

Wednesday, August 19, 2020

SEA GIRT PLANNING BOARD
WEDNESDAY, AUGUST 19, 2020

The virtual Regular Meeting of the Sea Girt Planning Board was held on Wednesday, August 19th, 2020 at 6:30 p.m. 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.

As this was a virtual meeting there was no Flag Salute; roll call was taken:

Present: Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben, Jake Casey (arrived 7:05 p.m.), Mayor Ken Farrell, Eileen Laszlo, Ray Petronko, Robert Walker, John Ward, Norman Hall

Absent: None

Kevin Kennedy, Board Attorney was also present; Board member and Secretary Karen Brisben recorded the Minutes.

The Minutes of the July 15th, 2020 meeting were approved on a motion by Councilwoman Anthony, seconded by Mayor Farrell and then by a roll call vote:

Ayes: Councilwoman Diane Anthony, Karen Brisben, Mayor Ken Farrell, Eileen Laszlo, Ray Petronko, Robert Walker, John Ward, Norman Hall

Noes: None

Abstained: Carla Abrahamson

Mr. Kennedy wanted it on the record that proper notice of this virtual meeting had been given to the newspaper and included log-in instructions; also plans for tonight's application had also been posted on the website. He then asked Mrs. Brisben to give her email in case anyone was having a problem logging on and she could address it; this was done, kbrisben@seagirtboro.com.

OLD BUSINESS:

The Board was to hear the continuation of a hearing for Block 5, Lot 7, 2 Seaside Place, owned by Glenn & Dana Hughes but Mr. Kennedy explained there is a neighbor who did not receive the notice (the wrong address was on the tax files) but did listen to the Zoom meeting that was recorded and then retained Counsel to represent her as an Objector. Keith Henderson, Esq., the attorney for the Hughes', has asked for a postponement to the September 16th meeting and will resend notices as well as consent to grant a time waiver. Chairman Hall announced if anyone in the audience was here for this application it will be heard on September 16th; he then asked if anyone had a question on this procedure and hearing none a motion was made by Mrs. Brisben to

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carry this hearing to the Wednesday, September 16th meeting, this seconded by Mr. Walker and then by the following roll call vote:

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben, Mayor Ken Farrell, Eileen Laszlo, Ray Petronko, Robert Walker, John Ward, Norman Hall

Noes: None

NEW BUSINESS:

The Board Chairman moved the agenda around to first hear an application for variance relief for Block 39, Lot 12, 222 Brooklyn Boulevard, owned by Michael & Anne Reilly, to allow an open cell patio in a front yard area. Section 17-5.11(i) Patios not permitted in Front Yard Area.

The proper fees were paid, taxes are paid to date and the newspaper as well as the property owners within 200 feet were properly notified. Mr. Kennedy asked if anyone who had been notified has a problem with the notice and there was no response. Mr. Rick Brodsky, Esq. then came forward to present this application.

Before starting, Mr. Kennedy wanted to mark the following exhibits into the record:

- A-1 The application package.
- A-2 Plot Plan prepared by East Point Engineering, LLC, dated 4/1/20
- A-3 Boundary & Topographic Survey prepared by KF2T, dated 3/31/20.
- A-4. Report from Board Engineer Peter Avakian, dated 7/1/20.

Mr. Kennedy added that he and Mrs. Brisben had reviewed the notice and all was in order so the Board has jurisdiction to proceed. Mr. Brodsky then wanted to have photos of the site marked as an Exhibit and that was done, Exhibit A-5 was 6 color photos taken by Justin Tal, the design contractor; these were taken around 4/15/20 and depict what is there today.

Mr. Brodsky said the Reilly family is seeking variance relief for a paver patio, a fire pit and water fountain as, technically, they have two front yards as they are a corner property. There is no back yard, so to speak, just 5 feet to the backyard line. There are existing shrubs that are high around the yard so there would be no visibility of the patio.

Mr. Mark Leber, Engineer & Planner, was then sworn in and gave his credentials, a BS degree in Civil Engineering from Drexel University and a MBA from Rutgers; he has testified before Boards hundreds of times. The Board accepted him as an expert witness. He referred to Exhibit A-2 on his screen and explained the location, the property is 50x150 feet. He then switched to Exhibit A-5, the photos and explained each one; the first is a corner shot, the next is standing on the property looking at the

side of the home, next is standing by the side of the home and looking at the corner showing the large hedges (he noted this is where the patio will be), the next shows the gate on Third Avenue that will go into the yard where the patio will be, the next is from the corner on Third Avenue & Brooklyn Blvd and the last is across the street on Brooklyn Boulevard showing the side of the property. He said the home faces Third Avenue so the Brooklyn Boulevard side is considered a "side yard". There is no usable area in the back and the other side of the home is where the driveway and garage are located, so the only area is the corner of Brooklyn & Third and this triggers a variance need. As shown on the photos, there is a large hedgerow here and the patio will be surrounded by these and will be at grade level.

He then went over the Board Engineer's report of 7/1/20 and agreed with all the conditions noted on page 3 including removing the slate wall (#B) that is in the Borough Right-of-Way. He also commented that there are two existing non-conformities here, they have a 16.8 foot setback from Third Avenue where 40 is required and a side yard of 4.8 feet where 5 is required.

Mr. Petronko questioned the patio drawings by the landscaper, it looks a little off from the plans. Justin Tal, who did the drawings submitted in the application packet, was sworn in, he is a Landscape Architect, Designer & Installer and agreed the drawings are not to scale and to use Mr. Leber's figures as correct. His rendition is just to show what this will look like.

Mrs. Brisben commented that Mr. Avakian also asked for a signed & sealed survey in his report and asked that that three copies of a survey please be given for the files. Chairman Hall asked about Impervious Coverage and Mr. Leber said he included the patio area in total just to show they are under the Impervious Coverage even though this will be an "open cell" patio. He then showed this on a drawing in the application package, there are grass spaces between the pavers. Mr. Petronko asked if there will be gravel & sand under the pavers and the answer was yes but it not as substantial as a regular patio, they will be leveling with sand but it is not as heavy duty as a regular patio.

Note: Jake Casey arrived virtually at this time, it was 7:05 p.m. Mr. Kennedy told him he can't vote on this application but he can comment.

At this time the hearing was opened for questions from the public and there were none so that portion was closed. Mrs. Brisben asked if the hedgerow was staying and the answer was yes, Mr. Tal added that there will be extra landscaping as shown in his drawings. As there were no other questions and no further testimony the hearing was opened to the public for comments and, as there were none, the Board went into discussion. Mrs. Brisben was for approval, she felt the hedgerow was lovely and no one will even see the patio. Mr. Ward felt this was a small variance and asked if it was even necessary for the property owners to incur the expense of having to appear. Mr. Petronko felt this is a benign impact and agreed it was too bad to have to go through this; it was a good job and great presentation. Mrs. Abrahamson felt the aspect of the

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hedgerows staying was important and should be in the Resolution they can't be taken out; Mr. Kennedy agreed with her and stated this will be in the Resolution that they have to maintain the hedgerow and if it ever needs replacement it will have to be replaced with something similar. Mr. Brodsky was agreeable to this being put in. Mr. Walker commented it was a nice property and had no problems with the application. Mayor Farrell said he walks his dog down here and felt this really was a side yard, they have done a tasteful job with the hedges and was for approval. Mrs. Laszlo was also in favor of approval and Councilwoman Anthony felt it was a wonderful presentation and within the Impervious Coverage requirement. She hoped they enjoyed it and agreed with the stipulation of keeping the hedge. Chairman Hall didn't have anything else to add, it had all been said.

Mr. Kennedy went over the conditions that will be in the Resolution and Mr. Brodsky agreed with them. A motion was then made by Mr. Petronko to approve this application with the conditions, this seconded by Mayor Farrell and then by the following roll call vote:

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben,
Mayor Ken Farrell, Eileen Laszlo, Ray Petronko, Robert Walker,
John Ward, Norman Hall

Noes: None

Not Eligible to Vote: Jake Casey

OTHER BUSINESS:

It was now time for the Downtown Revitalization Committee report to be given by Board member John Ward. Chairman Hall thanked him and his Committee for their work on this.

Mr. Ward noted his written report was put on the Borough website and he did present it at the August 12 Council meeting, however, they did not get into detail on it and he hoped to have more dialogue tonight. Note: The entire written report is attached at the end of these Minutes.

The Committee believes much can be done; this was created last Fall and it's focus was on the downtown; it was an 11 person committee that met 8 times to March 2020. He spoke of the different people on the Committee, long time residents, business & school involvement, a seasonal person and a person who had lived abroad. There were many suggestions received by the public and other towns and sources. They investigated Safe Streets, etc., & Farmers Markets as done by NJ.com.

Mr. Petronko had read the report and questioned the first floor recommendations in the Commercial District. Mr. Ward said they recommended restaurants and retail on the first floor only. He went on to say there is a need for a Business Improvement

District and our present downtown will not succeed the way it is, the Business District needs to grow and someone needs to be hired to oversee this fixing of the downtown, his Committee felt \$60,000 a year was needed to budget for this project and create a BID (Business Improvement District).

He presented an example of a Farmer's Market but right now Covid stops this, they also want to have temporary retail space, such as by the Library for one day affairs. The area between Fifth & Sixth Avenues can be a pedestrian walk as well as a bike path; there could be enhanced use of the public area, such as picnic tables by the Library. The land on the other side of the railroad can be fixed, maybe a walkway over or under the tracks.

The Committee saw the need to redo space and get in better space, Mr. Ward felt the Army Camp can be asked about using their land more as the Borough did for the 100 year party. The Borough website can be used to advertise things happening on it. Chairman Hall asked if anyone from the Chamber of Commerce was talked to and Mr. Ward said two members of the Chamber were on his Committee.

Chairman Hall asked him to expand on the pop-up events and Mr. Ward commented that one member of the Committee, Celeste Miller, has this specialty. He used the example of before a race there are tents set up to pick up shirts, etc. Having pop-up tents for an event may bring in more people and there can be food trucks.

Mr. Petronko felt Mr. Ward had done a very good job and spoke of his experience in Middlesex County where there are advisory groups that meet once a month with the local businesses and this has been successful; streets are closed for events and people want to stay in town; he cited South Plainfield and Dunellen where this has been done. Councilwoman Anthony asked him the population of South Plainfield and was told 22,000 people, he realized Sea Girt is much smaller but he agreed that something could be done.

Councilwoman Anthony was not familiar with BID, she knows Spring Lake has this but they have a larger downtown and she was concerned with the cost. Mr. Ward said they need a part-time Downtown Advocate, maybe with a salary of \$30,000 with a \$40,000 budget to work with; this could be paid for with the rentals of pop-ups. Mr. Ward said the pop-ups could be in different areas as well, the Library area, maybe block off Washington Boulevard on a Sunday. He used the Christmas Tree Library celebration as an example. Councilman Anthony said a walkway over the railroad tracks would not be cheap and asked him to be more specific. Mr. Ward suggested a crossing at grade level, perhaps this could be done through a grant, and it will make areas more walkable. He said Manasquan got a 1.1 million dollar grant to spruce up the town, they started this in 2016 and the grant came through in 2020 so it does take time. Mayor Farrell commented the town got a \$325,000 grant for the Library and 2.25 million dollars for the storm sewer work. Mayor Farrell then said that he felt the businesses in town do not pay enough in taxes and he suggested a Business Tax to possibly offset this.

Chairman Hall asked how to start this project and Mr. Ward felt a Downtown Advocate needs to be appointed; he used the example of the Recreation Department where there is a leader that is paid. Mrs. Laszlo noted that when she and her husband bought a building in Spring Lake a portion of the sale went to the town BID and maybe this is something that can be done going forward. Mr. Petronko noted there are a couple of vacant businesses in town and asked Mayor Farrell if anyone has shown interest in them. Mayor Farrell said that Chef's International, which is taking over Rod's, is going to put 1 million dollars into it. He said that 3,500 residents are needed for a restaurant and 8,000 residents for a Liquor License now so Sea Girt is at the maximum for restaurants with a liquor license. He felt that some of the wealthiest people are in the Business District and commented that Peapack/Gladstone Bank wanted to buy a piece of land here but that did not go through.

Chairman Hall suggested a crosswalk into the center of town but Mrs. Brisben said Washington Boulevard is a County Road so that permission would have to come from them and Chairman Hall agreed. Councilwoman Anthony said this has been discussed before and Chief Davenport was not in favor of it and she suggested reaching out to him for input on this; Mayor Farrell said he will speak to him.

Chairman Hall said the town Council has to create this BID and he felt it would be a shame not to respond to this project. Mr. Ward said the Committee has dissolved as the report was now finished, it is up to the Planning Board to recommend this to Council. Mrs. Laszlo asked who on Council would this be addressed to and Councilwoman Anthony felt it would be Public Buildings & Grounds but she would like to learn more about BID in Spring Lake and other municipalities; Mrs. Laszlo suggested she go to the Spring Lake website, SpringLake.com, and they have information there on BID such as their calendar, by-laws and budget.

Chairman Hall felt the \$60,000 fee is where we need to begin, can we do it? Do we want to start out with flea markets or something at the Army Camp, we could have food trucks for a few hours; we need to start. Mr. Casey wanted to know if the restaurants were okay with food trucks coming in and Mr. Ward said one of the owners was for it as it brings more people into town. There are lots of models on how you can do this. Mr. Casey agreed that someone needs to work on this. Mayor Farrell felt there will be a lot of expenses with this and was still for raising taxes on Commercial entities. Mrs. Brisben commented this would have to wait until next year as the tax rate for this year is set. Mr. Walker asked if there is a different rate for the Commercial district and Mrs. Brisben, who is the Tax Collector, said no, it's the same rate for all the town; taxes are based on the assessed value of the property and the Assessor does that, one would have to talk to him on how he assesses the Commercial District.

Mr. Casey and Mrs. Laszlo agreed to see, through their legal connections, how the BID rate is applied in Spring Lake and how it is figured. Mr. Ward felt this is the core, get a BID but it has to be paid for; his report will not be successful without a BID and how to raise funds. Mr. Petronko wanted to make a motion that Council pursue the position of a Downtown Advocate for the BID; Mrs. Abrahamson seconded this. Before

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a vote was taken Mrs. Laszlo felt grants should be pursued to fund this. Councilwoman Anthony asked for a little more information and to wait until Mr. Casey and Mrs. Laszlo come back with their findings, however, Mr. Ward felt his report covered this.

Chairman Hall said the Planning Board has their responsibilities and this is the job of Council. He felt a Resolution should be made and let Council act on it, we have spent over an hour on this and need to do something. Mr. Kennedy interjected and said he had a Resolution he incorporated in a letter that can be voted on, he went over the points and the Board was satisfied with it. The following letter, to be sent to Council, was then presented as it had a motion and second:

Lorraine Carafa, Administrator
Sea Girt Planning Board
321 Baltimore Blvd.
Sea Girt, NJ 08750

**Re: Sea Girt Planning Board
Downtown Revitalization Committee**

Dear Ms. Carafa:

Please be advised that I am writing to you as Secretary to the Sea Girt Planning Board. In that regard, I would ask that you please note following:

1. On August 19, 2020, the Sea Girt Planning Board reviewed a presentation from John Ward, on behalf of the Borough's Downtown Revitalization Committee. The said presentation discussed various ways in which the Borough's Commercial District can be preserved, improved, and fortified.
2. The Report and presentation were thorough and complete.
3. The Board Members unanimously authorized me to communicate with you so as to reflect the following Board requests:
 - a. A request that the Borough Council consider appointing a Downtown Advocate, Downtown Business Administrator, or an individual with some other type of similar title;
 - b. A request that the Borough Council also consider identifying a funding mechanism for the said position. (Some Board Members referenced the possibility of obtaining grants for such a position.);
 - c. A request that the Borough Council formally establish duties for such a position; and

- d. A request that the Borough Council consider exploring the possibility of creating some type of Business Improvement District (BID) as some other local area towns have explored.
4. Board Members / Representatives will be happy to meet with Council Representatives to address any related questions / concerns.

Thus, I would ask that you please forward the within to the Borough Council, for further review, discussion, and action.

Thank you for your attention., Karen Brisben, Planning Board Secretary

Chairman Hall then wanted to have a discussion of a change for the Ordinance on cellars under garages and classifying window wells. He had taken the whole afternoon to look at the section on basements under garages which are limited to storage only. The term Lot Coverage was used but it is not a good description as the Code does not have a definition of "Lot Coverage" and uses the term "Building Coverage". Mayor Farrell noted that Council had looked at this and have just changed the wording to "Building Coverage". He commented the town does not want to see a basement under a home, a basement under the garage and a pool, the rainwater has no place to go.

The Board then went into a discussion on this matter, Chairman Hall felt that a reference should be made to Section 17.5 of the Zoning Ordinance so the big picture can be seen. If the area is less than 50% of the garage it does not count and Chairman Hall was in favor of allowing a cellar under a garage, it is not going down 10 feet under and it is not even a "basement", used for storage. The Engineer has put this area under a garage in the definition of Impervious Coverage. He said the Ordinances have to be clarified and noted that every time we come up with a new code someone finds a loophole. Councilwoman Anthony asked if we include this as part of building coverage does this make a problem? She did not want to see that space turned into a playroom, etc. and she agreed with the loopholes.

Chairman Hall wanted to have a Committee look at the entire Ordinances, starting with basements and window wells; Mayor Farrell commented on a home on Chicago Boulevard that advertised a "Men's Club" under their garage. He also felt the Borough Engineer should be doing a boring test to see where the water table is before this is allowed. Mr. Kennedy agreed with just changing a few words does not work and reminded the Board that when Council introduces a new Ordinance the Planning Board has to review it; he felt a Committee is a good idea and to get the Zoning Officer into it as well to ensure a better produce. Mayor Farrell said this change to the wording is set for the September 9th meeting of Council and Chairman Hall felt that perhaps this should be slowed down to take a Committee look at it. Mayor Farrell said the September 9th Ordinance change is an introduction of it. At this point Lorraine Carafa, Borough Administrator (who is hosting this meeting) told all that she has a meeting

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already set up with the Borough Engineer, Peter Avakian & Zoning Officer Chris Willms for next week and Chairman Hall said he would like to be in that meeting and that was agreeable.

Mr. Casey asked if, in the meantime, will the Zoning Officer be using the revised draft Ordinance and Mr. Kennedy said no, not until the Ordinance is passed; what is on the books at the time of application is what applies. Mr. Kennedy said he will be speaking to the Borough Attorney, Ray Bogan, and they will discuss this information.

Before adjourning for the evening, Mr. Petronko felt that a plaque should be given to Board member Larry Benson, a very long-time member of the Board, that had to leave the Board due to moving out of town. Mayor Farrell felt this was a good idea and noted the Board does need a replacement, he will be speaking to Chairman Hall about this.

Before adjourning for the evening, Chairman Hall asked if any member of the public wanted to speak on any matter and, hearing no response, asked for a motion to adjourn, this done by Mrs. Laszlo, seconded by Mr. Petronko and unanimously approved, all aye. The meeting was adjourned at 8:46 p.m.