finished. He then asked Mr. Willms if there is a limit on the number of bathrooms and the answer was no, they do have to be designed to be within the water and sewer codes to accommodate the correct size & pressure. Mr. Walker asked if the kitchen will be air conditioned and the answer was yes, it is part of the house and it also will have heat.

As there were no more Board questions the hearing was opened to the public for questions to Mr. Ralph. Charlotte Squarcy wanted to speak but could not unmute the computer to speak. After several moments of being unsuccessful, Chairman Hall asked her to email her question to Mrs. Brisben so it can be read into the record and answered. As there were no other questions, that part of the hearing was closed and Nicholas Graviano, Professional Planner, came forward to testify, he was sworn in and gave his address as 101 Crawford's Corner Road, Holmdel, N.J. He holds a Bachelor's degree and Master's degree from Rutgers University and a law degree from Temple University School of Law, is a licensed Planner in the state of NJ, has testified before Boards and Councils in over 100 municipalities. He was accepted as an expert witness.

He testified that the applicant is seeking to combine two lots and proposing an addition to the existing dwelling at the corner of Trenton Boulevard and Second Avenue

and is putting in a second driveway on the site in a residential area. The other Professionals had gone over the variances, existing & proposed but he will go over this one more time. There will be a side yard setback variance for 14.75 feet where 15 feet is required, a .25 foot deviation from the Ordinance, a height variance for the existing home, 35 feet is the maximum and 35.12 feet is existing, the maximum allowed for a garage is 500 square feet and the existing garage is 511 square feet. Also, the swimming pool is required to be set back 10 feet from a structure and the existing pool is 6.87 feet from the garage. The new variances are next, the first one being the combined side yard setback of 37.5 feet is required, 30% of the frontage, the applicant is proposing 32.89 feet. The second new variance is for the second driveway whereas only one is permitted. In respect to the existing condition variances, they lawfully exist on the existing structure and it would be a hardship, under the C1 criteria, if they had to be removed; also, there is no impairment to the Zoning here for granting the new variances under the C2 criteria; he also stated he felt this would help the community as a whole, also under the C2 criteria. The applicant is asking for 4.5 feet relief on the sideline setback and the structure on this west side will be more setback from 207 Trenton Boulevard than what was there, so there will be an increase in light, air and open space of almost 13 feet, this will fit in the neighborhood. In requesting two driveways where one is permitted, the lot will now be double of the town's requirement and the two driveways will be on two different street frontages as this is a corner lot. In conclusion, the existing variances can be granted under the C1 criteria, they exist today and have not hindered the quality of life in the neighborhood. With the C2 variances, they can be granted as they do not impair the intent of the Zoning Ordinance.

As there was no further testimony the hearing was opened for Board questions. Mr. Casey said he did not hear about curbcuts and wanted to know if they were brought into conformance; Mrs. Brisben read him the section of the Engineer's report, Section Q where he said they were in compliance and the professionals of the applicant confirmed that. Mr. Walker asked if there will be a Master bedroom over the kitchen in the new addition and the answer was yes. Councilwoman Anthony asked how far the new addition will be from 207 Trenton and was told 18.14 feet to the chimney and the house itself is around 20 feet. Mr. Ward commented about the C2 issues and the community, he asked if they also looked at the Master Plan because the Master Plans speaks of overdevelopment and overbuilding. Mr. Graviano did look at the Master Plan but disagreed with Mr. Ward's analysis of this as it speaks of overdevelopment as to subdividing properties; here you have an applicant who is taking two lots and making it one lot so is actually advancing the goals of the Master Plan by making one single-family dwelling unit. Mr. Ward felt this application is not the norm and there should be control of bulk and lowering height, he read a portion of the Master Plan addressing this; he disagreed with Mr. Graviano. Mr. Graviano answered by stating there is less encroachment here, going from a 4.9 foot side yard setback to almost 20 feet and meeting the building coverage requirements, meeting the impervious coverage requirements, adding drainage to the property, designing an addition that matches the current dwelling, this is a totally different context than what Mr. Ward quoted. Chairman Hall asked if there is any way the new addition can be moved into the side yard another 4 feet to reduce the setback here as this is such a large lot. Mr. Graviano stated this

setback is there because of the large lot and the 30% required. They will be over 18 feet to the neighboring property, this is a corner lot so that is also a problem but there will be more side yard to the neighbor at 207 Trenton. Mr. Ralph added that they looked at this after the first hearing and the comments then, the space between the addition and the primary dwelling is occupied by a 5x5 inlet and so by keeping the distance they have, they had an opportunity to provide drainage management. This allows them to work with the drainage successfully and they wanted to keep the rhythm from the street which helps with the façade and there is not a mass of building; this made sense architecturally and they pulled the addition in as much as they could with this design.

As there were no more Board questions the hearing was opened to the public for questions and there was no response so that portion was closed. Mr. Casey asked Mrs. Brisben if she had heard from the one person that couldn't get themselves unmuted and she had not. Chairman Hall asked her again to unmute herself but was not successful.

Mrs. Laszlo asked Mr. Hehl what year did the clients purchase the property and the answer was 2004. Mr. Hehl then was asked to summarize this application and he thanked the Board for hearing this matter and commented this is now an application for two new variances and not a D variance. The applicant is looking to combine two properties and will create a beautiful home that needs variance relief for a side yard setback, as had been testified to; the applicant could just renovate the existing home at 205 Trenton and there would be a much smaller setback between 205 & 207 Trenton. As far as the second driveway, two driveways exist now but the new one will be less in length and will help with off-street parking. The new addition will comply with the height requirement, the existing garage is slightly over-sized, the drainage is being provided, coverage is compliant and testimony has been given by the Zoning Officer. This will be a great addition to Sea Girt and they ask that the Board move forward with this application; he again thanked the Board for their time and efforts.

At this point in time, Charlotte Squarcy was able to come on, she lives two houses west and she doesn't understand the drainage, how many French drains will there be, the one drainage hole they spoke of is inadequate, there already is flooding on Trenton Boulevard and now will have 12 bathrooms plus the additional building. Mr. Hehl said the plans comply with the Borough rules, as per the engineer's report, they are not seeking any waivers, etc., there is no problem here and they comply with the impervious coverage regulations as well as building coverage.

Mr. Thomas Quinn, Civil Engineer, then came forward and was sworn in, giving his address as 328 Park Avenue, Scotch Plains, N.J. As he had already testified before the Board he did not have to give his credentials again. He said overall, the property in the proposed condition would reduce 1,100 square feet from the impervious coverage. They applied the Sea Girt Stormwater Ordinance and will have a drywell in the front yard that applies 154 cubic feet of volume, all drainage is picked up and directed, by gravity feed, to the other drywell in the other front yard, so it will not exacerbate the current conditions. The question, from Ms. Squarcy, was then asked if there will be air

conditioning units on top of the flat roofs. Mr. Ralph said no units will be on the flat roof and are currently shown on the left side of the addition on pads, ground mounted. The next question was if there is adequate drainage for the 12 bathrooms, Chairman Hall felt it may be asking about sewerage. Chris Willms had addressed that and said it will comply with the water/sewerage drainage and the proper pipe will be installed. Ms. Squarcy then asked if they were aware there are underground streams in the area here that run north to south under the property? She went down less than 3 feet to get to water for watering the lawn as an example and said that, as none of them live here they don't understand how wet this corner becomes. Mr. Quinn said he was not aware of any subsurface stream, but what they typically do is soil testing to assure they do not impact groundwater and they will address this as they have to. Chairman Hall asked if they had not yet done the testing and Mr. Quinn said they have not but the testing must be done to comply and noted the Board Engineer felt they do comply and did not express a concern on this. Ms. Squarcy said they have 3 french drains on their property and it is not enough but Chairman Hall emphasized they do have to comply and do soil testing. Mr. Quinn said the testing will be done when construction is approved and they will react to whatever the testing finds and will comply. Mr. Ward asked if a soil sample was done for the basement area and the answer was again no. Mr. Graviano added that he has been at the home at 201 Trenton Boulevard, the finished basement, and there are no water issues.

At this time the hearing was open for public comments and Charlotte Squarcy asked to speak again, was sworn in and said she had already submitted her comments in writing, which Chairman Hall read into the record. She wrote that she felt the property has too much cover and has a drainage problem and there will be 12 bathrooms. The in-laws will be moving in and this will be, in effect, two houses. She questioned the flat roof and that felt that 12 bathrooms is too dense and there will be a problem with discharge. Ms. Squarcy wished that the Board could have each read her questions before they have a vote and commented further that Trenton Boulevard is lovely and this will be like a big box looking like Elizabeth, N.J.

As there were no other comments to be made by the public, the Board was asked to give their input. Mr. Walker felt it will be a beautiful, large home, he was concerned about the two kitchens but there is no prohibition against it so he would vote for this. Councilwoman Anthony agreed it's wonderful that Mr. and Mrs. Angelo have this home but would have loved to meet Mr. and Mrs. Angelo to get some input from them as homeowners. She appreciated that the professionals did keep in mind the Ordinances here and there is now 1,100 square feet less impervious coverage; she also appreciated that they took into consideration the property at 207 with giving more separation between the properties and would approve the application. Mr. Koreyva listened to all the professionals and issues and felt it was a good application and he was good to go for approval. Mrs. Laszlo agreed with Mr. Koreyva and was also for support. Mrs. Brisben was appreciative of the fact that Mr. and Mrs. Angelo were willing to work with the Board, there was a lot of compromising done here and she was for approval of this application. Mr. Ward said he was going to rain on the parade as he could not support it, he felt it basically was going to be a bed & breakfast. There are two houses

here and they found a way around the rules to some extent. He did not feel that any variances should be granted and he was not for approval. Mr. Casey agreed with Mr. Ward, it was a great presentation and the experts did a wonderful job of adhering to the town standards; it would have been nice to see a rendering showing conformity with the 30% setback requirement. He recognized Ms. Squarcy's concerns about the wetness of Trenton Boulevard, which he was also familiar with. The driveway does make it look like a second residence and, because of this appearance, he is a no vote. Mrs. Abrahamson had nothing else to add but was not thrilled about the second driveway but was okay with the application. Chairman Hall told all that the reason the town increased the setbacks on oversized lots was to limit the building and it has nothing to do with the neighbors, this was intended to stop overbuilding; he did not agree with the hardship that the applicant presented, as well as the second driveway, and was not in favor of this application. He then asked Mr. Hehl if the Board should proceed with a vote tonight and Mr. Hehl said yes.

Mr. Kennedy then summarized what the Board would be voting on, the conditions: compliance with all the statements made during this presentation by the applicants' professionals, compliance with the Board Engineer's report, consolidation of the two lots, possible revision of the plans to comply with the Board Engineer's latest report, grading and drainage details to be approved by the Board Engineer, compliance with all building code requirements, obtaining any necessary demolition permits, to be used only as a single-family home, new driveway materials to match what is on the existing driveway, comply with roof pitch requirements, reduction of curb cuts to conform, compliance with height requirements for the new construction, drywells to be installed in accordance with the testimony given as well as town requirements and approved by the Board Engineer, soil testing to confirm there is no impact & to be approved by the Board Engineer, a 24-month time frame period to perfect the application. Mr. Casey asked about the soil boring testing for the basement area and Mr. Willms said that has to be done; Mr. Kennedy said he can put that in the Resolution. Councilwoman Anthony asked for confirmation on the length of the proposed driveway and Mr. Ralph answered that this will be 65 feet long, it was shortened by about 60 feet.

At this point Mr. Walker made a motion to approve the application, with the conditions as noted above, this seconded by Mr. Koreyva and then by the following roll call vote:

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben, Stan Koreyva, Eileen Laszlo, Robert Walker

Noes: Jake Casey, John Ward, Norman Hall

Chairman Hall then spoke again to Ms. Squarcy about the problems with getting on to speak and apologized for this scenario and Ms. Squarcy said she had not been prepared to speak, however she did want to know why the soil testing was not done before work will be started. Chairman Hall explained to her that no work will proceed until this testing is completed. Mr. Hehl again thanked the Board for their time and

consideration and he looked forward to seeing this project getting done; he wished all a Happy Thanksgiving.

OTHER BUSINESS:

Chairman Hall wanted to address some issues that have come before the Board and felt the Zoning Ordinance needed to be “cleaned up” to address having more than one kitchen as well as defining a single-family home and a two-family home. He is volunteering to evaluate what is in the Ordinance and see what ways it can be cleaned up and wanted to look at “outdoor kitchens” that are added on. Mr. Willms said they are done through a building permit and are treated as an additional impervious coverage; there is a review by him and the Board Engineer’s office and 99% of the time there is no roof over them and noted that people do put down a stove, counter, etc. to make a full second kitchen. Chairman Hall asked if they get gas hookups and Mr. Willms said that is correct and allowed; Chairman Hall felt this needs to be looked at.

Mr. Walker commented this, in his opinion, is not an “outdoor” kitchen in the application tonight but the Board couldn’t deny it. Chairman Hall said he was talking about additional kitchens in general, even if the second kitchen was indoor it could have not been denied on that basis; he felt the town needs more restrictions on this.

Chairman Hall then told the Board that there may be some involvement in the paddle tennis courts that are being talked about, as it is an extension of use of Borough property; the Planning Board, in the past, has been asked about a review of proposed work by the Borough. Both Mr. Kennedy and Mr. Bogan (Borough Attorney) are looking into this to see if it necessary to do this. He said that many residents are concerned as to why the Planning Board has not reviewed this matter.

All in all, Chairman Hall felt this was a good meeting tonight. Councilwoman Anthony commented that there are not a lot of lots as large as the one in the application tonight and this was kept as a single-family home. She appreciated them keeping it this way as there is a lot of subdividing going on in town. Chairman Hall agreed this lot is a big one. Mr. Willms commented on the flat roofs & such and for clarification to the Board, the roof pitch only comes into effect when there is an accessory structure or a half story. A single-story or two-story structure cannot have a flat roof. Chairman Hall said the reason why this was changed a few years ago was because people wanted to flatten the roof on a two or two ½ story homes to put the air conditioner units on top and this wouldn’t affect the height restrictions.

As there was no further business to come before the Board, a motion was made to adjourn the meeting and approved unanimously by all. The meeting was adjourned at 9:37 p.m.

Approved: December 15, 2021

Karen S. Brisben, Board Secretary

