

Wednesday, December 21, 2022

SEA GIRT PLANNING/ZONING BOARD
REGULAR MEETING
WEDNESDAY, DECEMBER 21, 2022

The Regular Meeting of the Sea Girt Planning Board was held on Wednesday, December 21, 2022 at 7:00 p.m. at the Sea Girt Elementary School on Bell Place as well as being a hybrid meeting. There were problems with people logging on to the meeting so it took some time to fix this and then the meeting started. 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. Kevin Kennedy, Board Attorney, and Peter Avakian, Board Engineer, were present and Board Secretary Karen Brisben recorded the Minutes, there were 9 people in the audience.

A Salute to the Flag was done, then the following roll call:

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

Absent: Robert Walker

Before going on with the meeting, Chairman Hall announced that ex-Mayor Ken Farrell had just passed away and asked for a moment of silence to honor him and remember all the work he had done for Sea Girt. Chairman Hall then announced that this is a hybrid meeting and hoped the issues were resolved in doing this. He then asked if there were any public comments or questions on any item not on the agenda this evening and there was no response. At this time approval of the Minutes of the November 16, 2022 meeting was considered on a motion by Mr. Ward, seconded by Mr. Casey and approved by unanimous vote, all aye.

OLD BUSINESS:

The Board then turned to the continuation of a hearing for variance relief for Block 22, Lot 11, 106 New York Boulevard, owned by Matthew Martin & Sharon McGarvey, to allow construction of a new home. At this time Mr. Kennedy asked Mr. Avakian to be sworn in again and this was done. Mr. Kennedy then marked the following exhibits that were submitted after the original review:

Exhibit A-11. Variance Plan done by KBA Engineering Services, revised 11/28/22.

Exhibit A-12. Architectural Plan done by Graham Station Architects, 3 sheets last revised 12/5/22.

Exhibit A-13. Engineering review by Leon S. Avakian, Inc. revised 12/16/22.

Mr. Kennedy commented this is a continuation hearing from the October meeting of the Board and Mrs. Abrahamson has listened to the tape of that meeting and, therefore, is now eligible to vote on this matter and she was thanked for doing this.

Mr. Tim Middleton, Esq. came forward and explained the changes; the building coverage is now conforming, the width of the home has been decreased by a foot which helped the concern of the width of the driveway. There were also issues about the grading plan and Mr. Kociuba went back and modified the grading plan; in regards to runoff from the east Mr. Kociuba designed a drainage system that goes into the drywell system, he noted the Board Engineer has reviewed it and found it satisfactory. One issue was still the setback, this block has an average setback so it is not 40 feet, the proposed house is setback 27.17 feet and the home will be 30.07 feet, this differed from Mr. Avakian's figures but the applicant included the home that is existing now and Mr. Avakian did not, thus the difference and Mr. Middleton felt his figures were correct and comply with the Ordinance.

At this time he asked Joe Kociuba to speak; Mr. Kennedy first asked to submit Exhibit B-1, a certification by Mrs. Abrahamson that she listened to the tape and can vote. Mr. Kociuba then came forward as a Professional Engineer and Planner, who was sworn-in at the original hearing. There was a lot of testimony given at the last hearing and, as a result, he did make changes to the original to address issues. They pushed the house back from the street approximately 2.5 feet, which increased the front setback to 30.5 feet to the house and 27.17 feet to the porch; the house was made narrower by one foot so it now in compliance with the lot coverage requirement and it benefits that side yard and they were able to add one step to the front porch, the side setback to the easterly wall will be 9.35 feet and will make the driveway wider, it will have a stone trench with a zip drain which will pipe to the drywell system and capture any drainage. The grade change has gone from 2 feet to 1.5 feet, the front yard sits in a hole so the 1.5 feet is proposed and Mr. Kociuba reminded the Board this is not a variance but needs approval from the Board, it is 18.5 inches at the front step and then tapers off, just crowning the front of the home, the same as the home to the west. There is 1.5 inch difference between the curb to the porch, it is less at the porch and that is why this is needed, this was very odd grading when the home was originally built. The grading at the back of the home remains the same due to the retaining wall and Mr. Kociuba had photos, marked as Exhibit A-14, 6 photos of the wall, same photos as submitted at the original hearing, photos taken by Mr. Kociuba. These photos show the retaining wall that is on the adjacent property and he commented the first photo just shows how flat the existing driveway is, the bottom photo on the first page is looking down the home on the west side towards the back yard and shows the retaining wall that is on the adjacent property that shows that property is elevated by 16-18 inches. This whole area was dropped when the original home was constructed. On the second page the photo shows the wall in the back of the driveway showing the back property going from 13 feet to about 12.5 feet, grading is needed to fix this drop. The last photo is a rear small wall in the back right corner that shows grade change is needed to catch runoff. The system is designed to catch all runoff into the drywell system.

Mr. Ward had a question and wanted to know what if the calculations are not correct and there is a problem in two years? Mr. Kociuba said all this is okayed by the town, if it is wrong it was done wrong by the builder. Mr. Avakian added that he has inspectors on site to make sure it complies and, if there is a problem, it is addressed by the town to ensure a positive runoff. The Board may want a Performance Bond and

Maintenance Bond which stays in place for two years. Mr. Middleton said there is also an as-built survey submitted and Mr. Avakian agreed. Mr. Avakian said there may be a problem if the Board does not address this, but they have and he felt it was done adequately, testimony has been given on this issue and information on the drywell system which should work here; it is up to the inspectors to see that it is being done properly and Mr. Willms keeps an eye on the work and can call inspectors out if he feels it is necessary. Mayor Fetzer asked what happens if the drywell or system gets clogged or overloaded. Mr. Kociuba answered and said if that happens it would have to be drained, up to the homeowner, there is a positive overflow of the downspouts and he again said this is why grade change is needed. Mr. Avakian added there are pop-up emitters here inside the drywell and the town would contact the homeowner if it becomes necessary.

At this time Mr. Kennedy noted there are problems with the public hearing this meeting and it is being worked on to get it fixed, Zoning Officer Mr. Willms was working on it; Chairman Hall was also working on it. After a period of time the hearing was able to be continued and the public was asked if they had any questions for Mr. Kociuba and there was no response.

Richard Graham, Architect and Planner, then came forward, he was sworn in at the original hearing. He stated the home has gone from 34 feet wide to 33 feet wide and the square footage was reduced from 4,190 square feet of 4,150 square feet which comes to less than 20% building coverage; the driveway, which was 10 feet 10 inches, now is 11 feet, 10 inches. As there were no board questions the hearing was opened to the public for questions and there was no response. Mr. Britt then asked if he could ask questions, he was not at the original hearing but asked about the roof slope and how does that work here? Mr. Graham said this is part of the gambrel roof and when they applied for a zoning permit this was accepted. Mr. Avakian added if the pitch was steeper it would reduce the ½ story and would not be practical. Mr. Britt felt this was a unique interpretation as the decorative structure is above 35 feet and Mr. Avakian said it is in the zoning and there is no issue with this, it is compliant. He has spoken to Mr. Willms on this and it is approved, the only issue for the Board is what is being asked for. He will speak to Mr. Willms on this in the future for further clarification.

Mayor Fetzer felt this can be addressed if the Board wants to and Mr. Middleton noted this issue was raised by Mr. Ward at the last hearing. Objectively no, the Supreme Court has said the Board has to address the variances being requested and not ones the Board has come up with. Mayor Fetzer felt perhaps this was overlooked and can be looked at and Mr. Middleton would have no objection for that, but this was addressed and is in compliance. Mr. Casey agreed with Mr. Britt's concerns for the pitch of the roof and felt it may require a variance. Mr. Middleton said the Engineer did not pick this up but it is a fair question and was okayed by the town. Mr. Kociuba defined the ½ story definition and the slope requirements, the pitch starts within 12 inches of the ceiling and the pitch of this portion has to be a minimum of 30 degrees and this is in compliance. Mr. Britt then said this feels this may allow for a flat roof and Mr. Kociuba said a flat roof on the top is permitted, where the air conditioner & generator is flat and is permitted by Ordinance.

Mr. Casey asked where is the top of the stairway to the roof and Mr. Graham said the east elevation plan shows spindles that are the stairs. The railing reaches just shy of 2 feet, leads onto the flat part of the roof, on sheet 2 of 3 of the architectural plans it shows the stairs. The upper landing on the riser is at 33.5 feet and is showed on the plan, the top height is 34 feet, with the mechanicals and parapet wall it comes to be higher than 35 feet, the Ordinance allows a maximum of two feet for the wall. Mr. Kociuba agreed and quoted section 17:54, mechanical equipment being behind a parapet wall. Mr. Avakian agreed and said the mechanicals can be above the roof height and be behind a parapet wall, maximum allowed is two feet.

There was then a discussion on whether mechanicals behind a parapet wall match the zoning requirements as the zoning speaks of decorative structure. Mrs. Abrahamson noted that the Board has to rely on its professionals and where do we go from here, question every report that comes in? Mayor Fetzer felt that perhaps Mr. Willms should be here and also address the roof pitch question. Mrs. Laszlo felt the Board should move on with this application, for the sake of time and the applicants; Mr. Avakian said he has a meeting scheduled with Mr. Willms for tomorrow at 1:30 and will discuss this with him.

At this time Mr. Justin Auciello, Planner, 125 Half Mile Road, Red Bank came forward and was sworn in. He has been licensed as a Professional Planner since 2008 with a Master's degree in Planning from Clemson University and he has appeared in 20 counties in the State. He was accepted by the Board as an expert witness. He submitted Exhibit A-15, dated 10/12/2022 & revised 12/19/22, showing the site conditions, the required conditions and the proposed conditions on the property, this was prepared by Richard Graham. He went over the Exhibit and said the orange hatch shows the area that does not comply, he wanted to show what the house would look like if it complies and what it will look like with the small minimal variance which creates a sense of continuity and make better use of the back yard. If the house is set back to be compliant it would affect light and air of the next door properties and commented this front variance is slight. Much consideration has gone into the planning of this property and he wanted to present this tonight as to the criteria, this is a classic example of a C-2 Variance, the benefits vs. the detriments are clearly shown and this shows that the structure is in line with the streetscape, gives privacy and will be better than what is there today, this will avoid a checkerboard effect on this street; this promotes the purpose of zoning and should work for the community as well. By seeking a variance, the applicant is seeking a better life as well as for the neighbors and reminded that there are no other variances asked for. As stated by other professionals, there is an average setback on this Block and this was done for keeping alignment on certain blocks and this is visually important. They are only asking for one variance and it fits in this application.

Mr. Auciello went on and referred to the Master Plan Update of 2018 which cited the 2008 Master Plan Update which spoke on the tear down of homes and new homes built which alter the streetscape. This tear down will be consistent with the area and will enhance and promote the streetscape that is there today. Also, in 2018 it was stated the need to keep the character and scale of buildings, as well as streetscapes and this application is a clear notion of that statement. On the negative criteria, it will not impair

the intent of the Zoning Ordinance, promotes general welfare and will not be detrimental to the public good. The applicant did go back to the drawing board and redid the plans to satisfy the Board's concerns.

As there was no further testimony it was time for Board questions. Councilwoman Anthony asked if there was a photo of the frontages here? She took a photo of 106 New York Boulevard and questioned improving the streetscape; she asked if a 37-foot high house would affect air flow to the smaller homes next to it; she wanted to know how this will improve the streetscape. Mr. Auciello said this application only requires one variance, front yard setback, no other variances are asked for and the rest of the property complies. If there are several variances asked for, then this application would have a negative impact on the streetscape, however, this application is compliant with the zoning other than setback. Mr. Middleton added that two other homes here are the same size, Councilwoman Anthony said they are not 37 feet high and Mr. Middleton agreed and again said the mechanicals on the roof comply. Councilwoman Anthony also questioned the setback, looking today at the home she did not think it would fit in.

Mayor Fetzer noted the diagram shows the 4 homes and the average setback and asked if other homes are set back and the answer from Mr. Auciello was yes. Mayor Fetzer said they were still less than the average setback and felt this was an issue; he commented the applicant did a great job but wanted to know if there was any reason they can't get to the proper setback? Mr. Middleton said that several neighbors are upset at the Board on this, they live here and feel this rigid approach is uncalled for and they have hired a Planner to also speak on this. They understand that rules apply and they believe that variances can be granted and to follow the strict rules are not in the best interest of the neighbors; the neighbors want to be able to voice their opinion this evening. Mayor Fetzer said there are other homes that are farther back and Mr. Middleton reminded him that they have to use the corner lots which significantly skew the numbers, one corner lot on Second Avenue is 50 feet back off New York and 15 off Second Avenue. The inclusion of the corner lots, in Mr. Middleton's opinion, should not be used and was unfair. Mayor Fetzer felt the other homes in this area will be affected and he and Mr. Middleton had a discussion on this, Mr. Middleton defending the variance application.

Mr. Ward asked Mr. Avakian if a footage more than 40 feet would count in the setback, he thought it wouldn't. Mr. Avakian said that is not the way the Ordinance is written, it says "the block" which would count the frontage of the homes as constructed, Mr. Kociuba agreed.

As Mr. Auciello's testimony was done and there were no more Board questions, the hearing was opened to the public for questions and there was no response.

The next person to come forward to testify for the application was Barbara Ehlen, a Licensed Professional Planner from Beacon Planning in Colts Neck, who has been before this Board before and was sworn in and accepted as an expert witness. She was here to represent the owners of 104 and 108 New York Boulevard, the neighbors on both sides of the applicants' property, Jodie Schwartz of 108 New York Boulevard who was in the audience and Kathleen Mathesen of 104 New York Boulevard who also

was in the audience, both neighbors said they had hired Ms. Ehlen in this matter. Mrs. Brisben spoke then and told Mr. Kennedy that Ms. Mathesen had sent a letter to the Board and Mrs. Brisben had distributed it as Ms. Mathesen said she would be present this evening, but Mr. Kennedy did not want it marked as an exhibit.

Ms. Ehlen then presented an aerial exhibit, which was marked as Exhibit A-16, an exhibit that shows a checkerboarding effect on the aerial photo if the variance is not allowed, there are 4 homes to the east that are in line together and establish the street line and she read the average setback requirements which apply here. She noted that homes to the west are consistent and homes to the east are consistent. If this is removed the continuity is lost and there will be a back and forth consistency. If this home is set back it will push the whole home back and, if you look two homes over to the left on the aerial it shows that home set back farther and it shadows into the neighbor's back yard and they are looking down into their neighbor's back yard. The applicants here are very concerned about this and the light, air and open space and the rear of the home area as well. That intrusion will go into the neighbor's back yard and affect their light, air and open space, just because it is permitted doesn't mean it is a better alternative.

She then referred to the 2018 Master Plan Update where it speaks of keeping with the scale of the neighborhood, it also says to consider the impact to the neighbors. This proposed home is within the height and scope of the neighborhood and, in her opinion, allowing this home promotes the purpose of zoning, specifically provide light, air and open space as it will not overshadow the neighbors' back yards. She referred to earlier testimony from a neighbor about their rear yard open shower and want to keep their privacy for this and not be looked at by the home being pushed back. She then quoted the need to have a desirable visual environment with good civic design and arrangement and she equated this to looking down the street and not seeing a checkerboard design. She noted there have been comments about the height of the proposed home but it is allowed under zoning and there are other homes in this area that have been renovated and are larger and the proposed home here will be set back farther than those homes are.

Ms. Ehlen also said she found it very rare that the neighbors, who are so passionate about this project, hired their own Planner to speak to the Board. She agreed this is a C-2 Variance where the positives outweigh the negatives and mentioned the two neighbors on either side, who hired her, are the ones to be most affected by this. She did not want to see a home that projects too far forward or did she want to see a home that sits too far back and create a void, she compared it to a missing tooth as a comparison. This is where the public part comes in, to keep the consistency of the neighborhood for visual viewing that was established here by the average setback. She again said there are homes to the west that have a setback and homes to the east that have a setback and they are seeking to continue that on the east, this is not a malicious effort to have the home they want, they are staying with the average setback in their area and being consistent. Nothing will be impacted by allowing this variance, traffic, trash collection, etc., this creates a better zoning alternative that what is required. It is her opinion that the applicant has met the proper

standard for approval and she hoped the Board understands the impact on the immediate neighborhood.

It was then time for Board questions and Mr. Britt questioned the diagram that was presented by Mr. Graham, he did the math and questioned the 40 feet to the $\frac{1}{2}$ story and 43 feet is required, there was a discussion on this and the difference was the orange area highlighted; Mr. Kociuba added it is not a required item, just the distance to the $\frac{1}{2}$ story and, after discussion and questioning, it was agreed that the figures were inconsistent and would be corrected. Mr. Britt thanked Mr. Kociuba and apologized for asking the wrong person this question. As there were no questions for Ms. Ehlers and no one from the public had a question that portion of the hearing was closed.

Chairman Hall then opened the meeting for comments and Kathleen Mathesen of 104 New York Boulevard again came forward and wanted to re-affirm her support and did want to read the letter she wrote to the Board, which was allowed. (The letter is attached to the end of the Minutes). Next to speak was Jodie Schwarz of 108 New York Boulevard who said their neighbor built their new home back and now her backyard has a problem with sunlight, air and open space, it does make a difference as they now get nothing. They live there and see it every day and she asked the Board to consider this.

As there were no other comments, Mr. Middleton wanted to give a summary of the changes there already and felt the neighbors hit the nail on the head, sometimes a variance should be given if it is a better plan. His clients went out of their way to comply and are asking for a Christmas gift and Board approval.

The Board then went into discussion and Mr. Ward noted Mr. Avakian had different calculations. Mr. Avakian said, as indicated in his report, the property was in question was not included in the calculation of the average setback but was corrected, so the actual proposed front yard setback is 30.5 feet to the dwelling which needs a variance from the calculated setback. Mr. Avakian said it is the entirety of the block that is considered and he thought Mr. Ward raised a good question but it is the way the Ordinance is worded, it is the average depth of all the buildings on the block, but in no case shall the setback be more than 40 feet; this means the applicant's setback cannot be back more than 40 feet even though all structures in the block are measured. In a number of blocks, the corner lots may skew this and the applicant is correct with their figures; he did comment that this block is not common as there are such differences with front yard setbacks, including the corner lots.

As there were no public comments, Mr. Kennedy asked to speak at this time. He said the Mayor had stated he appreciated the changes but didn't feel the front yard setback need was addressed, the average setback was clarified, there was a discussion on the pitch and height and if a variance is needed and the need for confirmation from the Zoning Officer that no variance is needed for this. Mr. Kennedy commented that if a vote is taken tonight and then it is confirmed that a variance is needed, the applicant would have to come back; he felt that perhaps Mayor and Council can take a look at the Ordinance on this and it should be a point in the annual report. He noted a lot of discussion on legal standards, criteria and purposes of zoning, legal standards; the Board has to weigh the facts presented to the legal standards. There was a concern on

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the height, but the testimony is they comply with the height regulations, Mr. Avakian agreed; Mr. Kennedy was sensitive that the application should not be denied due to height. There was a concern that the Board may be indifferent and that is not the case, the Board has spent a lot of time on this application and is not dismissive or indifferent.

Mr. Middleton felt they may be able to push back another foot but not another five or six feet, that would affect the neighbors too much and he asked that a vote be taken this evening. At this time Mr. Kennedy listed the conditions of approval: compliance with all representations made, compliance with any Affordable Housing if applicable, compliance with the Board Engineer's report and any outside approvals and coming back if any outside approvals change the application, need to obtain demolition permits, the boilerplate language that is always put in, the shed will be removed, the cabana/garage will not be used for living space, 24 months to get building permits, drywells/drainage and driveway drainage, Board Engineer will review the placement of the equipment behind the parapet wall with the Zoning Officer and advise the Board if there is a difference, attempts to save trees, the parapet area not to be used for entertainment purposes, insure the drywells are to be installed correctly and, if wrong, will have maintenance guarantees and an as-built survey, onsite inspections done, compliance with the height and roof pitch Ordinances, compliance that the mechanicals will not be visible from the street, 30.5 foot front yard setback is correct, to have the roof slope looked at by the Zoning Officer and Board Engineer, Exhibit A-15 be clarified and corrected with the correct measurements.

Mayor Fetzer, at this time, asked Mr. Middleton if the applicant would go back another foot and Mr. Middleton did not know the Board's feelings on this but would talk to his clients. He came back and said they will go back one more foot, from 30.5 to 31.5 and the porch would go from 27.1 feet to 28.1 feet if that would mean approval.

At this time the Board gave their comments. Mrs. Brisben said she was for this application the first time it was heard and she felt that having the neighbors should really move this Board, they have to live with it while Board members all go home. To have a home next to you that blocks your light, air and open space makes a difference, the testimony given tonight was excellent and the Board does appreciate the concessions that were made. She was for the application the way it was revised and done, she could not find anything wrong with it. Mrs. Laszlo agreed with Mrs. Brisben and found that variance relief is warranted; she appreciated all the time and effort was put into this to try to accommodate the Board, she was impressed by the neighbors and the fact that they hired a Planner with their own money to support the applicant, not once but twice. The benefit to the community is always interesting to the Board and some neighbors did come to the last hearing to question things but they have not come back but the neighbors on both sides did. She was in favor of the application and apologized to the applicants for such torture. Mrs. Abrahamson agreed, also, with what has been said; she wasn't at the last hearing but listened to the tape and she would approve looking at the way the lot lines add up, sometimes these issues come up, every case is different and she was in favor the way it was presented this evening.

Mr. Koreyva said he was in favor last time and is still in favor this time and does not see the need to go another foot back further; Mrs. Brisben, Mrs. Laszlo and Mrs.

Abrahamson agreed with him on not going back further. Mayor Fetzer thanked the applicant and neighbors for coming and appreciated their comments and to be willing to move a foot back meant a lot to him, it was a great presentation. Councilwoman Anthony agreed the presentation was excellent; she had a different way of looking at this and appreciated the Planners' presentations, but she is a stickler for new homes coming up on vacant lots so this is a difficult decision for her. She agreed with Mayor Fetzer on going back one more foot which may make a difference and again said it was an excellent presentation. Mr. Ward echoed all the comments on the presentation made but thought there were issues here, he felt they can go 3 feet back and was concerned with the vacant lot that would be affected by the change in the average setback, he was not in favor. Mr. Casey has an opinion similar to Mr. Ward, a gambrel house is a very top-heavy house and to bring it forward will affect the neighborhood; he felt the code was being stretched and bring the home forward creates a new average setback, he was not in favor. Chairman Hall had no comments at this time.

Mrs. Laszlo suggested taking two votes, motion A would be as presented without the extra one foot and, if there are not 5 affirmative votes, then go to motion B for approval with the extra one foot back. After a brief discussion on this and Mr. Kennedy confirming the procedure, Mrs. Laszlo make a motion for approval as originally presented this evening, not requiring the home to go back an extra foot and including the conditions that Mr. Kennedy outlined. This motion was seconded by Mr. Koreyva and then by roll call vote:

Ayes: Carla Abrahamson, Karen Brisben, Stan Koreyva, Eileen Laszlo, Norman Hall

Noes: Councilwoman Diane Anthony, Jake Casey, Mayor Don Fetzer, John Ward

Not Eligible to Vote: Tom Britt

OTHER BUSINESS:

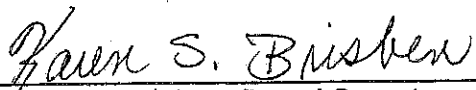
Mr. Casey, Chairman of the Ordinance Review Committee, told the Board he had submitted the Tree Preservation Ordinance changes to Jim Gant, Administrator and once that is reviewed & looked at by the Committee it will go to Council, the Elevated Mechanicals issue went to Mr. Willms and Mr. Avakian for review and he was waiting for that report. He hoped to have more in January as they are looking at more Ordinances, maybe two more.

Mrs. Brisben gave a brief report on the Wind Turbines to be placed off Long Branch, it was a four-hour webinar she attended and it focused a lot on the historic places that will be affected, like Fort Hancock and the Twin Lights as well as talking on how the Brooklyn waterfront was built. These are going to be very large wind turbines and the base will be 8 to 24 feet below the seabed that will be 19.5 miles off the Long Branch coast, they had said this will be seen as far south at Ocean Grove and their simulated visual showed little specks on the horizon but they admitted they really did not know the final outcome visually. They still have a lot of work to do, they said there has

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never been a design like this, they are hoping to start the paperwork for the project by the third quarter of 2023 and hope to be completed by 2027. The amount of oil to be used is estimated at 285,684 gallons at Site 1 and 451,080 gallons at Site 2, the NY substations that will be controlling these turbines will use 158,503 gallons at one substation and 158,503 at the second one, they will have an accidental spill plan that they are still working on. She did asked about the effect on birdlife and was told it will be negligible which she found hard to believe as these will be 850-1000 feet tall. The Board does have until January 23 to write a comment to them and she had the address if the Board wanted that done, Mrs. Laszlo felt it should be done; Mrs. Brisben asked Mayor Fetzer if Council was doing anything and reminded all that this has been approved by the State, they are just giving an option to write an opinion. Mayor Fetzer said that Council has not taken a stand on this one but has on the one that is proposed off Atlantic City, they are against it as there are to be cables through Sea Girt. There was then a brief discussion on the tremendous size of these turbines, this is all untested and the disruption that may occur.

As there was no other business to come before the Board a motion to adjourn was made by Mayor Fetzer, seconded by Mrs. Abrahamson and unanimously approved. The meeting was adjourned at 9:40 p.m.


Karen S. Brisben, Board Secretary

Approved: Jan. 18, 2023

Mrs. Kathleen Mathesen
104 New York Blvd.
Sea Girt, NJ. 08750

October 24, 2022

Sea Girt Planning Board Committee
321 Baltimore Blvd
Sea Girt, NJ 08750
Chairman Hall
C/O Karen Brisben

Dear Chairman Hall,

I am the owner of 104 New York Blvd. Over the years variances have been granted by the Board for various reasons, with the consideration of whether the variance may have a positive impact on adjacent neighbors and the street. I am disappointed the Board does not support the front yard variance for 106 New York.

I specifically testified on Oct 19th that leaving the 106-home setback where it is will protect the current light and openness of my back yard that I have enjoyed for past 25 years along with the privacy of my outdoor shower. My family and I spend a considerable amount of time in my yard and use the outdoor shower almost daily.

Currently, the two-story portion of the 106 home ends about 14 ft from where my back yard and shower begin; should you insist that the 106 home be pushed back 8-9 ft to your preferred position, the new three-story home will sit past the back of my home and shower, adversely impacting the light and openness of my yard, along with the privacy of my shower.

My issue is a substantive issue and I am quite disturbed by the Board's indifference to my concerns. Unlike my situation, the 103 and 109 Baltimore neighbors who opposed the variance will not have their day-to-day use of their back yards adversely impacted; the placement of the 106 home has no impact on the light or openness or privacy of their yards.

I am very familiar with the history of the block; when we purchased our home in 1998 there were only 5 homes facing New York Blvd and all five essentially had the same front yard setback. Sometime thereafter, 108 New York was torn down and rebuilt, with the town allowing 108 to essentially keep their pre-existing front yard setback.

There should be no expectation that I am tearing my house down; I am undertaking renovations and plan to leave the home to my adult children. William Mathesen, my late husband, built our outdoor shower. Bill died in 9/11 and I have no intention to ever take the shower down nor should I be put in a position by this Board to do such.

Given how strongly I feel about this matter, I will travel to Sea Girt to attend the 12.21.22 Planning Board meeting to better understand why the Board is dismissing my substantive concerns and believes that the enjoyment of my back yard will somehow be enhanced with compromised openness of space, less light, and less privacy for my shower.

Sincerely,

Kathleen Mathesen

