

SEA GIRT PLANNING BOARD  
WEDNESDAY, APRIL 18, 2018

The Regular Meeting of the Sea Girt Planning Board was held on Wednesday, April 18, 2018 at 7:00 p.m. in the Sea Girt Elementary School, Bell Place Sea Girt. In compliance with the "Open Public Meetings Act", Chapter 231, P.L. 1975, Chapter 5, notice of this Body's meeting has 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, Larry Benson (arrived 7:33 p.m.), Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Councilman Michael Meixsell, Raymond Petronko, Robert Walker, John Ward, Norman Hall

Absent: Karen Brisben

Also present was Board Attorney, Kevin Kennedy, as well as Peter Avakian and Helen Zincavage from Leon S. Avakian, Inc., Board Engineers. As Board member Mrs. Brisben was not in attendance, the Minutes were recorded by Mrs. Laszlo, Vice-Chairperson. There were approximately 40 people in the audience.

A motion to approve the February Minutes (there was no meeting in March) was made by Mr. Petronko, seconded by Mr. Ward and unanimously approved, all aye.

**OLD BUSINESS:**

The Board then turned to the approval of a Minor Subdivision application for Block 52, Lot 10, 304 Crescent Parkway, owned by Robert & Nancy Schatzman, to create 2 building lots. Mr. Kennedy went over the conditions of the Resolution and the following was presented:

**WHEREAS**, Robert and Nancy Schatzman have made Application to the Sea Girt Planning Board for the property designated as Block 52, Lot 10, commonly known as 304 Crescent Parkway, Sea Girt, NJ, within the Borough's District 1, East Single-Family Zone, for the following approval: Minor Subdivision Approval and Bulk Variance Approval;

**PUBLIC HEARING**

**WHEREAS**, the Board held a Public Hearing on February 21, 2018, 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:

- Land Development Application, dated October 30, 2017(with Addendum), introduced into Evidence as A-1;
- Minor Subdivision Plat, prepared by Insite Engineering, LLC, dated May 2, 2017, last revised October 2, 2017, introduced into Evidence as A-2;
- Survey, prepared by Clearpoint Services, LLC, dated April 24, 2017, introduced into Evidence as A-3;
- Review Memorandum from Leon S. Avakian, Inc. dated December 22, 2017, introduced into Evidence as A-4;
- Review Memorandum from the Planning Board Subdivision Committee, dated December 5, 2017, introduced into evidence as A-5;
- A Photo Board, containing 11 pictures of the subject property, taken by Michael Rubino, Jr. Esq. on or about February 20, 2018, introduced into evidence as A-6;
- Affidavit of Service;
- Affidavit of Publication.

### **PARTIES OF RECORD**

**WHEREAS**, as indicated, the Applicants herein are Robert Schatzman and Nancy Schatzman;

**WHEREAS**, the Applicants were represented by Michael Rubino, Jr., Esq.;

**WHEREAS**, neighbors, Michael Konczyk and Eileen Konczyk formally participated in the proceedings; and

**WHEREAS**, Michael and Eileen Konczyk were represented by Ben Nadell, Esq.;

and

### **APPLICANTS' WITNESSES**

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

- Christopher Rice, Architect;
- Robert Schatzman, Applicant;
- Patrick Ward, P.E., P.P., Engineer; and
- Allison Coffin, P.P.

### **TESTIMONY AND EVIDENCE**

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

- The Applicants are the owners of the subject property.
- The subject property currently contains 22,500 sq. ft.
- The subject property currently contains a single-family dwelling, garage, and pool.
- The Applicants currently live at the site.
- The Applicants moved to the site in approximately 2002.
- After moving to the property, the Applicants lived on the site in the then existing single-family home.
- The previously existing single-family home was outdated and was not built for the needs of a modern family.

- Demolition of the previously existing home was more appropriate than just mere renovation.
- Against such a backdrop, the previously existing home was demolished.
- In or about 2005, the Applicants constructed a single-family home at the site (i.e. the existing home), where the Applicants now reside.
- The Applicants propose to subdivide the subject property/mother lot into two lots; namely, proposed Lot 10.01 and proposed Lot 10.02.
- The Applicants were unaware that there was a deed restriction (from 1925) which required the property to have a width of 75 ft.
- The Applicants' initially submitted Subdivision Plan violated the said deed restriction (relative to the lot width).
- After neighborly concerns were expressed, and further research was effectuated, the Applicants learned that there is, in fact, a deed restriction (from 1925) which requires that each lot have a width of 75 ft.
- The Applicants revised the Plan so as to comply with the terms and conditions of the said deed restriction (relative to lot width).
- Details pertaining to the Applicants' two proposed lots include the following:

**PROPOSED LOT 10.01**

Measurements:	75 ft. width x 150 ft. depth
Minimum required lot area:	7,500 sq. ft.
Proposed Lot Area:	11,250 sq. ft.
Current Use:	Vacant
Proposed Use:	Single-family home.

## **PROPOSED LOT 10.02**

Measurements: 75 ft. width x 150 ft. depth  
Minimum Required Lot Area: 7,500 sq. ft.  
Proposed Lot Area: 11,250 sq. ft.  
Current Use: Single-family home.

(Existing single-family home to remain)

Modifications to existing dwelling: In conjunction with the Subdivision Application, the Applicants will remove the west-side covered porch and will remove a portion of the pavers from the patio and a portion of the driveway.

It is anticipated that the minor subdivision will be perfected via Deed.

## **VARIANCE**

Building Coverage: (New Lot 10.02): Maximum 20% allowed; whereas 23.4% proposed.

## **PUBLIC COMMENTS**

**WHEREAS**, during the Public Hearing process, public questions, comments, concerns, and/or statements were presented by the following:

- Michael Konczyk

## **FINDINGS OF FACT**

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

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

- The Sea Girt Planning Board has proper jurisdiction to hear the within matter.
- The subject property is located at 304 Crescent Parkway, 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 south side of Crescent Parkway, between Third Avenue and Fourth Avenue.
  - The subject site (mother lot) currently contains 22,500 sq. ft.
  - The Applicants propose to subdivide the property into 2 Lots; namely, proposed Lot 10.01 and proposed Lot 10.02 (Details of the proposal are set forth elsewhere herein and, on the Plans,).
- Such a proposal requires Minor Subdivision Approval and Bulk Variance Approval.
- The Sea Girt Planning Board is statutorily authorized to grant the requested relief and therefore, the matter is properly before the said entity.
- With regard to Application, and the requested relief, the Board notes the following:
  - Each new lot created hereunder will comply with the Borough's prevailing lot area requirements. Specifically, proposed lot 10.01

will have a conforming lot area of 11,250 sq. ft. and proposed lot 10.02 will have a conforming lot area of 11,250 sq. ft.

- Each of the new lots created hereunder will ultimately host a single-family home.
- Single-family homes are permitted uses in the subject zone.
- Per the testimony and evidence presented, there is a 1925 Deed Restriction (affecting the subject property) which provides that each lot affected by the restriction shall have a lot width of 75 ft. The Applicants were initially unaware of the said restriction and submitted a Subdivision Application which would have violated the aforesaid restriction.
- Prior to the within Public Hearing process, some neighbors expressed concerns/objections about the potential violation of the Deed Restriction (relative to the lot width), and an Attorney representing potential Objectors/neighbors issued a Letter of Objection.
- Upon further review, the Applicants and their title company confirmed, that there is, in fact, a 1925 Deed Restriction requiring that each lot have a lot width of 75 ft. (There are other elements of the Deed Restriction as well, but the same are not relevant to the Subdivision Application.)

- Per the testimony and evidence presented, though the said Deed Restriction was created in 1925, the same still exists today, and the same still remains valid and enforceable.
- Though it is technically possible to arrange for a Deed Restriction to be lawfully discharged, the said process is legally cumbersome, timely, and expensive. Additionally, the said discharge process would likely require the written consent of all current owners, prior owners, and their heir at law, etc. (and it is presumably doubtful that all other individuals would agree to the same.)
- Per the testimony and evidence presented, there has been no discharge of the referenced Deed Restriction.
- Per New Jersey Case Law, while the Planning Board can technically approve an Application in violation of a Deed Restriction, the ability of the Applicants to actually subdivide the property and construct improvements thereon would likely be challenged/stayed/halted by the Courts (through a potential lawsuit by any objecting neighbors).
- In light of the above, the Applicants have arranged for the previously submitted Plans to be modified so as to honor the terms and conditions of the 1925 Deed Restriction (relative to lot width).
- In conjunction with the within approval, any previously submitted plan submissions which violated the aforesaid lot width restrictions have been withdrawn.

- As indicated, the subdivision approved herein, does, in fact, comply with the prevailing 1925 Deed Restriction (relative to the lot width requirement).
- The Board appreciates the Applicants commitment to abide by the prevailing Deed Restriction.
- Compliance with the aforesaid Deed Restriction should presumably eliminate potential dispute/tension/litigation between neighboring property owners.
- The Board is aware that the existing Zoning Regulations (for lot width) are inconsistent with the 1925 Deed Restriction.
- The Application as presented requires a Variance for Building Coverage (20% maximum allowed; whereas 23.4% proposed).
- The Board would not typically be inclined to grant such relief, in the absence of legally compelling circumstances.
- For the reasons set forth herein, the Board finds that legally compelling circumstances do exist to justify the granting of the aforesaid building coverage variance.
- The Board is aware as part of the within Application, the Applicants will be effectuating certain modifications to the existing dwelling/site – including the following:
  - a. The removal of the existing west-side covered porch;
  - b. The removal of a portion of the existing patio pavers and a portion of the driveway;

- The Board is aware that the aforesaid actions will help reduce the overall coverage with proposed new lot 10.02. (i.e. the lot with the existing residential home situated thereon).
- Per the testimony and evidence presented, in or about 2005, the now existing home on the lot was designed/constructed with the specific idea that the west-side covered porch may some day have to be removed to accommodate a potential subdivision.
- Per the testimony and evidence presented, the anticipated removal of the existing west-side covered porch will not compromise the overall aesthetic appeal or functionality of the existing home.
- The Board is aware that the overall coverage on new lot 10.02 could be further reduced if the Applicants were to also remove the existing rear porch on the south side of the property.
- The Board Members engaged in a good faith and civil debate as to the merits of the potential removal of the existing one-story open-air rear porch on the south side of the property.
- Though removal of the existing rear porch on the south side of the property would result in a more compliant coverage calculation, there are potential detriments associated with the such a venture. The potential detriments include the following:
  - a. The loss of an aesthetically appealing/attractive/functional porch;

- b. In the words of the Applicants' Architect, the loss of "an integral" element of the existing home.
- After a debate and discussion, the Board Members agreed that allowing the Applicants to keep the existing one-story open-air rear porch (and the simultaneous granting of the aforesaid building coverage variance) represents a better overall zoning alternative for the Borough of Sea Girt.
  - The reasons why the Board Members determined that the existing one-story open-air rear-yard porch should be maintained (and the associated building coverage variance granted) include the following:
    - a. There are other significant actions associated with the proposal which reduce the overall coverage at the site.
    - b. The Applicants' agreement/proposal to remove a portion of the patio/driveway pavers reduces the overall impervious coverage to a compliant 31.1%.
    - c. The granting of the Variance will allow the existing rear porch, an admittedly integral part of the existing home, to remain.
    - d. The existing rear-porch is open-aired, and, as a condition of the within Approval, the Applicants have agreed to refrain from any further building on/over the same, and the Applicants also agreed to further prevent the enclosure of

the said porch. (All of which should help mitigate any issues associated with the excess coverage).

- e. The existing one-story open air rear porch does not result in, or otherwise contribute to, the existing single-family home having an overbearing appearance.
  - f. The existing one-story open air rear porch is not readily visible from the public street.
  - g. The presence or absence of the existing one-story open air rear porch does not really impact the overall aesthetic appeal of the home.
  - h. Under the circumstances, there is no real justification to remove an aesthetically appealing/functional 13-year-old porch at the site.
- The Board is aware that the existing 22,500 sq. ft. lot substantially exceeds the 7,500 sq. ft. minimum required lot area in the zone.
  - The newly created lot sized will comply with all Prevailing Lot Area Requirements.
  - Subject to the conditions contained herein, there was no known public opposition associated with the Application.
  - Subject to the conditions contained herein and subject to any necessary submission waivers, the Application as presented satisfies the Minor Subdivision Requirements of the Borough of Sea Girt.

- The homes which will be constructed on new Lot 10.01 will comply with all prevailing setback requirements.
- The location of the existing home on new lot 10.02 and the location of the proposed home on new 10.01 is practical and appropriate.
- The lots created herein will contain single-family homes which will not overpower or otherwise overwhelm the site/neighborhood.
- The lots approved herein will be consistent with the nature and size of other lots in the area.
- Each lot will have a sufficient amount of off-street parking spaces for the Applicants'/Owners' use and thus, no Parking Variance is required.
- The existence of sufficient and appropriate parking is of material importance to the Board – and but for the same, the within Application may not have been approved.
- The Board notes that although the proposed building coverage for Lot 10.02 exceeds what is permitted, the Board simultaneously notes that the overall impervious coverage calculation for Lot 10.02 is a complying 31.1%, which is less than the maximum impervious coverage amount otherwise allowed. But for the same, the within Application may not have been approved.
- Sufficiently detailed testimony/plans were presented to the Board.

- 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.
- The improvement to be constructed herein will not be inconsistent with other improvements located within the Borough.
- Approval of the within application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented satisfies the Statutory Requirements of N.J.S.A. 40:55D-70(c) (Bulk Variances).
- Based upon the above, and for other reasons set forth during the Public Hearing Process, the Board is of the unanimous opinion that the requested relief can be granted without causing substantial detriment to the public good.

### **CONDITIONS**

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

- a. The 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 December 22, 2017 (A-4) and the Subdivision Committee Memorandum (A-5).
- c. The Applicants shall comply with all prevailing Affordable Housing Rules, Regulations, Directives, Contributions, as required by the State of New Jersey, the Borough of Sea Girt, COAH, the Court System, and any other Agency having jurisdiction over the matter.
- d. The Applicants shall cause the Plans to be revised so as to portray and confirm that any new driveway to be placed/installed on new Lot 10.01 (i.e. the currently vacant lot), shall be placed on the east side of the property/home. Moreover, the said condition shall be memorialized in a Deed Restriction which, once approved by the Board Attorney, shall be recorded in the Office of the Monmouth County Clerk. (Proof of recording shall be submitted to the Board Secretary and the Board Attorney).
- e. The Applicants shall cause the Plans to be revised so as to include a note confirming that there shall be no further construction on/over the existing one-story open air rear porch on the south side of the property (i.e. Lot 10.02). The said note shall further confirm that there shall be no enclosure of the said existing one-story open air rear porch (on new Lot 10.02).
- f. The Applicants shall cause the Plans to be revised so as to include a note confirming that any damage/defects associated with the sidewalks (as deemed necessary by the Board Engineer) shall be satisfactorily addressed/repaired (to the satisfaction of the Board Engineer) prior to the issuance of any Certificate of Occupancy.

- g. The Applicants shall obtain any necessary Demolition Permits.
- h. Absence further approval of the Sea Girt Planning Board, the new single-family home on new lot 10.01, shall comply with all prevailing Bulk/Use requirements.
- i. Grading/drainage details shall be reviewed and approved by the Board Engineer.
- j. 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.
- k. Prior to the issuance of any 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.
- l. The Applicants, or any successor Applicants / Owners, shall comply with all Prevailing Rules and Regulations of the Municipal Utilities Authority.
- m. Prior to the issuance of any Building Permit, the Applicants, or any successor Applicants / Owners, shall submit detailed Plans / Elevations – and the said documents shall be reviewed / approved by the Board Engineer (as well as any other applicable municipal official).
- n. Any single-family home to be constructed on the newly created Lot 10.01 shall comply with all Prevailing Bulk Zoning Regulations (as no Variances are granted hereunder for the said lot.)
- o. The subdivision shall be perfected in accordance with Requirements of New Jersey Law (and within the timeframe set forth in New Jersey Law.)
- p. The Applicants shall review the proposed Block / Lot designations with the Municipal Tax Assessor so as to confirm the acceptability of the same.

- q. Any Plans previously submitted in violation of the 1925 Deed Restriction are hereby withdrawn, and of no further force or effect.
- r. Any construction/development of the Site (if applicable, and if authorized herein) shall comply with the Prevailing FEMA Requirements.
- s. 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.
- t. 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.
- u. The Applicants shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees, taxes, and inspection fees.
- v. If required by the Board Engineer, 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 development / subdivision.

FOR THE APPLICATION: Larry Benson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Councilman Michael Meixsell, Ray Petronko, Robert Walker, Norman Hall

AGAINST THE APPLICATION: None

ABSENT: Carla Abrahamson

The forgoing Resolution was offered by Mayor Ken Farrell, seconded by Jake Casey and adopted by the following roll call vote:

Ayes: Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Councilman Michael Meixsell, Raymond Petronko, Robert Walker, Norman Hall

Noes: None

Absent: Karen Brisben

Not eligible to Vote: Carla Abrahamson, Larry Benson

The Board then turned to a Resolution to approve an extension of timeframe for perfection of the Minor Subdivision for Block 54, Lot 7, 321 Stockton Boulevard, owned by Jeffrey Woszczak and the following was presented for approval:

WHEREAS , Jeffrey Woszczak, or agents thereof, previously submitted a Development Application to the Borough of Sea Girt; and

WHEREAS , the said Application involved the property located at 321 Stockton Boulevard, Sea Girt, NJ, more formally identified as Block 54, Lot 7; and

WHEREAS, the said Application involved a request to subdivide the mother lot into 2 lots; namely, new Lot 7.01 and new Lot 7 .02; and

WHEREAS , the said Application was presented to the Sea Girt Planning Board on or about January 18, 2017; and WHEREAS , at the said time, the Sea Girt Planning Board approved the Minor Subdivision Application; and

WHEREAS , a Memorializing Resolution was adopted thereafter; and

WHEREAS , pursuant to prevailing New Jersey Municipal Land Use Law, the said Subdivision was to have been perfected within 190 days of adoption of the Memorializing Resolution (i.e. in or about September of 2017); and

WHEREAS , despite the above referenced statutory / case law timeframes, the Applicant did not timely perfect the subdivision; and

WHEREAS , in response thereto, the Applicant's representatives recently forwarded a request to the Planning Board to extend the timeframe for extension of the timeframe for perfection of the subdivision; and

WHEREAS , the Planning Board reviewed the matter at its meeting of February 21, 2018; and

WHEREAS , at the said time, the Applicant was presented by Francis Rodman Rupp, Esq.; and

WHEREAS , at the said February 21, 2018 meeting, sworn testimony in support of the request was presented by Jeffrey Woszczak; and

WHEREAS , at the said meeting, the Applicant's representatives explained as to the source of the various reasons why the subdivision was not timely perfected, including various engineering/weather reasons; and

WHEREAS , for good cause having been shown; and

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

1. That the timeframe for perfection of the Wozszczak Subdivision is hereby extended until April 30, 2018
2. That the extension shall be retroactively effective as of the date of the initial timeframe expiration.
3. That as a condition of any Certificate of Occupancy being issued for this site, the Applicant shall repair / replace the sidewalk along Stockton Boulevard (in accordance with prevailing municipal standards, and in a manner approved by and acceptable to the Board Engineer).
4. That all other terms and conditions of the initial approval, unless modified herein, shall remain in full force and effect.
5. That a copy of the within Resolution shall be forwarded to the following:
  - A. The Applicant
  - B. The Applicant's Attorney
  - C. The Board Attorney
  - D. The Board Engineer
  - E. The Municipal Tax Assessor

The above Resolution had a motion for approval from Mr. Petronko, seconded by Mayor Farrell and adopted by the following roll call vote:

Ayes: Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Councilman Michael Meixsell, Raymond Petronko, Robert Walker, John Ward, Norman Hall

Noes: None

Abstain: Carla Abrahamson

#### OTHER BUSINESS:

Chairman Hall then turned to present comments on the proposed Master Plan Update. He first wanted to explain that no decisions are being made tonight, this is still in draft mode and he wanted to let the audience know that some of the concerns made are not Master Plan concerns. The subcommittee has, so far, discussed: the bulk of homes, impervious coverage, school and church properties future use, elevation between properties, input from Shade Tree Commission and tree preservation, lot sizes, depth of basements and calculation, corner lots, over development and zoning in the downtown area and have reviewed many letters voicing concerns.

The meeting was now open for public input and Kathleen North of 415 Trenton Boulevard came forward and said that the clear lot cuttings have to be looked into, developers are taking away all trees and something has to be done, the Borough is

losing trees because there is no regard for them. She did complement the town for their services, garbage, cleanups, etc., she felt Sea Girt does the best job of any town. Jim Sandford of 400 Brooklyn Boulevard came forward next and agreed, trees are a major part of the beauty of Sea Girt and they act as a barrier to all the rain, they reduce soil erosion and runoff, Sea Girt is losing its tree canopy, there is a need to enact rules that would minimize tree removal and referenced Spring Lake's Ordinance on trees. He was also concerned with the regulations on site plan approvals.

Donald Carson of 209 Brooklyn spoke and said that the bulk of the new houses have generators and air conditioning units on the roof, garages and outbuildings, they are extremely loud and there is no buffering to dampen the noise. He was also concerned about buildings encroaching into the side yard area, they are too close to allow for buffering. Mr. William Sitar then spoke and said he was denied, before the Planning Board, to have residential use on the first floor in the Commercial Zone and wanted the Board to reconsider relief for this. He went to say people want to stay in the community and he had presented beautiful plans for apartments, Sea Girt does not need more stores; he also would have off-street parking which stores would not have. He commented on the shopping area and how this was not like Manasquan or Spring Lake. Chairman Hall told Mr. Sitar they were in receipt of his letter to the Master Plan Committee and are still in discussion on it.

Patricia Raffetto of 417 Trenton Boulevard felt that the side setbacks of 5 feet and 10 feet need to be changed as well as the maximum height. Chairman Hall said that the bulk coverage is a concern and this is one of the reasons the Board is discussing this. Robert Kregg felt that homes were being built "oversized", 4,500 square feet of a 50 foot wide lot, 7 bedrooms, 7 bathrooms; he had a handout from Shore Builders who are building homes all over Sea Girt. He was concerned that in 10 years the elementary school will not exist as no young people with children can afford to move here. If this continues Sea Girt will not be the same.

Mary Ellen Keane spoke and said if Senior Housing is created to make sure services are in place, such as a grocery store they can walk to. John O'Grady of 206 The Terrace felt that Edgemere Park has become a disgrace to what it was like, the town needs to develop the park much more than it is now. Mrs. Deatrick of 215 Philadelphia Boulevard said she wished there were more shops downtown with a place for kids to hang out after school, she didn't want it to be a professional district only, it should be retail oriented. She also felt that the homes being built are "cookie cutter", every house is starting to look alike; other towns have architectural review Boards and she referenced Bound Brook and Colts Neck as examples. She wants to see Sea Girt kept as Sea Girt.

Megan Pacetti of 300 Washington Boulevard has lived in Sea Girt for 40 years and commented on the gargantuan basements that are being put in, she is worried as Sea Girt is changing rapidly; the rules and regulations need to be clear and people will "push" to get what they want, there is not a lot of land in Sea Girt; she finished by stating she was concerned about the runoff from all the new building & basements. Mr. Robert

Kregg came forward again and said the townspeople do not want to see all that is going, stay within the law; he has never seen so many teardowns.

Chuck Anthony of 8 Brooklyn Boulevard felt that the trees need to be in balance and something needs to be done to control clear cuts, and Sharon Kregg of 613 Brooklyn Boulevard suggested buying out the lots for sale to lose marketability and make them need 75 and 100 feet wide to build. Mr. Sitar spoke again and said that new street lights are needed, there used to be cast iron ones and the First Avenue lights are being replaced with cheap lights, a town like Sea Girt can upgrade their lighting. Mayor Farrell answered and explained they are using insurance proceeds to replace the lights and the new lights are made of a better material.

As there were no more comments from the audience it was announced there will be another meeting on this on Wednesday, May 16, 2018 with a planned adoption of the Master Plan on Wednesday, June 20, 2018.

#### NEW BUSINESS:

The Board then turned to an application for variance relief for Block 49, Lot 6, 313 Philadelphia Boulevard, owned by Michael & Susan Bell, to allow construction of a new detached garage, new exterior shower, and rear addition to existing dwelling. Side Setback – 10 feet required, 7.6 feet existing & proposed. Building Coverage – 20% maximum allowed, 21.16% existing, 20.82% proposed. Mechanical Unit Placement – required to be in rear yard, existing & proposed in side yard.

The appropriate fees were paid, taxes are paid to date and the property owners within 200 feet as well as the newspaper were properly notified. Mr. Kennedy reiterated that the notices were good and done correctly. Before starting the hearing, he marked the following exhibits:

- A1. The Land Development application.
- A2. The architectural plans done by Mary Hearn Architects.
- A3. Grading Plan.
- A4. Map of Survey.
- A5. Leon S. Avakian, Inc. memo dated 3/28/18.
- A6. Illustrated rendering.
- A7. Picture board, two sided aerial views.
- A8. Pictures taken by Mr. Rubino.

Mr. Michael Rubino, Esq. came forward to present the application for the Bells. He explained they want to bump out the back of the existing home; the home now is a

little over on coverage and they are taking away the bay window and shower so less coverage will be on the property. They are also reducing the impervious coverage which is now 36%; there are also existing violations on the garage and they are going to move it and bring it more into compliance.

At this time Mr. Michael Bell came forward and was sworn in. They have been in Sea Girt for 7 years and love the house, it is an old home. They want to make some improvements to it, put in a ½ bath on the first floor and have it be more accessible to the rear yard; they also want a Master bedroom on the first floor, they need a bigger shower and they want to redo the kitchen and fix the drainage. They now have a two-car garage and want to make it smaller, it does not comply with the zoning now. They also want to keep the air conditioning units on the side of the house, they are quiet units. Mayor Farrell commented that the a/c units are in the setback and the Board would have to think about that. The hearing was then opened to the public for questions to Mr. Bell and, as there were none, that portion was closed.

Mary Hearn, Architect, then came forward and was sworn in. She said the Bells are hoping to increase the size of the master bath and increase it to an ensuite bath as well as a small addition. They also plan to do some hardscaping and create an oversized one car garage instead of a full two-car garage. The garage is off by two feet and she showed where it will now comply, the grill & outdoor kitchen will also comply, they must be 5 feet from the property line. As far as a fire pit, there is no Ordinance in Sea Girt for this so they are following the State code with 15 feet off the house and it has to be stationary. As far as garbage location, there is a hedgerow so it cannot be seen. Councilman Meixsell asked about the air conditioner units and Ms. Hearn said they are not being increased in size. Mr. Ward said the height of the garage is measured from the crown of the road and Ms. Hearn said they will be in compliance. Mr. Petronko asked about an easement that is shown and Mr. Rubino said the deed of easement goes with the property and it stays.

At this time the hearing was opened for questions to Ms. Hearn and Robert Kregg came forward and asked about the units being in the sideline, he wanted to know how close they are to the adjacent property owner and Ms. Hearn answered him.

As there were no other questions and no other testimony given the Board opened the hearing for comments and there were none so that portion was closed. Mr. Rubino summarized the application and noted the air conditioners are new and in good shape, it would be expensive to have to move them.

The Board then went into discussion on this application and Mrs. Abrahamson felt the building proposed would be an improvement. Mr. Casey felt the home has served the family well, he would like to see the air conditioners being moved as a condition of approval. Mayor Farrell likes to see the charming old homes remain and applauded them on reducing the impervious coverage but agreed the air conditioners should not be in the setback, Council did away with stairwells and window wells, the

Fire Department wants nothing in the setbacks. Mr. Walker was in favor of the application and Mr. Petronko appreciated the Bells preserving the home, if they did no improvements the air conditioner units would still be in the side yard. Mr. Ward had the same concerns for the air conditioner units. Councilman Meixsell felt the units were an existing nonconformity and he didn't mind them staying there. Chairman Hall was in favor and noted they either have to move or change the property. There was then a brief discussion on the air conditioner units and whether to do a special vote.

Mrs. Laszlo then made a motion to approve the application, as presented, this seconded by Mrs. Abrahamson and then by the following roll call vote:

Ayes: Carla Abrahamson, Eileen Laszlo, Councilman Michael Meixsell, Raymond Petronko, Robert Walker, John Ward, Norman Hall

Noes: Jake Casey, Mayor Ken Farrell

Not Eligible to Vote: Larry Benson

Mr. Kennedy then went over the conditions to be shown on revised plans: exterior shower will comply with Construction Code regulations, the height of the garage will comply, details on the fire pit will be included, there will be shower connection details, correct the type on coverage calculations, the kitchen work will comply with Construction Code, grading & drainage to be approved by the Board engineer, correct plans to show correct figures for the air conditioner units, note that they are to stay in their location and, if new ones purchased, they will be put in a compliant position as well as other conditions put in all Resolutions. The final Resolution will be presented for memorialization at the May 16<sup>th</sup> meeting.

#### OTHER BUSINESS:

Before adjourning for the evening, Chairman Hall allowed John and Amy Ledva to speak to the Board about 108 Chicago Boulevard that was before the Board for a variance in July 2017. They felt that what was presented was not what is being built and they were forced to retain a lawyer to protect them. There was a Stop Work Order on the front building but the work was done on the back structures. They asked the Board for help and direction but Chairman Hall had to explain that this is not a Planning Board issue at this time, the Construction Department issued the Stop Work Order as the front home was demolished and it was to be additional work only on an existing home. He told the Ledvas this probably will come back before the Planning Board and he suggested they appear at that time and make their voices known. The Ledvas again said there was a misrepresentation at the hearing and Mr. Kennedy said the Board cannot comment, there will be another hearing and they can discuss it then.

As there was no other business to come before the Board, a motion for adjournment was made, seconded and approved, all aye.

Approved: June 20, 2018