

Wednesday, December 15, 2021

SEA GIRT PLANNING/ZONING BOARD  
REGULAR MEETING  
WEDNESDAY, DECEMBER 15, 2021

The Regular Meeting of the Sea Girt Planning Board was held on Wednesday, December 15, 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, Stan Koreyva, Eileen Laszlo, Mayor Don Fetzner (arrived 7:10 p.m.), Robert Walker, John Ward, Norman Hall

Absent: Jake Casey

Board Attorney Kevin Kennedy was also present, Board Engineer Peter Avakian was absent and Board Secretary Karen Brisben recorded the Minutes. Mr. Kennedy stated that the login information has been printed in the newspaper and, therefore, this is a lawfully convened meeting. Mrs. Brisben gave her email address if anyone was having difficulty in signing on this evening.

Chairman Hall wanted to give the public a chance to ask questions at this time rather than wait until the end of the meeting, however, there was only one person in the audience that was here for the subdivision hearing tonight; Chairman Hall told him he will have time to speak when that application is being heard and then went on to speak about trying, next month, to have a hybrid Planning/Zoning Board meeting at the Elementary School Library. The Board will be present at the school but the public will have the option of coming to the school library or logging in through Zoom to attend the meeting. He had attended a couple of Board of Education meetings and virtually attended the Council meeting and he felt it went pretty well. He wanted to get the meetings back to being in person and more logistics will follow. Mrs. Brisben wanted everyone to know there are no plugs available so if a laptop is brought to make sure it is fully charged; Chairman Hall said the school will provide ipads and Mrs. Brisben then said the meeting does have to be recorded so she will be bringing her laptop, Chairman Hall said he will have his as well. Mr. Kennedy suggested a phone call with Chairman Hall and Mrs. Brisben to get the logistics in order for this before that meeting.

The Board then turned to the approval of the Minutes of the Wednesday, November 17<sup>th</sup> meeting of the Board. There being no errors or changes to be made a motion was made by Mr. Ward to approve these Minutes, this seconded by Mrs. Laszlo and by voice vote, all aye, no nays.

The Board then turned to the approval of a Resolution for variance relief for Block 33, Lots 1 & 2, 201-205 Trenton Boulevard, owned by Mark & Maureen Angelo, to allow an addition to their single-family home. Mr. Kennedy Summarized the Resolution

(which all Board members and the applicant's attorney had received), there will be a lot consolidation, removal of existing dwelling on one lot and construction of an addition to the existing dwelling on the corner lot along with two driveways. He commented this was a complicated application which entailed detailed conversations, debate and testimony, he had heard from Mr. Ward in regards to the draft Resolution and made some changes; he had tried to capture the essence of what was proposed and how things were changed from the first hearing to the second hearing. The major conditions were that the house can only be a single-family home and occupied and maintained as such and he prepared a Notice of Restriction to be recorded to emphasize that content, lot consolidation approved by the Assessor, etc. as well as all the changes and variance restrictions made. He also added Mr. Ward's comment made at the hearing that this property could now look like a bed & breakfast as the size of the proposed home was a concern of the Board.

The following Resolution was then presented for approval:

**WHEREAS**, Mark and Maureen Angelo have made Application to the Sea Girt Planning Board for the property designated as Block 33, Lots 1 and 2, commonly known as 201 and 205 Trenton Boulevard, Sea Girt, New Jersey, within the Borough's District 1, East Single-Family Zone, for the following approval: Bulk Variance Approval associated with a request to effectuate the following:

- Lot consolidation of existing Lots 1 and 2;
- Removal of the existing dwelling, driveway, and detached garage currently located on existing Lot 2;
- Construction of an addition to the existing dwelling on existing Lot 1; and
- Installation of a 2<sup>nd</sup> driveway at the to-be-consolidated Lot; and

#### **PUBLIC HEARINGS**

**WHEREAS**, the Board held Public Hearings on May 4, 2021 and November 17, 2021, Applicants having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

#### **EVIDENCE / EXHIBITS**

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

- *Sea Girt Planning Board Application Package, introduced into Evidence as A-1;*
- *Zoning Officer Denial Letter, dated December 18, 2019, introduced into Evidence as A-2;*
- *Lot Consolidation and Grading Drainage Plan, prepared by EKA Associates, P.A. (The first sheet is dated November 11, 2020, with the latest revisions dated January 6, 2021.) (The second sheet is dated March 19, 2020, with the latest revision dated January 26, 2021.), introduced into Evidence as A-3;*
- *A Boundary and Topographic Survey (Block 33, Lot 1), prepared by EKA Associates, P.A., dated January 29, 2020, introduced into Evidence as A-4;*
- *A Boundary and Topographic Survey (Block 33, Lot 2), prepared by EKA Associates, P.A., dated January 29, 2020, introduced into Evidence as A-5;*
- *Architectural Plans, prepared by Gregory Ralph Architect, dated February 3, 2021, consisting of 7 sheets, introduced into Evidence as A-6;*
- *Leon S. Avakian Inc. Review Memorandum, dated April 8, 2021, introduced into Evidence as A-7;*
- *Elevations, consisting of 4 sheets, prepared by Gregory Ralph, Architect, dated May 4, 2021, introduced into Evidence as A-8;*
- *Lot Consolidation Plan, prepared by EKA Associates, PA., dated November 11, 2020, last revised May 24, 2021, introduced into Evidence as A-9;*
- *Illustrated Architectural Rendering, prepared by Gregory Ralph, Architect, consisting of 4 sheets, dated November 15, 2021, introduced into Evidence as A-10;*
- *Supplemental Review Memorandum, prepared by Leon S. Avakian, Inc., dated October 18, 2021, introduced into Evidence as A-11;*

- *Supplemental Review Memorandum, prepared by Leon S. Avakian, Inc., dated April 8, 2021, revised June 8, 2021;*
- *Certification of Board Member Diane Anthony, confirming that she reviewed the tapes of and / or otherwise reviewed the transcripts of the May 4, 2021 Public Hearing, introduced into Evidence as B-1;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

**WITNESSES**

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

- Gregory Ralph, Registered Architect / Gregory Ralph, Architect;
- James R. Watson, Professional Surveyor and Professional Planner / EKA Associates;
- Nicholas A. Graviano, Professional Planner / Graviano & Gillis Architects & Planners, LLC;
- Thomas J. Quinn, Professional Engineer / EKA Associates;
- Stephen F. Hehl, Esq. appearing;

**WHEREAS**, Peter R. Avakian, P.E., the Planning Board Engineer, was also sworn with regard to any testimony / information he would provide in connection with the subject Application; and

**WHEREAS**, Chris Willms, the Borough's 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 APPLICANTS**

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

- The within Application involves 2 currently existing Lots; namely, Block 33 Lot 1 and Block 33 Lot 2.
- Details pertaining to the existing Lots include the following:

	<b>Lot 1</b>	<b>Lot 2</b>
Owner:		
Street address:	201 Trenton Blvd.	205 Trenton Blvd.
Lot area:	11,250 SF	7,500 SF
Zoning district:	District 1 East Single Family Zone	District 1 East Single Family Zone
Existing structures on site:	Single-family home, pool, patio, and detached garage	Single-family home, driveway, and detached garage.
Number of existing driveways for the Lot:	1	1
Date of Home Construction:	Approx. 2006	Approx. 1939

- The Applicants propose to effectuate the following:
  - Lot consolidation of existing Lots 1 and 2;
  - Removal of the existing dwelling, driveway, and detached garage currently located on existing Lot 2;
  - Construction of an addition to the existing dwelling on existing Lot 1; and
  - Installation of a 2<sup>nd</sup> driveway at the to-be-consolidated Lot; and
- Details pertaining to the proposed addition include the following:

Size: 4,711 SF (Basement: 1,471 SF; 1<sup>st</sup> Floor: 1,488 SF; 2<sup>nd</sup> Floor: 1,431 SF; Attic: 351 SF)

Number of stories: 2.5 Stories

Height: 31.35'

Location: Western portion of the to-be-consolidated lot (i.e. on the Lot 1 portion of the existing property)

- Upon consolidation, the to-be-consolidated Lot will contain 18, 750 SF.
- Upon completion of the renovation process approved herein, the renovated structure will be a single-family home, will be utilized as a single-family home, and will be occupied as a single-family home. That is, the structure approved herein will not be utilized as, maintained as, or occupied as a 2-family structure (or other multi-family structure).
- Upon completion of the renovation process approved herein, the expanded structure (the single-family home) will include the following:

Basement

Recreational Room  
Mechanical Room  
Utility Room  
Bar  
Storage  
Media Room  
Exercise Room  
Bathroom

1<sup>st</sup> Floor

Covered Porch  
Open Porch  
Family Room 1  
Billiards Room  
Guest Bedroom  
Ensuite Guest Bedroom  
Indoor Kitchen 1  
Dining Room 1  
Powder Room  
Laundry Room 1  
Foyer 1  
Indoor / Outdoor Kitchen 2  
Family Room 2  
Dining Room 2  
Powder Room 2  
Patio  
Foyer 2

2<sup>nd</sup> Floor

Master Bedroom 1  
Master Bathroom 1  
Master Walk-In Closet  
Bedroom 2  
Bedroom 3  
Bedroom 4  
Ensuite Bedroom 4  
Laundry Closet  
Full Bathroom  
Loft / Den  
Open Deck  
Balcony  
Master Bedroom 2  
Master Bathroom 2  
Bedroom 5  
Ensuite Bathroom 5  
Bedroom 6  
Ensuite Bedroom 6  
Bedroom 7  
Full Bathroom  
Hallway

Attic

Storage  
Bunk Room  
Open Area  
Guest Bathroom  
Walk-In Closet

- The Applicants anticipate having the renovation work completed in the near future.
- The Applicants will be utilizing licensed contractors in connection with the renovation process.

**VARIANCES**

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

*COMBINED SIDE YARD SETBACK: 37.5 ft. required;  
whereas 32.89 ft. proposed;*

*NUMBER OF DRIVEWAYS PER LOT: One driveway  
allowed; whereas 2 driveways proposed;*

### **PUBLIC COMMENTS**

**WHEREAS**, the following members of the public expressed questions, comments, statements, and / or concerns in connection with the Application:

- Charlotte Squarcy

### **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 amended 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 properties are located at 201 and 205 Trenton Boulevard, Sea Girt, New Jersey, within the Borough's District 1, East Single-Family Zone.
3. The 2 properties, as aforesaid, are physically adjacent to each other.
4. There is an existing single-family home located on Lot 1, and there is an existing single-family home located on Lot 2.
5. Details pertaining to the existing properties / homes are set forth elsewhere herein, are set forth on the submitted Plans, and were discussed, at length, during the Public Hearing process.
6. The Applicants propose the following:



- Lot consolidation of existing Lots 1 and 2;
- Removal of the existing dwelling, driveway, and detached garage currently located on existing Lot 2;
- Construction of an addition to the existing dwelling on existing Lot 1; and
- Installation of a 2<sup>nd</sup> driveway at the to-be-consolidated Lot; and

7. Such a proposal requires Bulk Variance relief.

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

9. With regard to the above-referenced amended / modified Application, and the requested relief, the Board notes the following:

- The within Application is a very unique Application, and the same appears to be a case of first impression within the Borough of Sea Girt (dealing with some nuanced provisions of the definition of a “single family” home).
- The Application as initially submitted sought approval to effectuate the following:
  - Lot consolidation of existing Lots 1 and 2;
  - Removal of the existing dwelling, and detached garage on existing Lot 2;
  - Construction of an addition on the site;
  - Construction of some type of 2<sup>nd</sup> floor breezeway which would physically connect the existing structure (on existing Lot 1) and the proposed addition (on existing Lot 2); and
  - Construction of a 2<sup>nd</sup> detached garage at the site.
- Many of the Board Members had concerns about the proposal as initially submitted.

- Some of the reasons as to why the Board Members had concerns with the initially submitted proposal include, but are not necessarily limited to, the following:
  - i. The initially submitted proposal had the physical appearance of a 2-family home.
  - ii. The initially submitted proposal would appear to function as a 2-family home.
  - iii. The initially submitted proposal contained 2 kitchens, indicative of a 2-family home.
  - iv. The initially submitted proposal contained 2 physically separated living quarters, which could, essentially, accommodate, and function as, a 2-family home.
  - v. The initially submitted proposal contained separate utility lines and separate utility meters for each of the 2 structures, further suggesting a non-conforming 2-family use.
  - vi. The initially submitted proposal proposed 2 separate driveways, indicative of a 2-family home.
  - vii. The initially submitted proposal contained 2 separate garages, indicative of a 2-family home.
  - viii. The initially submitted proposal provided 2 separate and distinct living quarters which were only physically separated by a make-shift 2<sup>nd</sup> floor breezeway / connection.
  - ix. The initially submitted proposal reflected a 2-family home, in appearance and functionality.
  - x. The initially submitted proposal appeared to be a 2-family home, in accordance with the Borough's Prevailing Definitions.
  - xi. The initially submitted proposal appeared to be a 2-family home, in accordance with prevailing / associated Case Law.
  - xii. Notwithstanding the references, arguments, and promises of the Applicants' representatives (that the property would only be utilized as a single-family

home), there were concerns that the home would, in fact, operate as a 2-family home.

- xiii. Notwithstanding the references from the Applicants' representatives that the home would only be utilized / occupied as a single-family home, the site could easily be used as, or otherwise converted to, a 2-family home, in violation of the Prevailing Borough Ordinances (and in violation of any potential Planning Board Approval).
- xiv. Notwithstanding the references from the Applicants' representatives that the home would only be used / occupied as a single-family home, the same could easily and improperly be converted to a non-conforming 2-family home.
- xv. Notwithstanding the references from the Applicants' representatives that the home would only be used / occupied as a single-family home, the property could easily be sold / transferred / occupied as a 2-family home.
- xvi. The initially submitted plans violated the spirit and intent of the Borough's Definition of a single-family home.
- xvii. The initially submitted plans violated the spirit and intent of Case Law interpreting how a single-family home is defined.
- xviii. The initially submitted plans appeared to reference some type of family compound which, in the totality of the circumstances, looked like a 2-family home.
- xix. The initially submitted plans referenced some type of family compound which would appear to operate as, and function as, a non-conforming 2-family home.
- xx. Two-family use is not permitted in the Borough's District 1 East Single-Family Zone.
- xxi. The strict Legal Standards for Use Variance relief were not satisfied in connection with the initially submitted proposal.
- xxii. There were aesthetic concerns associated with the very unique / awkwardly / haphazardly designed 2<sup>nd</sup>

floor breezeway which physically connected the 2 apparent homes.

- xxiii. There were concerns regarding the nature / extent of the Variance relief required (in connection with the initially submitted Application), and the impact the same would have on the site, the neighborhood, and the community as a whole.
  - xxiv. There was a concern that the initially submitted plans did not represent a better overall Zoning alternative for the Borough of Sea Girt.
  - xxv. There were concerns that approval of the initially submitted Application would have a substantial and detrimental impact on the community.
  - xxvi. There were concerns that approval of the initially submitted Application would constitute a negative and troubling precedent for the Borough of Sea Girt.
- As a result of the above concerns, and other concerns referenced during the Public Hearing process, the Board Members did not appear inclined to approve the Use Variance relief and other extraordinary Variance relief associated with the initially submitted proposal.
  - Consequently, the Public Hearing process was adjourned so that the Applicants and their representatives could more formally review / analyze the Board concerns, and more formally review / consider proposed Plan amendments.
  - The Public Hearing process was, in fact, adjourned so that the initially submitted Application could be reconsidered by the Applicants.
  - Revised Plans were ultimately prepared, submitted, and marked into the Record as A-9.
  - The Plan revisions, as aforesaid, incorporated a number of significant changes – including, the following:
    - The 2<sup>nd</sup> detached garage was eliminated / removed;
    - The basement connection (between the 2 structures) was removed / eliminated;

- The multiple gas / sewer / water lines proposed for the structures were eliminated and, in turn, single utility lines were proposed;
  - The driveway length was reduced;
  - The curb-cut width was reduced;
  - The addition was physically relocated so as to be much closer to the existing dwelling on Lot 1;
  - The 2<sup>nd</sup> floor hallway connection / breezeway (connecting the 2 structures) was converted to a full-fledged addition (absent any breezeway);
  - The kitchen and dining room in the addition were relocated; and
  - An additional pool patio was proposed.
- The aforesaid Plan amendments were intensely reviewed, discussed, analyzed, and considered at the November 17, 2021 Public Hearing.
  - Additionally, the Board Engineer supplemented the Board Review Memorandum so as to address the said changes.
  - The Zoning Officer also testified at the November 17, 2021 Public Hearing so as to further review / analyze the proposal in a thorough and transparent fashion.
  - The aforesaid Plan revisions significantly improved the overall proposal, at least in the minds of a majority of the Board Members.
  - The aforesaid Plan amendments eliminated some aspects of the previously submitted 2-family home proposal.
  - The aforesaid Plan amendments corrected / cured / eliminated some of the more obvious 2-family home features associated with the initial proposal.
  - The submitted Plans, as modified, reflected a single-family home, more in keeping with the Prevailing Borough Regulations / Definitions.
  - The revised Plans, as aforesaid, reflected a single-family home, more in keeping with the definitions / interpretations as espoused in Prevailing Case Law.

- The Plan revisions, as aforesaid, reflected a single-family home.
- The Plan revisions, as aforesaid, had more of an appearance of a single-family home.
- The Plan revisions, as aforesaid, eliminated the 2<sup>nd</sup> detached garage from the site, which is more in keeping with a true / actual single-family home.
- The elimination of the separate utilities (as reflected on the modified Plans) is more consistent with a true / actual single-family home.
- The elimination of the awkward / haphazard 2<sup>nd</sup> story breezeway (connecting the 2 structures) resulted in a structure which is more clearly defined as a single-family home (and which has the appearance of a true / actual single-family home).
- The elimination of the awkward / haphazard 2<sup>nd</sup> story breezeway (connecting the 2 structures), and the relocation of the addition so as to be much closer to the main home, more clearly reflects a true / actual single-family home.
- The Applicants' representatives repeatedly testified / argued / maintained that the renovated structure would only be utilized as, occupied as, and maintained as a single-family home. The aforesaid repeated and public representations were very important to the Board Members – and but for the same, the within Application would not have been approved.
- Though some Board Members had some concerns regarding some aspects of the proposal, the revised Plans reflect a true / actual single-family home, consistent with Prevailing Borough Regulations / Definitions.
- Though some Board Members had some concerns regarding some aspects of the proposal, the revised Plans reflect a true / actual single-family home, consistent with Prevailing Case Law.
- There are no known Borough Regulation establishing the maximum size of a single-family home which can be constructed on the Lot. Thus, although the renovated structure will be quite large, no municipal regulation is knowingly violated.
- There does not appear to be any Prevailing Floor Area Ratio Requirement (in the Borough Ordinance) which are being violated in connection with the within Application.

- With the elimination of the hap-hazard 2<sup>nd</sup> floor breezeway connecting the 2 single-family homes (as initially proposed), the revised Plans more clearly appear to reference a single-family home.
- Per the testimony and evidence presented, the revised Plans approved herein reflect a single-family home, albeit a very large single-family home.
- The revised Plans approved herein reference and reflect a true / actual single-family home.
- The revised Plans reference that the to-be-renovated home will contain an interior kitchen and a second inside / outside kitchen.
- Per the Prevailing Borough Regulations, the existence of a second kitchen, in and of itself, does not necessarily / automatically classify the structure as a 2-family dwelling.
- Per the communications of the Board Engineer, the revised Plans reference a single-family home.
- Per the testimony of the Zoning Officer, the revised Plans reference a single-family home.
- The Application as modified requires a Variance for the number of driveways on one Lot. Specifically, one driveway per Lot is allowed; whereas 2 driveways will exist on the to-be-consolidated Lot.
- The Board notes that currently, there are 2 driveways / curb cuts for the 2 existing Lots – and, approval of the within Application will not change the said situation (however, there will ultimately be 2 driveways for the to-be-consolidated Lot).
- The Board also notes that the to-be-consolidated Lot will be more than 2 times the minimum required lot area in the zone – which should help minimize any detrimental impact otherwise associated with the referenced Variance.
- The subject property is located on a corner Lot – and the Board furthermore notes that the 2 driveways on the to-be-consolidated Lot will be located on different streets. The said fact (2 driveways being located on 2 different streets) further minimizes any adverse impact associated with the referenced Variance request.

- Given the large nature of the to-be-consolidated corner Lot, the subject site can accommodate a second driveway.
- Approval of the within Application will not change the number of driveways / curb cuts which currently exist.
- Given the large nature of to-be-consolidated Lot, the second driveway approved herein will not detrimentally impact the streetscape.
- The Application as presented requires a Variance for the combined Side Yard Setback. Specifically, a 37.5 ft combined Side Yard Setback is required; whereas only 32.89 ft. is proposed.
- The Board notes that the existing structure on existing Lot 2 has a non-conforming Setback of only 4.96 ft. The Board notes that the renovated structure approved herein will significantly increase the Side Yard Setback to a conforming distance.
- The Board is aware that approval of the within Application will actually eliminate an existing non-conforming Side Yard Setback (as referenced above).
- The Board notes that the to-be-consolidated Lot will contain 18,750 SF. The Board furthermore notes that the Side Yard Setbacks required are affected /established (in part) by the actual lot width. That is, a larger lot width, as exists herein, requires a larger Setback.
- In conjunction with the above point, the Board notes that given the large size of the to-be-consolidated Lot, the Setback, and by extension, the combined Side Yard Setback, need to be larger as well.
- Notwithstanding the need for the combined Side Yard Setback Variance, the Board notes that the Side Yard Setback approved for the addition is significantly larger than the Side Yard Setback which currently exists.
- Though the renovated home approved herein is quite large, the to-be-consolidated Lot (with a total area of 18,750 SF, whereas only 7,500 SF is required in the zone) will ensure that another principal structure will never be built on the site, in the absence of further / formal approval of the Sea Girt Planning Board.
- In conjunction with the above point, the large home approved herein will, in fact, help preserve open space (in conjunction with



the Lot consolidation and inability for other principal structures to be built on the same).

- During the Public Hearing process, several Board Members inquired as to why the Applicants would need combined Side Yard Setback Variance relief for a Lot which so thoroughly exceeds the Minimum Lot Size requirements. The said question is a fair question to be asked in the context of a Variance Application. That notwithstanding, as referenced above, the Board recognizes that with the Lot consolidation, and with an 18,750 SF Lot, the Board will be assured that there will be no further principal development on the site, unless the Sea Girt Planning Board specifically authorizes / approves the same. A majority of the Board is comforted by the fact that with approval of the within Application (including the Variance for the combined Side Yard Setback), the Board will be simultaneously preserving open space in the area. The majority of the Board is of the belief that preserving such open space will be beneficial for the site, the neighborhood, and the community as a whole.
- The Board is aware that one of the purposes of the Municipal Land Use Law suggests that Applications should be approved if the same can promote air, space, and light. For the reasons set forth herein, and the preservation of open space associated with the within approval, the majority of the Board finds that approval of the Application will, in fact, promote air, space, and light.
- In accordance with one of the purposes of the New Jersey Municipal Land Use Law a majority of the Board finds that the within Application will result in sufficient space being created for a conforming single-family residential use.
- The Board also notes that the revised Plans eliminated approximately 1,000 SF from the proposal otherwise associated with the initial submission.
- Though some Members of the Board believe the large structure constitutes a two-family home, or has a number of elements of a two-family home, and though some Members feel that approval of the within Application defies some elements of common sense, a majority of the Board is of the belief that the modified home approved herein is, in fact, a single-family home (based upon prevailing Municipal regulations / definitions).
- In conjunction with the above point, a majority of the Board Members are of the belief that there is no known legal basis for

classifying the proposed structure (as modified) as anything but a single-family home (based upon prevailing Municipal definitions).

- The Board appreciates the concessions / modifications submitted by the Applicants (in connection with the submission of the revised Plans).
- The Board notes that there are some existing non-conforming conditions associated with the existing site – including, the following:
  - A non-conforming garage size (511 SF);
  - A non-conforming building height (35.12 ft.);
  - A non-conforming Setback between the structure and the pool (6.87 ft.);
  - Maximum Driveway Width (Existing Driveway on Second Avenue): 14 ft. is permitted; whereas 21.20 ft. is existing and proposed to remain;
  - Maximum Curb Cut Width (Existing Driveway on Second Avenue): 13 ft. is permitted; whereas 16.05 ft. is existing and proposed to remain.

The Board notes that the said conditions are pre-existing conditions, which are not being exacerbated as a result of the within approval.

- No Variance relief is granted for the aforementioned non-conforming conditions, and the Board merely notes that the said conditions already exist, and are not being exacerbated as a result of the within approval.
- Single-family use as proposed / approved / continued herein, is a permitted use in the subject Zone.
- The location of the proposed addition (on the to-be-consolidate Lot) is practical and appropriate.
- The size of the proposed addition (on the to-be-consolidate Lot) is appropriate, particularly given the size of the to-be-consolidated Lot.
- The to-be-consolidated Lot contains 18,750 SF, significantly in excess of the minimum 7,500 SF otherwise required in the Zone.

- The location of the proposed addition (on the to-be-consolidate Lot) is practical, and can be constructed without causing a substantial / detrimental impact to the public good.
- Subject to the conditions contained herein, the addition approved herein will not overpower / overwhelm the subject to-be-consolidate Lot.
- The size of the proposed addition is appropriate – particularly as evidenced by the fact that the same will satisfy the Borough's Prevailing Height Requirements, as well as the Borough's Prevailing Building Coverage Requirements.
- The addition approved herein is attractive and upscale, in accordance with Prevailing Community Standards.
- The site will provide a sufficient amount of off-street parking spaces for the Applicants' single-family use and thus, no Parking Variance is required.
- The existence of sufficient and appropriate parking is of material importance for the Board – and but for the same, the within Application may not have been approved.
- The proposed addition approved herein will render the existing structure more functional and more modern (and more able to accommodate the Applicants' need for increased living space).
- Given the oversized nature of the to-be-consolidated Lot, the subject property can physically accommodate the Applicants' proposal.
- Given the oversized nature of the to-be-consolidated 18,750 SF Lot, the renovated structure approved herein will not overpower the subject property / neighborhood.
- Though there was a concern among some Board Members that the renovated structure could have the appearance of, or could otherwise be used as, a Bed and Breakfast type of operation, given the nature of the Prevailing Borough Definitions, and the nature of the conditions of approval set forth herein, other Board Members were not necessarily concerned with the said issue. Or, other Board Members did not necessarily feel that such an issue / concern justified the denial of the Application.

- Importantly, approval of the within Application, will not trigger the need for any Lot Coverage Variance or Building Coverage Variance.
- The age of the home, the more than conforming size of the to-be-consolidated lot, and the coverage-compliant nature of the project suggests that the Application can be granted without causing substantial detriment to the public good.
- Under the circumstances, the setbacks approved herein are not inconsistent with the setbacks of some other structures in the area.
- The construction of the proposed addition will not materially change the overall height of the existing home.
- The addition approved herein will have a conforming height.
- The design of the subject addition 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.
- Approval of the within Application will allow the Applicants to more functionally and comfortably use and enjoy the property.
- The proposed addition will be architecturally and aesthetically consistent with the existing structure.
- Approval of the within Application will not intensify the existing (and permitted) (and to-be-constructed) single-family residential use at the site.
- Sufficiently detailed testimony / plans were represented to the Board.
- The proposed addition / improvements should nicely complement the property and the neighborhood.
- Subject to the conditions contained herein, the proposal will not appreciably intensify the single-family nature of the to-be-consolidated lot.

- Additionally, 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.
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated with the same.
- Subject to the conditions contained herein, 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.
- Subject to the conditions contained herein, the Application as modified satisfies the Statutory Requirements of N.J.S.A. 40:55D-70(c) (Bulk Variances).

Based upon the above, and for the other reasons set forth herein, and during the Public Hearing process, a majority of the Board is of the 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 Applicants have agreed, to comply with the following conditions:

- 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 the terms and conditions of the April 8, 2021, June 8, 2021, and October 18, 2021 Review Memoranda of Leon S. Avakian, Inc.
- c. The renovated structure shall only be used as, occupied as, maintained as, and sold / transferred as a single-family home, in accordance with Prevailing Borough Regulations, and in accordance with Prevailing Case Law. Any use of the subject

property as a 2-family home, or other multi-family use, shall constitute a violation of the within approval.

- d. The Applicants shall record (in the Office of the Monmouth County Clerk) some type of Notice of Restriction confirming that the subject property can only be used as, occupied as, maintained as, and sold / transferred as a single-family home (the said Notice of Restriction shall be reviewed / approved by the Board Attorney).
- e. The existing Block 33 Lot 1 and Block 33 Lot 2 shall be officially consolidated (and the newly designated Lot number shall be revised and approved by the Municipal Tax Assessor).
- f. The Board Attorney and Board Engineer shall review / approve the proposed Deed of Consolidation, and the associated Metes and Bounds Description.
- g. Upon review / approval from the Board Engineer / Board Attorney, the Deed of Consolidation shall be recorded in the Office of the Monmouth County Clerk – and proof of recording shall be presented to the Board Secretary.
- h. The Lot consolidation, as referenced above, shall be completed prior to the issuance of any Building / Construction Permits for the renovation / demolition approved herein.
- i. The roof pitch for the new addition shall comply with the spirit and intent of the Prevailing Borough Ordinance.
- j. The Applicant shall comply with all Prevailing Building / Construction Code Requirements (including those Requirements concerning the size / water pressure for the bathrooms).
- k. The soil boring / permeability test results shall be submitted to the Board Engineer, for his review / approval.
- l. The Applicants shall obtain Demolition Permits for the to-be-demolished structure / improvements (including existing home and garage) on existing Lot 2. (The said Demolition Permits shall be issued prior to the issuance of the building / construction Permits for the addition approved herein.)
- m. The Applicants shall cause the Plans to be revised so as to portray and confirm the following:
  - The inclusion of a note confirming that the renovated structure shall only be utilized as, occupied as,

maintained as, and sold / transferred as a single-family home.

- The inclusion of a note confirming that the materials for the new 2<sup>nd</sup> driveway at the site shall match the materials for the existing driveway (i.e. macadam shall not be utilized).
  - The inclusion of a note confirming that the curb-cut width shall be reduced from 13 ft. to 12.5 ft., in accordance with the Review Memoranda from the Board Engineer.
  - The inclusion of a note confirming that the driveway length for the addition approved herein shall be reduced from approximately 70 ft. to 60-65 ft.
  - The inclusion of a note confirming that a drywell shall be installed in the front yard area – and the details for the same shall be reviewed and approved by the Board Engineer.
  - The inclusion of a note confirming that the aforesaid drywell shall be installed and maintained in accordance with ordinance standards, industry standards, and other best practices.
- n. If requested by the Board Engineer, the Applicants shall submit a Grading Plan, which shall be approved by the Board Engineer.
- o. The Applicants shall manage storm-water run-off during and after construction (in addition to any other prevailing / applicable requirements/obligations.)
- p. The Applicants 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
- q. If applicable, the proposed structure shall comply with applicable Provisions of the Americans with Disabilities Act.

- r. 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.
- s. The proposed addition shall comply with the Borough's Prevailing Height Regulations (as no height Variance relief is granted herein).
- t. The construction shall be strictly limited to the modified 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.
- u. The Applicants shall comply with all terms and conditions of the Review Memoranda, if any, issued by the Board Engineer, Borough Engineer, Construction Office, Zoning Office, the Department of Public Works, the Bureau of Fire Prevention and Investigation, and/or other agents of the Borough.
- v. The Applicants 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, the Freehold Soil Conservation District, and the local Utility authorities, etc.
- w. The Applicants shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.
- x. If required by the Board / Borough Engineer, and, if authorized by the New Jersey MLUL, the Applicants shall submit appropriate performance guarantees in favor of the Borough of Sea Girt.
- y. Unless otherwise agreed by the Planning Board, the approval shall be deemed abandoned, unless, within 24 months from adoption of the within Resolution, the Applicants obtain a Building Permit for the construction / development approved herein.
- z. The approval granted herein is specifically dependent upon the accuracy and correctness of the testimony and information presented, and the accuracy of the Plans submitted and approved by the Board. The Applicants are advised that there can be no deviation from the modified Plans approved herein. If conditions at the site are materially different than what was presented to the Board, or different from what was otherwise known, or in the event post-approval conditions are different than what was anticipated , the Applicants' representatives are not permitted to unilaterally deviate, or build beyond, what is approved herein. For example, if the testimony / plans provide**



that an existing building / structure is to remain, the same cannot be unilaterally demolished / destroyed (without formal Board/Borough consent), regardless of the many fine construction reasons for doing so. That is, the basis for the Board's decision to grant Zoning relief may be impacted by any change of conditions. As a result, Applicants and their representatives are not to assume that any 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 Applicants' approval, will compromise the Applicants' building process, will create uncertainty, will create stress, will delay construction, will potentially void the Board Approval, and the same will result in the Applicants incurring additional legal / engineering / architectural costs. Applicants are encouraged to be mindful of the within – and the Borough of Sea Girt, and the Sea Girt Planning Board , are not responsible for any such unilateral actions which are not referenced in the testimony presented to the Board, and / or the Plans approved by the Board. Moreover, Applicants are to be mindful that the Applicants are ultimately responsible for the actions of the Applicants, their Agents, their representatives, their employees, their contractors, their engineers, their architects, their builders, their lawyers, and other 3<sup>rd</sup> parties.

**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

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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 the proposed improvement, or for any damage which may be caused by the development / renovation / construction.

FOR THE APPLICATION: Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben, Stan Koreyva, Eileen Laszlo, Robert Walker

AGAINST THE APPLICATION: Jake Casey, John Ward, Norman Hall

ABSTENTIONS: None

ABSENT: Mayor Donald Fetzer

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

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

OPPOSED: None

ABSTAINED: None

INELIGIBLE: Mayor Don Fetzer, John Ward, Norman Hall

ABSENT: Jake Casey

NEW BUSINESS:

The Board then turned to an application for a Minor Subdivision for lot line adjustment for Block 67, Lots 4 & 5, The Terrace and 501 The Terrace, owned by John and Patricia Horan. The correct fees had been paid, taxes are paid to date and the property owners within 200 feet as well as the newspaper had been property notified. Mr. Kennedy asked if anyone who had received the notice had any issues with it and

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they could either raise the virtual hand or contact Mrs. Brisben at kbrisben@seagirtboro.com .

While waiting for a response Mr. Kennedy marked the following exhibits:

- A-1. The application package.
- A-2. A Minor Subdivision plan prepared by Ray Carpenter, PE, of RC Associates Consulting, Inc., dated August 10, 2021; plan also prepared by Justin J. Hedges, P.L.S. of Insite Surveying, LLC.
- A-3. A boundary/topographic survey prepared by Justin J. Hedges, P.L.S. of InSite Surveying, LLC dated July 26, 2021 with a revision of July 29, 2021.
- A-4. Memorandum from Board Engineer Peter Avakian dated November 15, 2021.
- A-5. Review of the Subdivision Committee dated December 8, 2021.

Note: there was no response to Mr. Kennedy's request about issues with the notice received.

The applicant's attorney, Christopher Beekman, Esq. had no additional exhibits to mark. Mr. Beekman also said that he has Mr. Horan with him if the Board wants him to speak. He explained they want to take 11,290 square feet from one lot and put it into the other lot and Mr. Ray Carpenter was here to explain this.

At this time Mr. Kennedy wanted all who were going to speak to be sworn in and this was done for Mr. John Horan of 501 The Terrace and Raymond Carpenter of 2517 Route 35 in Manasquan. Mr. Carpenter spoke first and said this is an unusual situation, the lots sit at a corner of two streets that is not really a corner but more like a dead end. The Horans want to make a conforming lot of 7,527 square feet; the lot with the existing home on it will be 38,841 square feet; there are no variances being asked for. Mr. Carpenter had reviewed the Board Engineer's letter and they will comply with the revisions asked for on revised plans and noted they will be filing the subdivision by deed.

Mrs. Brisben asked what will happen to the trees, there is a beautiful holly tree as well as others on the property. Mr. Carpenter said there is no construction planned at this time so nothing will be happening with the trees, this will be addressed at the time of construction with the Shade Tree Commission. Mrs. Brisben then asked Mr. Horan if he will be building on the lot or will he be selling it and Mr. Horan said the property is now under contract as he is selling it. Mrs. Brisben then commented that perhaps building will be done soon and she asked Mr. Kennedy what can be done with the tree issue; Mr. Kennedy said he would address it. Mr. Kennedy asked if the Horans own both lots and was told that they do, having just purchased the vacant lot a few months ago.

Mr. Beekman then did a brief summary of the application. The application was pretty straightforward with what the applicant is proposing, doing a lot line adjustment to

create conforming lots; he reminded the Board there are no variances being requested and asked the Board to approve this subdivision.

Mr. Ward commented on the time it took for this to get to the Board, the application was filed in September and it is now December. Mrs. Brisben explained that the Board Engineer usually take about 2 months to get an official review done. Chairman Hall told Mr. Ward that Mr. Avakian will be at the January meeting if he wants to ask him at that time.

The hearing was opened to the public for comments and there were none so that portion was closed and the Board went into discussion. Chairman Hall started by commenting on all the subdivisions going on in town and how this is being allowed; he wanted to let everyone know that the Board does not have any authority to change the subdivision requirements and, if there is a need to have a change it has to be done by the Council. He also said that the Board would be looking into some things in the Zoning Ordinance to help clean it up to make it easier but if an application for a subdivision comes in with no variances and complies, the Board has no resolve not to approve this.

As there were no other comments, Mrs. Laszlo agreed with Mr. Ward that this shouldn't have taken as much time as it took to get this heard and then she made a motion to approve the application as presented, this seconded by Mr. Walker. Mrs. Brisben wanted to also address Mr. Ward's comments and said the Board does hear two applications per meeting and we have been busy, Mr. Horan had to wait until we had an opening to schedule him in. An applicant may be ready to go but the Board has full agendas and an applicant has to wait to be heard; we got to Mr. Horan as soon as we could. She also said that, as Mr. Ward had commented last month, having people the day before ask for a postponement to the next month wreaks havoc with the agenda and the Board has to take this into consideration as well. Chairman Hall thanked her for bringing this up and agreed that lately quite a few people have done this, ask for a postponement at the last minute and the Board ends up hearing only one application instead of two.

At this time Mr. Kennedy asked to go over the conditions that will be in the Resolution but Mayor Fetzer wanted to speak to the Board that there is a signature problem on the subdivision map and Mr. Kennedy agreed. Chairman Hall then noticed that Carl Soranno in the audience, had his hand up and wanted to speak, Mr. Kennedy swore him in. All he actually wanted to do was to say Good Evening to everyone, he and his wife Elizabeth just purchased 1 Fifth Avenue and were extremely happy to be in Sea Girt. He said it was wonderful to meet John and Pat Horan and they explained to him what they were doing with the property, he then wished all a Happy Holiday and looked forward to being in Sea Girt.

Mr. Kennedy then went over the conditions of the Resolution for approval: compliance with all the promises and commitments made during testimony, compliance with the Leon S. Avakian review memorandum, compliance with any Affordable Housing

regulations, grading/drainage details to be reviewed by the Board Engineer, subdivision to be perfected within NJ law, deed to be reviewed by both the Board Attorney and Board Engineer, standard requirements regarding utility connections, save as many trees as possible and compliance with any tree preservation Ordinance, new lot numbers to be approved by the Tax Assessor, note that this is a variance free application and will comply with any FEMA flood regulations, 4 sets of revised plans need to be submitted to the Board Secretary, show existing sanitary easements on the plot plans, replacement of curb and sidewalks if they are in poor condition, utilities to be shown on the plans, plans & survey need to be signed and sealed. Mr. Beekman agreed with the conditions noted as well. Mr. Ward asked about the part about the trees, this property has been sold so this point may not be considered. Chairman Hall said there is a Tree Ordinance and there are things they have to follow to address the tree situation. Councilwoman Anthony added that the Shade Tree Commission can go to the property and assess the situation as well. Mr. Ward agreed to save big trees but he did not feel this obligation can be put on a new owner and to have replace a big tree with two small ones. He did not think the Ordinance does much once a property is sold. Mr. Kennedy agreed it can be difficult to go beyond what the tree Ordinance requires, but it should still be in the Resolution. The Board may want to look at the Tree Ordinance at another time and agreed that good faith is not the end. Mr. Ward felt that a present owner may have more sensitivity to this than a new owner, that was his point. Mr. Horan spoke at this time and said that the tree that Mrs. Brisben spoke about was on his property and he had no plans to remove it; he also was not aware of any big trees on this lot that would be coming down.

At this point Mrs. Laszlo again made a motion for approval, this seconded again by Mr. Walker and then by the following roll call vote:

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

Noes: None

#### OTHER BUSINESS:

The Board turned to the Resolution of approval of meeting dates for 2022. Mayor Fetzer noted the November meeting would be during the time of the League of Municipalities Convention and Mrs. Brisben said he was the only one who went this year so she kept that November date in. The following was then presented for approval:

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,

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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 2022;

January 19, 2022

March 16, 2022

May 18, 2022

July 20, 2022

September 21, 2022

November 16, 2022

February 16, 2022

April 20, 2022

June 15, 2022

August 17, 2022

October 19, 2022

December 21, 2022

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

A motion was made to approve the above Resolution was made by Mr. Ward, seconded by Mayor Fetzer and then by voice vote, all aye, no nays.

Chairman Hall said he has asked Zoning Officer Chris Willms to attend this meeting but he could not promise this happening, but every Board member did receive his letter on possible changes to the Zoning Ordinance on some issues. Chairman Hall wanted to appoint sub-committees to address some changes that should be looked into and fix some gaps in the Ordinance.

Mr. Willms spoke about pools and the mechanical equipment on raised platforms and it speaks of impervious surface coverage and it also bring to mind, to Chairman Hall, that if a home is in a flood zone the equipment has to be above the flood plain. What it might do, in some cases, is possibly increase building coverage; he said he was going to look into this himself as he is, through his work, involved with NJ codes. A question was asked if this is put at grade, does that add to the coverage? The answer was no but Chairman Hall wanted to talk to Mr. Willms about this because if the mechanical equipment was put on stone that makes it permeable and there are questions to be answered. Mayor Fetzer also had some questions on the drainage for this and percolation. At this time Mrs. Abrahamson said she had heard from Mr. Willms and he is at another Planning Board meeting and was still trying to get done with that one.

Chairman Hall said there would be also questions on portable pools, in his opinion and referenced Code 17-2 and he said he felt this, too, needs to be tightened up. Mr. Ward suggested Mr. Willms give the Board tangible examples, actual ones, that would be very helpful as it seems to be rather abstract right now. Chairman Hall agreed that some of the points in Mr. Willms letter seemed to be a little bit confusing and he was going to speak to him on this. Councilwoman Anthony felt it was an excellent report Mr. Willms did and she was wondering if he could possibly do a Power Point presentation which would include photos showing different examples around the town

and she also felt Peter should be involved from an engineer's perspective. Chairman Hall thought that was a great suggestion and he will bring it up to him. Mrs. Laszlo then commented that Mr. Willms speaks of hot tubs but she couldn't find mention of them in the Ordinance regarding Section 17-2 where it speaks of definitions and she felt it should be in there.

Chairman Hall was glad this was all being brought to the Board's attention and he then went to the letter that spoke about flat roofs. He did not find where it says you can't have a flat roof anywhere, the Ordinance says a roof pitch can't be more than 9-12 but it doesn't have a minimum pitch and this has to be cleaned up; the same was for garages, it speaks of a maximum allowed but no word on a minimum size. The next item was driveways and Chairman Hall felt this, too, needs to be cleaned up – what is the actual driveway opening if there are extensions on both sides. Mayor Fetzer mentioned the flare of the apron as opposed to the width of the driveway and Chairman Hall agreed with him; Mayor Fetzer felt it was the wording that needs clarification. Mrs. Brisben added that other towns have a setback between driveways on lots, perhaps a 3 foot setback, right now Sea Girt has nothing; Mayor Fetzer agreed and said that right now a driveway can be right on the property line however, he felt this may be a problem for those who are right up to the property line, this would make their home nonconforming. Chairman Hall agreed and said any changes to the Ordinance may affect homeowners in town and make properties nonconforming, the Board and town have to be careful.

Chairman Hall then went on to the signs around town and he would like to see this cleaned up and where a sign is supposed to be placed on the property. He would like to see something that would not allow a sign to be any closer than 15 feet to the curb. A lot of people don't know that their property starts 10-15 feet back from the street, the sidewalk is not their property but they are required to maintain it. There also should be a time period for signs to be around, he didn't like to see signs all over the place. Mayor Fetzer felt this could be a problem for corner lots and it should be looked into before making a decision.

The last item was the Flood Zone height limitations, this was written after Superstorm Sandy, Chapter 14 to conform to FEMA & DEP regulations so funds can be applied for after a catastrophe. Chairman Hall was going to look at this to see what has changed as far as the flood zone and review this with Mr. Willms. Mayor Fetzer felt this may be incorporated with item No. 1, the platform elevations for mechanical equipment.

Chairman Hall thought that Mr. Willms should be commended for actually taking the time to review the Ordinance and see where it can be improved. Mrs. Laszlo wanted to add to the list the need to close out permits after construction is done, this is done in Spring Lake and she would like to see that done here. Chairman Hall asked for an example of why this should be done and Mrs. Laszlo said her neighbor told her she had discovered open electrical permits on her home from two owners ago and she is in the process of having an inspector come through to close these out if that file can be found. Given the amount of construction that has gone on in town it is better and neater

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to do it in a timely fashion when the paperwork is available. Chairman Hall asked Mrs. Brisben, as Secretary, if she has access to this and she said no, what Mrs. Laszlo is talking about is the Construction Department for building and this has nothing to do with the Planning Board, it's all the Regional Construction Department at Spring Lake Borough Hall. Mr. Ward questioned the area of the First Avenue and Morven Terrace block and what is the front yard and what is the back yard, it would be nice to have this clarified; Mrs. Laszlo said the problem here is that half of the houses face one street and half the houses face the other street now, Chairman Hall added that this would make some people nonconforming; Mayor Fetzer agreed, there are front yards right next to back yards.

Chairman Hall said there was work to be done in cleaning items up in the Ordinance. Mrs. Brisben asked if something should be put on the January agenda on committees to look into this and was told to put it on as a discussion.

As there was no other business to come before the Board a motion was made by Mr. Walker to have a Merry Christmas and to adjourn the meeting, this was seconded by Councilwoman Anthony and by voice vote, all aye. The meeting was adjourned at 8:05 p.m.

Approved: January 19, 2022

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Karen S. Brisben, Secretary