

Wednesday, September 21, 2022

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

The Regular Meeting of the Sea Girt Planning Board was held on Wednesday, September 21, 2022 at 7:00 p.m. at the Sea Girt Elementary School on Bell Place. 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, Peter Avakian, Board Engineer were also present and Board Secretary Karen Brisben recorded the Minutes, there were 22 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, Mayor Donald Fetzer, Stan Koreyva, Eileen Laszlo, Jake Casey, Robert Walker, John Ward, Norman Hall

Absent: None

Chairman Hall then had opening remarks and said the Board will be changing the way they do business. The first thing he wanted to say was to ask all to remember the Board is made up of volunteers, not elected or paid. The Board takes charge of the Master Plan Updates, and listens to Land Use Issues that may come up and are much more sensitive to environmental issues. The Board gives their opinion on whether an application is the best use of the Master Plan and sometimes not all Board members agree and may be ridiculed by others, but he is pleased with how hard the Board works and how diligent they are; he has been on the Board for 25 years and has been Chairman for the past 14 years. He again emphasized the need to follow the Master Plan, noting the Board wrote it and Council approved it and the Board is very familiar with it.

He then said that all applicants have one hour to present their application and, if a second hearing is needed, they will have 30 minutes to finalize it. If they do need to come back for a second hearing, they are put on the agenda at the next available date which may not be the next month; he asked that applicants bring their best plan first. Chairman Hall finished by stating the Board will not allow any party to be disrespectful to an applicant or the Board, the Board does not always agree but always has respect for each other.

He then opened the meeting to the public for any comments, other than what is on the agenda, and there were no comments.

The Board then turned to the approval of the July 21, 2022 Minutes. Mr. Ward has suggested one minor change, to say platform tennis instead of tennis in one page, Mrs. Brisben was agreeable to put that in; as there were no other changes or errors, Mr.

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Ward made a motion of approval, this seconded by Mr. Walker and unanimously approved, all aye.

OLD BUSINESS:

The Board then considered the approval of a Resolution regarding the proposed platform tennis court in Crescent Park. Chairman Hall explained that there was a first draft and tonight the Board is going to discuss the final Resolution. Mr. Kennedy asked to read from the NJ Zoning and Land Use Administration Book, 1 ½ pages on Resolutions: what he read basically said that a Resolution has to be done after an application is heard stating their findings and conclusions, this is done in writing. Short statements by the Board members are acceptable to add and become the findings and conclusions of the Board. It is the Resolutions that reads the support of the Board in their decisions and it is provided to all Board members before the meeting date, then it is voted on for their review and sometimes several drafts are done to get a complete and accurate impression of the intent of the Board. The end of what he read said there should not be a standard Resolution form as each application is unique.

Mr. Kennedy wanted to read this to inform all on what a Resolution is about, especially as this is applying to the platform tennis court in Crescent Park. He said that sometimes his Resolutions are a little intense but he tries to reflect what was said, both beneficial and detrimental. The Board can now add to this & make it more intense or make it less intense, modify the draft; he put their findings in one Resolution but there were two issues addressed and he felt if there were two separate Resolutions they would be repetitive. Chairman Hall then noted he has known Mr. Kennedy for a very long time and thanked Mr. Kennedy for all his work on this, it was done professionally and with detail that the Board appreciated.

Chairman Hall asked if the draft Resolution is given to the public and the answer was no, it will be available after the final is adopted, a draft Resolution is not a public record. Chairman Hall asked if this can be done in the future and Mr. Kennedy said this would be up to the Board; Chairman Hall said he would like to do this in the future so people can see it and have input. He then thanked Mr. Kennedy for all his work on this and noted he has full confidence in him and his dedication to the Sea Girt Planning/Zoning Board.

Mr. Avakian commented that the wording in conversations on this and the Resolution reference paddle board and this is platform tennis; the error was noted by the Board.

Mr. Ward wanted to see this as two Resolutions and questioned why this is not done this way, Mr. Kennedy said the first 8 pages would be the same for each Resolution; Mrs. Brisben said she would like to keep it as one Resolution, less repetition and less paperwork, there would be the two separate votes for the two issues considered and Chairman Hall agreed.

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Mr. Kennedy also noted, in item “m” there was suggestion of a CAFRA impact and there is a report from the DEP on this, that there is no impact. There was also a suggestion regarding Mr. Avakian’s comments on the Master Plan that reiterated his sworn testimony provided at the 7/20/22 meeting that the proposed second Platform Tennis Court was in conformance with the Borough’s Master Plan and he wanted to add that the Board did not feel this followed the Master Plan. Chairman Hall noted the Master Plan Update was done before the Crescent Park proposal, he would like to start looking into updating it again as waiting 10 years for an update was too long; he also referenced the Stewardship Plan that is in place.

Mr. Kennedy also noted he used the word “concern” often and asked if that was the right word, he deferred to the Board; Mr. Ward had no concerns with the word “concern”, Mayor Fetzer felt it implies too much of what was done, he didn’t think it is a “concern” and stated parts of the Master Plan encourage active & passive recreational needs. This does not have anything to do with a Stewardship Plan and that was modified.

Mayor Fetzer agreed with Mr. Avakian that the proposed Platform Tennis Court was consistent with the Master Plan and quoted several times during the discussion from the Borough’s Reexamination Report as adopted on 6/20/18 that the comprehensive goal number 3 was to “encourage the development of active and passive recreation opportunities that meet the needs of year-round residents and visitors alike. He asked Chairman Hall if there is encouragement of recreation or not? Chairman Hall said that when the Master Plan was done there was not a concern about a Crescent Park issue and the Board should have been more clear on some of the wording. Mayor Fetzer said that, at the present time and with the present documents, it is not against the Master Plan and he agreed that the Master Plan perhaps should be looked at again. Mrs. Laszlo then spoke and said there was extensive discussion on this, it was a unanimous vote by the Board on this Resolution and a lot of people in town oppose this proposed court, she could go to the Master Plan and also read parts of it, she felt some comments have been “cherry-picked”; she felt the discussion they had was very open. Chairman Hall said the Council unanimously agreed on the Platform Tennis proposal and the Planning Board unanimously disagreed with this proposal; Mayor Fetzer felt the Planning Board may choose to ignore the Master Plan as it did by nevertheless voting to oppose the proposed court. Mrs. Brisben asked Mayor Fetzer if what he read in the Master Plan states “active & passive in Crescent Park” and the Mayor said no and perhaps it should have said that. There was then a brief discussion on the subject of “active and passive” and what should be in the Resolution

Mr. Kennedy then asked about his reference to the ADA requirements and questioned if that should even be in the Resolution, he can take it out but Chairman Hall said it was discussed and a question was raised on it. Mr. Kennedy reminded all that this Resolution is just reflecting the opinion of this Board, this is not law or has to be approved by Council. Chairman Hall said the Board was asked for their opinion and they gave it, but Council did not agree with it and again, this is the Board’s opinion and he commented on being appalled at the disrespect given on this; Mr. Kennedy again

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stated it is okay if all do not agree, it is an opinion, once the Resolution is adopted we all can move on and he will make modifications.

Councilwoman Anthony wanted to ask Mr. Kennedy a question of his years of service and Chairman Hall interrupted her to state he was against this questioning and again commented on how professional Mr. Kennedy is, she said she was not questioning him on that and was able to ask Mr. Kennedy about his years of experience as she was wondering if it is customary to see a Resolution against Council's actions; Mr. Kennedy said he has not done too many Resolutions of this type and he can't put a number on it but sometimes there are problems and there is a disagreement, it does happen. She did not feel the proposed platform tennis court goes against CAFRA or the Master Plan and noted Mr. Avakian stated several times in his July testimony on this agreeing with the Master Plan and yet the proposed Resolution refers to not following the Master Plan. Chairman Hall said that he and Mr. Avakian has maybe 50 discussions on this; Mr. Avakian's testimony was his opinion and the Board is aware of this and has full respect of him. Mr. Avakian added that deliberations are always advice and the Board weighs it all and renders an opinion, there can be a conflicting view and he does not take any offense to the Board's opinion. It was also decided to post the final Resolution on the website so the public can view it.

Chairman Hall then asked if anyone from the public had any comments or questions. Kathy North from Trenton Boulevard asked what percentage of town now are full time residents and the Board could not answer that, the numbers in 2018 were in the Master Plan update but there have been changes. Henry Bossett of 11 Chicago Boulevard agreed with Mayor Fetzer that the Master Plan does speak of active and passive development but it does not say with new facilities in the park; he did not feel the reference was the same. Mr. Walker said he had some information on Ms. North's question, there are 1,281 houses in Sea Girt and 93% of them are for single family, but the rentals given have changed in the last 4 years.

As there were no more public questions, Mr. Kennedy summarized his changes he will make to the draft Resolution: 1) change the wording from paddle tennis to platform tennis, 2) emphasize Mr. Avakian's remarks on the Master Plan, 3) comments on active and passive recreation, 4) no significant impact from the DEP, 5) change the word "concern" so not to be redundant, 6) ADA was questioned, no reflection on any institution or democratic process. Mayor Fetzer asked to comment on the second part of the Resolution where the Board asked Council to consider putting this on as a question to the public on the ballot, he felt this is a Land Use Board and this matter is not in the Board's purview. Mrs. Brisben said she was the one that asked for a motion on this and stated she has asked Mr. Kennedy at least two times if she can do this and he said yes. Mr. Kennedy said the Mayor is correct and this is not in the Board's purview but the Board is legally entitled to ask Council to do it, it is a request and the Board has the right to ask, he did not have a problem with this. Chairman Hall said the Resolution asked that Council "consider" this and does not say it is mandatory, it is not political and the Board is just asking it to be considered; the final outcome is up to Council. Mr. Ward agreed that the Board "highly recommended" this can be tweaked.

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There was then a thought of waiting to adopt this next month so there is a final Resolution or adopting it this evening with the proposed modifications. At this time Mr. Walker made a motion to have a final adoption of the Resolution at the next meeting of the Board but there was no second, so the Board opted to vote on this tonight. The following is the final Resolution:

WHEREAS, the Sea Girt Planning Board is a duly organized Land Use Board, operating and existing in accordance with the Rules and Regulations of the State of New Jersey and the Borough of Sea Girt; and

WHEREAS, the Planning Board is an entity in good standing; and

WHEREAS, the Borough of Sea Girt previously adopted Resolution No. 111-2022 which authorized certain improvements to Crescent Park (including the installation of a second platform tennis court); and

WHEREAS, in furtherance thereof, representatives of the Borough forwarded the matter to the Planning Board for a courtesy review thereof; and

WHEREAS, such a courtesy review occurred at the duly scheduled / advertised Sea Girt Planning Board Meeting of July 20, 2022; and

WHEREAS, at the said meeting, sworn testimony regarding the proposal was presented by Borough Engineer / Board Engineer, Peter Avakian, P.E.; and

WHEREAS, at the aforesaid Public Hearing, Peter Avakian, P.E. described the proposal, and the plans/details associated therewith; and

WHEREAS, the Board Members, and Members of the Public, were presented with an opportunity to ask questions of the witness and / or express comments / statements / objections in connection therewith; and

WHEREAS, during the Public Hearing process, there were a number of questions, comments, concerns, objections, and / or observations noted; and

WHEREAS, some of the aforesaid questions, comments, concerns, objections and / or observations included, but were not limited to, the following:

- a. There was appreciation for the fact that the Borough of Sea Girt forwarded the matter to the Planning Board (for a courtesy review), even though, per the information presented, the project is not a Capital Improvement Project;
- b. There was acknowledgment that Borough Officials are of the opinion that that subject project is not funded with municipal resources and thus, the same is not a Capital Improvement Project;
- c. A question was raised as to whether the proposal becomes a Capital Improvement Project if Borough / Public funds are utilized/expended for any future maintenance-related issues associated with the proposed Court;
- d. There was a question raised as to how Borough officials determined the Prevailing ADA (Americans with Disabilities Act) Requirements for the site, and how the Borough officials determined the number of ADA parking spaces required for the project; (for which Borough officials suggested the matter would be reviewed)
- e. There was a question raised as to the Prevailing Rules / Regulations / Restrictions associated with Crescent Park - and whether the proposed court installation violates any provisions / restrictions associated therewith;
- f. There was a question raised as to whether the platform tennis court use violates any existing / recognized / explicit/ implied Deed Restrictions associated with the site;
- g. There were questions / comments regarding the 2018 Master Plan, the specific goals / objectives referenced therein, and further questions / comments as to whether the subject platform tennis court development is consistent therewith;
- h. There was a belief, by some, that the Master Plan expresses an intent to expand passive recreation use at the site – and not the active recreation use associated with the proposed platform tennis court;
- i. There was a belief, by some, that at the time of the last Master Plan Re-Examination, Crescent Park was only utilized for passive recreation use and that, as of 2018, the park has been utilized for passive and active recreation purposes;

- j. There was recognition that the goals and objectives of the Master Plan reference a desire to meet the active and passive recreational needs of the Borough's year-round residents and visitors (and there was a question as to whether the subject project appropriately advances such a purpose);
- k. There was a concern that the Master Plan generally references a goal / objective of appropriately providing for the recreational / environmental needs of current residents, but without compromising anticipated recreational / environmental needs of future residents (and there was a concern as to whether such goals / objectives were simultaneously advanced by the subject proposal);
- l. There was a suggestion that, despite references in the Master Plan to the contrary, the proposed project may not appropriately promote the well-being of current and future Borough residents;
- m. There was recognition that, although the Borough does possess a NJDEP-issued Finding of No Significant Impact for the project, the Borough, as an institution, and the individual Borough officials, must be cognizant of, and sensitive to, prevailing Environmental site limitations, including Prevailing CAFRA / NJDEP Regulations (and there was a further concern that the proposed project was not appropriately sensitive to the same);
- n. There was a belief, by some that the proposed project might not appropriately honor / respect / advance Prevailing Environmental Sensitivities at the site;
- o. There was a suggestion that the Master Plan, and sound planning guidelines, must appropriately balance / direct / guide land use / development in a way which preserves / promotes the eco-system (and there was a further fear that the proposed project was not sufficiently sensitive to the same);
- p. There was a comment that the subject proposal runs counter to the Master Plan goals / objectives of open space preservation;
- q. There was a concern that while some elements of the proposal may meet the active and passive recreational needs of current / future residents, that the same is being effectuated at the expense of, and to the detriment of, other important environmental goals / objectives;
- r. There was speculation, by some, that while the Goals of the Master Plan Reexamination Report (including Goal #3) encourage active and passive recreation, the within proposal does not necessarily

advance the interests of the Borough of Sea Girt, or the resident thereof;

- s. There was a belief, by some, that what some view as limited recreational benefits associated with the project are out-weighted by the adverse environmental concerns / disruptions otherwise associated with the proposal;
- t. There was a comment that the proposed recreational benefits (associated with the project) are not necessarily more important than preserving, protecting, and promoting the sensitive environmental sanctity of Crescent Park;
- u. There was a belief, by some, that while there are some merits to some aspects of the proposal, the project does not, on the whole, appropriately balance competing recreational needs with environmental sensitivities;
- v. There was a suggestion that the project, on the whole, will only be beneficial to, or otherwise enjoyed by, a very small portion of the Sea Girt population;
- w. There was a suggestion that other Borough projects could more meaningfully advance / fulfill / serve the reasonable recreational needs of a much greater portion of the Sea Girt population;
- x. There was a suggestion that the proposal will not necessarily serve / advance the immediate, short-term, or long-term needs of many Sea Girt residents;
- y. There was a suggestion that the proposal will not necessarily serve / advance the immediate, short-term, or long-term needs of the aging portion of the Sea Girt population;
- z. There was a comment that the proposed platform tennis court installation will not advance the reasonable recreational needs / expectations of the overwhelming majority of Sea Girt residents;
- aa. There was a realization, by some, that for most parts of the year, the existing courts at the site are not heavily utilized;
- bb. There was a belief, by some, that other proposed projects could simultaneously a) more appropriately advance / fulfill the reasonable recreational needs of a greater portion of the Sea Girt population and b) more appropriately minimize any adverse environmental impacts associated with any proposed development;

- cc. There was a suggestion that the benefits of the project do not outweigh the detriments / sacrifices / compromises otherwise associated therewith;
- dd. There was a belief, by some, that Crescent Park is a beautiful natural preserve, and that the location of the new platform tennis court will compromise the same;
- ee. There was a comment that the location of the proposed platform tennis court is very open / pronounced/visible – and that the same will compromise the overall serenity of the historically passive Crescent Park;
- ff. There was a comment that there does not appear to have been any type of comprehensive study as to the overall parking needs associated with the proposal (relative to existing / proposed parking matters, etc.);
- gg. There was speculation that there does not appear to have been any real study on the overall and / or long-term impacts that the project will have on the roadways surrounding Crescent Park;
- hh. There was a concern regarding the potentially adverse noise impact associated with the proposal;
- ii. There was a concern regarding the potentially adverse lighting impact associated with the proposal;
- jj. There was an issue expressed regarding the apparent lack of information (or lack of disclosure) regarding the anticipated hours of operation associated with the court lights, etc.;
- kk. There was an issue expressed regarding the lighting impact of the proposal, and potentially adverse effects on the surrounding community;
- ll. There was a belief, by some, that the parking situation should have been more appropriately studied / analyzed before the project was presumably authorized;
- mm. There was a belief, by some, that the proposal is not consistent with the goals and objectives of the Master Plan, and / or Re-Examinations thereof;
- nn. There was a question as to whether there is an actual need for any additional courts at the site, as 3 tennis courts and 1 platform tennis court already exist;

- oo. There was a belief, by some, that environmental issues were not sufficiently addressed / studied / analyzed / debated before the project was presumably authorized;
- pp. There were questions raised regarding the subject provisions of the Stewardship Plan for the Park – and whether the proposed project is consistent therewith;
- qq. There were questions raised regarding potentially adverse impacts, a semi-public or public project could have, or will have, on the surrounding residential community;
- rr. There was a belief, by some, that public opinion on the matter was not sufficiently / formally ascertained / obtained / considered / analyzed before the project was presumably authorized;
- ss. There was a concern that, given the impact of the project, and given the apparent high level of public interest, formal public opinion should have been more appropriately measured before any course of action was formally authorized (similar to such other public opinion efforts undertaken in connection with other recent Borough matters which generated significant interest);
- tt. There was a statement, by some, that more detailed public opinion on the matter should be obtained;
- uu. There were statements, by some, that, contrary to the process typically undertaken by Borough representatives, there was not a sufficient level of cooperation, or perceived cooperation (between the Borough and other public / private sectors) with respect to the proposed project;
- vv. There were a series of questions regarding the overall process by which the project was envisioned, created, coordinated, advanced, vetted, and presumably approved;
- ww. There was a belief, by some, that while the courtesy Planning Board review / input is appreciated, and welcome, the impact of the Planning Board review is dampened / tempered by virtue of the fact that the Borough Council presumably already adopted a Resolution authorizing the proposed Park improvement;
- xx. There was a belief, by some, that formal Borough review / authorization of the matter has, essentially, already taken place (without the governing body having received / analyzed / studied / discussed the results of the Planning Board courtesy review);

- yy. There was a belief, by some, that alternate recreation projects (i.e. besides the court installation referenced herein) could have been, and should have been, more appropriately reviewed / considered / analyzed;
- zz. There was a belief, by some, that, despite the good-faith actions / motives of all actors, on a whole, the proposed project is not consistent with the Master Plan;
- aaa. There was a suggestion that, the despite the good-faith actions / motives of all actors, the project does not advance the long-term interests of the Borough of Sea Girt, or the overwhelming majority of the residents thereof;
- bbb. There was recognition of the fact that while the Borough Council may have appropriate answers/responses to some or many of the preceding questions/comments/concerns, the same have not necessarily been made available to, or otherwise distributed to, the public;
- ccc. There was appreciation for the thorough, honest, detailed, skilled, and frank presentation by the Borough Engineer/Board Engineer;
- ddd. There was a definitive statement that the within list of issues/concerns be submitted (to the Mayor and Council) with the utmost respect (from the Planning Board Members); and
- eee. Notwithstanding the comments and concerns set forth during the Public discussion, there was, essentially, recognition of, and appreciation for, the time, effort and commitment of the Mayor and Council representatives (in connection with the subject proposal).

WHEREAS, an on-the-record good-faith and frank debate / discussion ensued on the matter;

NOW, THEREFORE, BE IT RESOLVED by the Members of the Sea Girt Planning Board, after having considered the aforementioned testimony and discussions, that the Planning Board hereby finds as follows:

1. That the proposed Crescent Park Platform Tennis Court project (as referenced in Sea Girt Resolution No. 111-2022) is not consistent with the Sea Girt Master Plan, and / or Re-Examinations thereof.
2. That while all of the aforementioned questions, comments, concerns are not necessarily shared by all Board Members, the

above list does represent the general nature of the questions / comments / concerns expressed / referenced during the public discussion.

3. Though there clearly is a difference of opinion on certain aspects of and / or interpretations of the Master Plan (as the same relate to the within project), the within vote / Resolution is in no way intended to serve as, or to be interpreted, as an assault / attack on the Borough of Sea Girt, the Borough's elected officials, the Borough's appointed officials, the Borough's appointed professionals, or the good-faith deliberative / legislative / democratic process associated therewith.
4. That subject to legal review, and subject to prevailing legal requirements, the Planning Board respectfully requests that the governing body consider placing the item on some type of legally recognized ballot (so that public_opinion on the matter can be ascertained).
5. That a certified and true copy of the Resolution shall be forwarded to the Borough Clerk, for ultimate distribution to the Mayor and Council Members.

The motion asked for to adopt this evening is to approve a modification of the Resolution, final copy above, with the changes discussed earlier and this was done by Mr. Ward, seconded by Mr. Walker and approved by the following roll call vote:

Part one, platform tennis facility:

Ayes: Karen Brisben, Tom Britt, Jake Casey, Stan Koreyva, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Noes: None

Not Eligible to Vote: Carla Abrahamson, Councilwoman Diane Anthony, Mayor Don Fetzer

Part two, request for consideration of putting on the November ballot:

Ayes: Karen Brisben, Tom Britt, Jake Casey, Stan Koreyva, Eileen Laszlo, John Ward, Norman Hall

Noes: Robert Walker

Not Eligible to Vote: Carla Abrahamson, Councilwoman Diane Anthony, Mayor Don Fetzer

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The Board then turned to the continued hearing for variance relief for Block 28, Lot 4, 107 Seaside Place, owned by Diane Rinnovatore, to allow demolition and construction of a new home. Lot Depth – 150 feet required, existing 132 feet. Lot Area – 7,500 square feet required, 6,600 square feet existing. Building coverage – 20% maximum allowed, 22.64% proposed. This was originally heard in July, 2022 and continued to this evening without further notice. At this time Mr. Avakian was again sworn in.

Mr. Kennedy marked the following exhibits:

A-9. Architectural plans prepared by Patrick LaCorte, revised 8/15/22.

A-10. Grading plan prepared by R.C. Associates, revised 8/17/22.

A-11. Report from Peter Avakian, Board Engineer, revised 9/14/22.

Mr. Kennedy also wanted the record to reflect that Councilwoman Anthony listened to the tape of the July meeting and was eligible to vote.

At this time Mr. Patrick LaCorte, Architect, and Raymond Carpenter, Planner & Engineer, were sworn in and accepted by the Board as expert witnesses. Mr. Aikin started the testimony and said there were 3 opinions from the Board; 1) concerning the height, 2) concerning the lot coverage, 3) concerns about both. They have reduced the height of the structure and it now conforms, the coverage has been reduced to 22.64% which would comply if this were a 50x150 foot lot (this lot is 50x132 feet).

He then asked Mr. LaCorte to come forward to present the revised plans and this exhibit, a new rendering of the proposed home, done by Mr. LaCorte. He explained they are doing a gambrel roof now and reduced 130 square feet from the home, the height has been reduced by 1 foot, 3 inches. In regards to the proposed bay window, the Engineer's report commented this may project into the side yard setback so they have removed that so there is no side yard setback variance needed.

As there were no Board questions, Mr. Carpenter then came forward and referenced Exhibit A-10, the updated grading plan. He reiterated this would comply in building coverage if this were a full-sized lot but they have 170 square feet more than is allowed on this particular lot. He felt it would be hard to take more out of the home to eliminate this overage in square footage and commented other homes in this area are similar to this. They tried to make this as conforming as possible as this is in a Flood Zone and they had to work with this, he did not feel 170 square feet is too much to ask for. Chairman Hall asked what the total square footage would be now and the answer was 1,494.50 square feet. Chairman Hall then asked if the removal of the bay window changes this and the answer was no, it was not considered in building coverage.

As there were no Board questions, the hearing was opened to the public for questions to the professionals and Patricia Raffetto asked how many trees will be taken out? Mr. LaCorte said one in the front will not come down, a cherry tree in the back they are trying to save and one small one in the lot will come down.

Mr. Avakian asked to speak and explained the bay window issue came up between him and the Zoning Officer and they did not agree if this encroached, the Zoning Officer felt it was part of an overhang and Mr. Avakian felt it was part of the structure. He then referenced the ½ story calculation and this is habitable space no more than 50% of the area of the floor below, Mr. LaCorte's plans are less than half at 1,448 square feet so it complies. Mayor Fetzer asked about the ½ story and unfinished attic, this is not included in the calculation and asked about headroom; Mr. LaCorte said less than 7 feet and sloping. Mayor Fetzer thought that anything over 5 feet is considered but that may have changed, he felt it would be addressed. Mr. Casey agreed and wanted to know how much space is unfinished attic and Mr. LaCorte said this is roof space. Mr. Avakian said this is not habitable space, not a usable area and it is under 7 feet and recommended restricting this use. Mr. Kennedy said it can be put in the Resolution and Mr. Avakian calculated this to 714 square feet as shown on Mr. LaCorte's plan PA-2. Mr. LaCorte and Mr. Aikins were okay with this restriction.

Mr. Ward noted that, at the first hearing, there was a discussion on same lot sizes and had homes and did not come before this Board for approval. Mr. Aikins said they focused on the 3 opinions he outlined at the beginning of his testimony for this hearing. Mr. Carpenter again stated if this were a full sized lot they would comply, so their testimony is that they should be allowed to have this, this is a hardship. Mr. Britt was concerned if all the lots in this area are the same size and under 150 feet deep, how is this handled but Chairman Hall said each application is unique and taken on its own merit. Mayor Fetzer questioned if the homes here are variance free, it would be nice to know if they held to the 20% coverage. Mrs. Brisben said she was asked this by Mr. Ward for the July meeting and had looked up addresses he had given her and did not find any variance requests in the Planning Board files on those particular properties.

It was now time for public comment and Anne Britt of 3 Seaside Place came forward, she appreciated that each lot is unique but all the lots here share this hardship of not being 150 feet deep and, as Mrs. Brisben stated, no other homes she was asked to look at needed variances. If you have a smaller lot then you put yourself in a position to have to ask for a variance and she did not think this should be allowed.

As there were no other comments, Mr. Aikins summarized this application. He felt they have reconciled the school of thought here, there are many non-conforming lots here that do not meet the minimum size and perhaps the Board should look at this when updating the Master Plan; they have dropped the height and took the coverage down to being over by 170 square feet, they are asking for approval of this application.

The Board then went into discussion and Mr. Casey said that 1) 170 square feet is 13% more building coverage and 2) this is in a Flood Zone and this is the last place for excess building coverage. He felt this will hurt the neighbors and could not see a hardship. Mr. Ward agreed with Mr. Casey, if there is a vacant lot there should be no variances. He also did not see a hardship. Mr. Walker agreed with the other comments made and felt this is an issue. Mrs. Brisben always appreciated when applicants

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compromise and said she was for the application until she heard Mr. Casey comment on this being a Flood Zone and overages would be a problem, she now was not in agreement on approval. Chairman Hall asked what Flood Zone this was in and was told Zone A-8, Chairman Hall noted this is a high hazard zone.

Mrs. Laszlo was in favor of this application and appreciated all the concerns and the compromise, she did not remember the flood issue coming up at the last hearing and she felt this Board is making it impossible to build a home. Councilwoman Anthony also agreed with Mr. Casey and Mr. Ward, this is a new build and should be able to follow the building codes, they are there for a reason, she was a stickler with following Sea Girt's building Ordinances when starting from a clean slate. This is a beautiful home but she was not in favor of approval. Mrs. Abrahamson was not at the July meeting and not able to vote but agreed they should build within what is allowed. Some others might look at this and say now I can do this, she would not be in favor. Mayor Fetzer agreed with everyone else, they are starting with a blank slate and should work with it. He appreciated the height reduction and all but he was hard pressed to say, with so many lots being this dimension, this variance should be granted, he could see this going to other lots of this size. Mr. Koreyva said he felt 170 square feet was de minimis, the home is beautiful, he thought the Board was agreeing to look at this as a 7,500 square foot lot, he has no issue and did not feel the house was oversized, he was in favor. Mr. Britt did not have other comments, but was not in favor and felt the oversized home is not consistent with the neighbors. Chairman Hall was in favor and there said there will not be a perception that the house is more bulky than the other homes around it. He commented that the lots here are shorter due to the old trolley that ran through there from the old Stockton Hotel to the railroad station.

Chairman Hall told Mr. Aikins that he did not think, from the comments, that this will pass and if they shrink the home down then it will conform and there will be no need to return. Mr. Aikins felt the intent should have been made and then they would not have wasted the two months inbetween hearings to get revisions made. Chairman Hall asked Mr. Aikins if he wanted to Withdraw Without Prejudice or if he wanted an actual vote this evening. Mr. Aikins asked for a 5-minute recess to confer with his client and it was granted. Mr. Aikins came back and asked to withdraw the application without prejudice.

A motion to accept the application Withdrawal Without Prejudice was made by Mr. Koreyva, seconded by Chairman Hall and then unanimously approved by voice vote, all aye.

NEW BUSINESS:

The final application for the evening was for a Minor Subdivision for block 7, Lot 5, 712 Morven Terrace, owned by Norman Hobbie, to create two conforming buildable lots. The correct 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 asked if there were any questions from the audience if they had received a notice and there was no

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response; Mr. Kennedy said he and the Board Secretary had reviewed the notice and property owners' list and found all in order so the Board had jurisdiction to proceed.

He then marked the following exhibits:

- A-1. The application package.
- A-2. The Minor Subdivision plan prepared by Lindstrom, Deissner & Carr, dated July 12, 2022.
- A-3. Boundary & Topographic Survey prepared by Lindstrom, Deissner & Carr, dated May 6, 2022.
- A-4. Report from Board Engineer Peter Avakian dated 9/1/2022.
- A-5. The application plan completeness checklist.
- A-6. Notice from Environmental Tactics to NJ DEP report.
- A-7. Review memorandum from Tax Assessor dated Sept. 7, 2022.
- A-8. Report from Minor Subdivision Committee dated Sept. 13, 2022.

At this time Mr. Kennedy again swore in Board Engineer Peter Avakian. Mr. John Sarto, Esq. came forward to present the application for Mr. Hobbie and told the Board they want to demolish the existing home and divide the lot in half, it is 100 feet wide and they will create two 50 foot wide lots; there are no structures that are to be built at this time. Mayor Fetzer asked about the application stating the lot size is 110x205 and it is 100 feet wide, not 110 feet; Mr. Sarto said that is correct, the lot is 100 feet wide.

As no other Board member had any questions, the hearing was opened to the public for questions and there were none. Mr. Sarto just wanted to add there are no variances requested with this Minor Subdivision. Mayor Fetzer then asked Mr. Avakian if there were any concerns about grading and Mr. Avakian said no, that will be addressed at the time of building new structures and the front yard setbacks were compliant. Mr. Fetzer also requested new utility connections for both proposed homes and Mr. Avakian added they will also make sure the curb and sidewalk will be in good condition, they may have to be replaced after construction. Mr. Ward asked for confirmation that the subdivision will not be finalized until the existing home is taken down and Mr. Kennedy said that was correct, the subdivision will not be perfected until this is done.

As there was no more testimony or questions, Mr. Kennedy summed up the conditions: compliance with the Board Engineer's report, the subdivision will be perfected according to New Jersey law, any grading to be reviewed by the Board Engineer, the new lot designation to be approved by the Tax Assessor, compliance with the Subdivision Committee report, two new utility connections for any new construction. Mr. Sarto was agreeable to the conditions and, at this time, a motion for approval with the conditions noted was made by Mr. Ward, seconded by Mr. Casey, and then by the following roll call vote:

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben, Jake

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Casey, Mayor Donald Fetzner, Eileen Laszlo, Robert Walker, John Ward,
Norman Hall

Noes: None

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

OTHER BUSINESS:

Mrs. Brisben had a brief report to give on the Empire 1 Wind Turbines to be constructed off New York/Long Branch coast. She and Mr. Walker had attended a webinar on this proposal as they had volunteered to be the representatives from Sea Girt Planning Board a few months ago. There are 2 cables for this project, one from the South Brooklyn Marine Terminal and one from the Gowanus Substation in Brooklyn, both places will be upgraded for this work. They saw slides of the leased area, it is 1,266 acres and this area was picked as per the Coast Guard because of marine traffic, it is large and will have 147 wind turbines where they originally proposed 174 turbines. The wind turbines will be 951 feet high and it was not clear if this is from their base. They are in the process of doing a study of areas of potential effects and said this will affect Monmouth and Ocean counties and are working on a detailed tech report which will be available in the future, they plan on having this done by the fall of 2023. They did say that Sandy Hook and Fort Hancock will be affected and will be part of the historic area to be looked at; their point was that the energy source effects should outweigh any damaging effects.

She said questions were asked about the adverse effects on property values as well as tourist values and was told this will be addressed in the study. It was asked that a visual presentation be shown to show what this will look like and the audience was told they will look into this. Mrs. Brisben finished by saying this was mostly a public relations webinar and she will report again after the next webinar when it is scheduled. She did say this is already a done deal through the State of New Jersey and New York. Mayor Fetzner said they were aware of other wind turbines going up off Atlantic City and that the cable would come through the Army Camp and Council was concerned about that and felt there would be a lot of negative impacts on this; these are two separate projects. Councilwoman Anthony said that Council had passed a Resolution against this, as had other towns, and Mrs. Brisben again said the State had approved it; Governor Murphy said these will be "specks" in the ocean. Mr. Ward said that Cindy Zipf, from Clean Ocean Action, also said they were against this.

Chairman Hall noted a person was in the audience that had wanted to ask about the cell tower that was installed, he had been asked by others as well; as she had left he asked about it. Mayor Fetzner said the town is looking into this but there is a utility right-of-way on all streets, they might have more information at the next Council meeting.

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Mr. Casey then gave his progress report on the Ordinance Review Committee. He said they have had 3 meetings so far and have covered the process, the identification and assigning of issues, they now have 10 to address. He referred to the letter from Zoning Officer Chris Willms received back in December asking for Ordinance review on a few subjects, this was done at their first meeting in June. In July the session did a first review of the top priorities and is a work in progress, the meeting in August they had a letter come in with more concerns, so they now have 13 topics to consider and 10 are prioritized. He commented that without Mr. Willms they would not have made the progress they have, he has been super helpful; he also said that Chairman Hall has been at 2 of the 3 meetings and they appreciate the help he, too, has given them.

Mr. Casey had a Mission Statement he wanted to read into the record:

“Vision Statement: The Town of Sea Girt seeks sustainable growth that protects our natural and historic resources, while also preserving our streetscapes, neighborhoods, values, qualities and culture.

Mission Statement: The Town of Sea Girt strives to promote and improve quality of life, enhancing a sense of community, and preserving the integrity of our small-town identity and heritage. We are committed to supporting land and building development while also fostering respect, decorum, and hospitality within the community. The Sea Girt Ordinance Review Committee (“SGORC”) welcomes input from Sea Girt Residents and Businesses to improve the current Sea Girt Borough Ordinances that protect the streetscapes and historical seaside community of Sea Girt.

The International Building Codes are reviewed and adopted every three years. The State of New Jersey uses these as their adoption of the State Uniform Code. To keep the Borough Ordinances current with State Codes and to address the continued development within the Borough of Sea Girt, the SGORC was formed. The Sea Girt Ordinance Review Committee is a sub-committee of the Sea Girt Planning Board. The basic mission of the SGORC is to assist in the identification and analysis of inconsistencies of the Sea Girt Municipal Code and Land Use Ordinances, and to give recommendations for clarity in enforcement and interpretations. This includes but it not limited to analysis and discussion of current Ordinances and the potential recommendation of new Ordinances.

At the conclusion, the SGORC will make certain recommendations to the Sea Girt Mayor, Borough Council and Planning Board to amend the current Sea Girt Municipal Code and Land Use Ordinances, where the SGORC has determined such changes are in the best interest of the health, safety and welfare of the residents of Sea Girt Borough.

Membership: Six Members are selected by the Sea Girt Planning Board Chair. Members include:

2 Sea Girt Residents

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2 Borough Council members
2 Class IV Planning Board members
Sea Girt Borough Zoning Officer (as needed)
Sea Girt Borough Engineer (as needed)
Sea Girt Planning Board Chairperson (as needed)

Any vacancies will be replaced using members from the same group: Residents, Council or Planning Board. Selection of replacement members will be through agreement between the Planning Board Chairperson and SGORC Chairperson, after discussion with the Sea Girt Mayor, or members of the Sea Girt Planning Board or SGORC.”

Chairman Hall said he picked the right person for this committee and a great job is being done, all committee members are getting along, another volunteer group. Mr. Ward asked about using the Sea Girt Codes and the Land Use book and Mr. Casey said the Land Use book for sure and they are looking at Ordinance such as the Tree Save Ordinance, they want to give recommendations to Council; they are also looking at other topics and will refer all to Council. Mayor Fetzer said he had received information and gave comments to Dr. Richman, one of the Committee members and said the Tree Ordinance was addressed long & hard and made it so it does go through Mr. Willms, both Dr. Richman and Mr. Downey, both Council members, do report to him on the meetings.

Mr. Ward asked if the Mission Statement can be posted on the website, Mr. Kennedy felt it could and Mayor Fetzer was agreeable to this; Mrs. Brisben said she will get it on. Mr. Casey said that next month they will be making edits on the Tree Preservation and noted the Committee is not writing code, merely making suggestions; if it is okay with the Planning/Zoning Board, it will go on to Mr. Willms, Mr. Gant, Administrator and Mr. Avakian and then it can go to Council for their approval. Mr. Casey said the Committee is also looking at elevated mechanicals and are making changes to that Ordinance, as well as looking at basements under garages which is not as easy as it could be and may not be ready by next month. Mayor Fetzer asked if they are planning to submit as separate items or are they doing this all at once and Mr. Casey said they will be done separately. He added that if anyone has any thought on a topic to let him know, the more input the better. Councilwoman Anthony asked how far ahead are they are on the Tree Ordinance and if there was anything he could forward to her and he said yes, in its current form, Mr. Casey said there are two sticking points they are working and may need opinions, if she had any he would appreciate it.

Before closing for the evening, Mr. Ward made a comment on some interesting sessions going on at the League of Municipalities convention in Atlantic City in November on Planning & Zoning, details are in the League magazine they received.

As there was no other business to come before the Board a motion for adjournment was made by Mr. Walker, seconded by Mr. Ward and unanimously approved, all aye. The meeting was adjourned at 9:22 p.m.

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Approved: October 19, 2022

Karen S. Brisben, Board Secretary