

SEA GIRT PLANNING BOARD  
WEDNESDAY, AUGUST 21, 2019

The Regular Meeting of the Sea Girt Planning Board was held on Wednesday, August 21, 2019 at 7:00 p.m. at the Sea Girt Elementary School, Bell Place, Sea Girt. 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. Chairman Hall first announced to the audience that the Borough Minor Subdivision, scheduled for this evening, has been postponed, by the Borough after the last Council meeting, due to comments from the audience; the Council wanted to revisit this application.

After a Salute to the Flag, roll call was taken:

Present: Carla Abrahamson, Larry Benson (arrived 7:08), Karen Brisben, Jake Casey, Mayor Ken Farrell, Raymond Petronko, Robert Walker, John Ward, Norman Hall

Absent: Eileen Laszlo

Also present was Kevin Kennedy, Board Attorney; Board member and Secretary Karen Brisben recorded the Minutes. There were 17 people in the audience.

The Minutes of the July 17, 2019 meeting were approved on a motion by Mr. Ward, seconded by Mayor Farrell and then by a voice vote, all aye with Mr. Petronko abstaining.

OLD BUSINESS:

The first item was approval of a Resolution for variance relief for Block 24, Lot 1, 604 Second Avenue, owned by James & Kristen Davey, to allow construction of an addition & renovations to existing dwelling. Mr. Kennedy presented an updated Resolution as there were some minor changes asked for from the applicant's attorney, also John Ward asked for some minor changes as well, then the following was presented for approval:

**WHEREAS**, James and Kristen Davey have made Application to the Sea Girt Planning Board for the property designated as Block 24, Lot 1, commonly known as 604 Second Avenue, Sea Girt, New Jersey, within the Borough's District 1, East Single-Family Zone, for the following approval: Bulk Variances associated with a request to construct an addition and certain improvements to an existing single-family home;

## **PUBLIC HEARING**

**WHEREAS**, the Board held a Public Hearing on July 17, 2019, Applicants having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

## **EVIDENCE / EXHIBITS**

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

- *Application Package, collectively introduced into Evidence as A-1;*
- *Grading Plan, prepared by R.C. Associates Consulting, Inc., dated September 10, 2018, last revised October 23, 2018, introduced into Evidence as A-2;*
- *Architectural Plan, prepared by Rice and Brown Architects, dated September 14, 2018, consisting of 5 sheets, introduced into Evidence as A-3;*
- *Survey of property, prepared by Bernard M. Collins, Surveying, Inc., dated August 16, 2018, introduced into Evidence as A-4;*
- *Leon S. Avakian, Inc. Review Memorandum, dated April 25, 2019, introduced into Evidence as A-5;*
- *Illustrated Site Plan, prepared by Rice and Brown Architects, dated July 17, 2019, introduced into Evidence as A-6;*
- *Google Earth Aerial photograph of the subject property, introduced into Evidence as A-7;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

## **WITNESSES**

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

- Chris Rice, Architect;
- William Merunka, Engineer;
- Mark Aikins, Esq., appearing;

## **TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANTS**

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

- The Applicants are the Owners of the subject property.
- The Applicants have owned the subject property for quite some time.
- There is an existing single-family home at the site.
- The Applicants currently utilize the property as a second home.
- In or about 2006, the Applicants obtained approval (from the Sea Girt Planning Board) to effectuate the following:
  - Demolition of an existing garage;
  - Construction of a new detached garage;
  - Construction of a ½ story addition to the home;  
and
  - Installation of an inground swimming pool.
- There was no known appeal of the said approval.
- In or about 2011, the Applicants obtained approval (from the Sea Girt Planning Board) to construct a front porch at the site.
- There has been no known appeal of the said approval.

- In order to make the home more functional and more modern, the Applicants are now seeking approval to effectuate a number of additional improvements.
- The Applicants' proposed improvements include the following:
  - Construction of a 2 ½ story addition to the rear of the existing dwelling;
  - Construction of a cabana;
  - Construction / installation of a rinsing station;
  - Renovation of an existing pool; and
  - Conversion of the existing detached garage to an attached garage.
- The Applicants anticipate having the subject work completed in the near future.
- The Applicants will be utilizing Licensed Contractors in connection with the construction / renovation process.

### **VARIANCES**

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

*REAR YARD SETBACK (THE CRESCENT): 30 ft.  
required; whereas 14.23 ft. proposed (to the addition);*

*REAR YARD SETBACK (THE CRESCENT): 30 ft.  
required; whereas 5.91 ft. proposed (to the attached garage);*

*SIDE YARD SETBACK (BOSTON BOULEVARD): 15 ft.  
required; whereas 14.65 ft. proposed;*

*ACCESSORY BUILDING SETBACK FOR A CORNER LOT  
(CABANA) (THE CRESCENT): 15 ft. required; whereas 3.29 ft. proposed;*

### **PUBLIC COMMENTS**

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

- Robert Kregg
- Tom Schnurr
- Meghan Pacetti

### **FINDINGS OF FACT**

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

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

1. The Sea Girt Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is located at 604 Second Avenue, Sea Girt, New Jersey, within the Borough's District 1, East Single-Family Zone.
3. The subject property contains an existing single-family home.
4. Single-family use is a permitted use in the subject Zone.
5. In order to improve the appearance of the home, in order to increase living space, and in order to make the home more functional, the Applicants propose a number of improvements.
6. The proposed improvements include the following:
  - Construction of a 2 ½ story addition to the rear of the existing dwelling;

- Construction of a cabana;
- Construction / installation of a rinsing station;
- Renovation of an existing pool; and
- Conversion of the existing detached garage to an attached garage.

7. Such a proposal requires Bulk Variance approval.

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

9. With regard to the Application, and the requested relief, the Board notes the following:

- The subject property is an irregularly shaped and unique Lot. Specifically, the subject property fronts on 3 Streets; namely, Second Avenue, Boston Boulevard, and The Crescent.
- It is believed that there are only approximately 3 or 4 other similarly geographically configured properties within the Borough.
- The subject property is not shaped like a traditional rectangle or square. Rather, the Lot is, essentially, shaped somewhat like a triangle.
- The uniquely shaped Lot (and the geographical constrictions associated therewith) materially restrict the nature / lay-out / orientation of any proposed home / addition at the site.
- The uniquely shaped Lot (and geographical constrictions associated therewith) constitutes a hardship within the meaning of New Jersey Municipal Land Use Law.
- The uniquely shaped Lot (and geographical constrictions associated therewith) materially limit the ability of an Applicant to satisfy all Prevailing Bulk Standards in a functional fashion.
- Single-family use as proposed / approved / continued herein is a permitted use in the subject Zone.

- The location of the proposed improvements is practical and appropriate – particularly in light of the many limitations associated with the shape of the existing Lot.
- The size of the proposed addition is appropriate, particularly given the size of the existing Lot.
- The existing Lot contains 9,705 square feet, significantly in excess of the minimum 7,500 square feet otherwise required in the Zone.
- A portion of the existing building is shaped like an “L.”
- The addition approved herein will be placed so as to appropriately “square off” the “L” shaped portion of the structure.
- The design and placement of such an addition (to fill in the void in the “L” shaped structure) is practical and appropriate.
- The location of the proposed addition is practical, and can be constructed without causing a substantial detrimental impact to the public good.
- The addition approved herein will enable the Applicants to enlarge the existing kitchen, enlarge the existing Master Bedroom Suite, and enlarge the Mud Room.
- The Board Members are aware that the within Application will not create any new bedrooms at the site.
- The construction of the 2 ½ story addition will not materially change the front elevation of the structure.
- Per the testimony and evidence presented by the Applicants’ Architectural representatives, with the addition and dormers approved herein, the ultimate home will actually appear “smaller and softer,” and will, essentially look like a 1 ½ story structure.
- Per the testimony and evidence presented, some of the improvements authorized herein will not be readily visible from the public streets.

- The Board acknowledges that there is an existing pool at the site – and approval of the within Application will actually reduce the size of the same.
- The Board is also aware that approval of the within Application will not materially affect the existing garage structure.
- As indicated, the Applicants are also proposing to install a cabana at the site.
- The cabana approved herein will be 117 SF, which complies with the Borough required size limitation (which allows 120 SF cabana).
- The cabana will be located behind the existing garage – and the said location is an appropriate / practical location for the cabana.
- The cabana approved herein will be located in a practical location – and, per the testimony and evidence presented, there were no real / functional alternative locations for the same.
- Per the testimony and evidence presented, the cabana approved herein will not be readily visible from the public street.
- While the cabana approved herein will share a common wall with the home, there will be no interior access between the home and the cabana.
- Though the cabana will have electrical service and water service, the cabana will not be utilized as living space, or as a dwelling unit.
- The Applicant's representatives affirmatively agreed, on the record, that the cabana would not be utilized as living space, or as a dwelling unit – and the said representation is a material condition of the within approval.
- But for the representation that the cabana would not be utilized as living space (or as a dwelling unit), the within Application may not have been approved.



- Sufficient evidence was not presented to justify the use of the cabana for living purposes.
- Per the testimony and evidence presented, the air conditioning condensers will be elevated and placed in a cut-in platform within the attached garage roof structure, as depicted on the Architectural Plans submitted with the Application, and the same shall also be screened from view with lattice or comparable material, but the top of the air conditioning condensers shall not exceed the ridgeline of the attached garage roof.
- The air conditioning condensers will be appropriately shielded – so as to not be readily visible by pedestrians / motorists.
- The unique nature of the Lot, and the geographical realities of the same, dictate the placement of the various improvements, and the setbacks for the same.
- Had the triangular type of Lot not been so unique, the required Variances would likely not have been approved.
- The Board also notes that the setbacks approved herein will, in some respects, appear to be even greater than as indicated (due to the location / orientation of the existing curbs).
- The Board Members were very pleased that the Application as presented and approved, did not require approval for a Building Coverage Variance. Towards that end, the Board notes, positively, the following calculations:

Maximum allowable building coverage .....
20%
Existing building coverage .....
16.71%
Proposed building coverage .....
18.97%

- The Board is also aware, that there is no impervious coverage Variance granted herein. Rather, with regard to the impervious coverage calculations, the Board notes the following:

Maximum allowable impervious coverage .....
35%
Proposed impervious coverage
.....32.76%

- The within Application as presented requires a Rear Yard Building Setback Variance. Specifically, the minimum Rear Building Setback permitted in the Zone is 30 ft., from the rear Lot line. In the within situation, and per prior Board determination / action, the rear yard herein is The Crescent – and the existing Rear Building Setback is 24.72 ft., for which a Variance was previously granted. The proposed Rear Building Setback for the addition approved herein is 14.23 ft., which requires a Variance approval. Additionally, the Board notes that with the addition approved herein, the existing detached garage will be converted to an attached garage, thereby becoming part of the new principal structure. Additionally, the proposed Rear Building Setback to the attached garage is 5.91 ft., thereby requiring a Variance.
- The Board notes that the nature / extent / height / location / setback of the existing garage is not changing as a result of the within approval – rather, the setback calculation changes (i.e. the required setback is increased) as a result of the fact that the detached garage will be converted to an attached garage (which generates the need for an increased setback).
- In conjunction with the above points, the Board notes that the unique triangular Lot, with frontages on 3 roads, compromises the ability of the Applicants to practically / realistically satisfy all Prevailing Building Setback Requirements.
- Some Board Members and / or Members of the public were concerned about the multiple Applications which the Applicants have submitted over the years, and the multiple requests for Variance relief over the years. In response, the Applicants' representatives indicated that the Applicants' renovation plan essentially constituted a 3-phase plan – and the within aspects constituted the 3<sup>rd</sup> phase. A majority of the Board Members accepted the Applicants' arguments in the said regard.
- Subject to the conditions contained herein, the addition / improvements approved herein will not overpower / overwhelm the subject Lot.

- The additions / improvements approved herein will not overpower / dwarf other homes in the area – particularly in light of the nature of the surrounding uses.
- The size of the proposed addition is appropriate – particularly as evidenced by the fact that the same will satisfy the Borough's Prevailing Height Requirements, as well as the Borough's Prevailing Building Coverage Requirements.
- The addition / improvements approved herein are attractive and upscale, in accordance with Prevailing Community Standards.
- The site will provide a sufficient amount of off-street parking spaces for the Applicants' use and thus, no Parking Variance is required.
- The existence of sufficient and appropriate parking is of material importance for the Board – and but for the same, the within Application may not have been approved.
- The proposed improvements approved herein will render the existing structure more functional and more modern.
- The proposed improvements will address the functional / space limitations associated with the existing dwelling.
- Given the oversized nature of the subject Lot, the subject property can physically accommodate the Applicants' proposal.
- Given the oversized nature of the subject Lot, the renovated structure approved herein will not overpower the subject property / neighborhood.
- Approval of the within Application will result in the continued existence (and renovation / improvement) of the home (as opposed to demolition).
- The Board appreciates the benefits of improving / renovating an old structure (so as to avoid demolition).
- Preserving older structures represents a positive, appropriate, and legitimate development goal.

- The renovations to the existing old structure constitute an adaptive re-use of an existing structure.
- Importantly, approval of the within Application, will not trigger the need for any Lot Coverage Variance or Building Coverage Variances.
- The age of the home, the conforming size of the lot, and the coverage-compliant nature of the project suggests that the Application can be granted without causing substantial detriment to the public good.
- Under the circumstances, the setbacks approved / maintained herein are not inconsistent with the setbacks of some other structures located on similarly situated Lots in the area.
- The referenced improvements authorized herein will approve the overall aesthetic appeal of the site.
- The construction of the proposed improvements will not materially change the height of the existing home.
- The design of the subject addition is attractive and will be architecturally/aesthetically compatible with the neighborhood.
- Per the testimony and evidence presented, and subject to the conditions contained herein, the renovation approved herein will not detrimentally change / affect the grading at the Site.
- The improvements authorized herein are not unduly large, particularly given the size of the lot and the size of the existing home.
- The Board is of the belief that the size of the proposed improvements are appropriate for the Site/Lot.
- Approval of the within Application will allow the Applicants to more functionally and comfortably use and enjoy the property.
- The proposed addition / improvements will be architecturally and aesthetically consistent with the existing structure.

- Approval of the within Application will not intensify the existing (and permitted) single-family residential use of the site.
- Sufficiently detailed testimony / plans were represented to the Board.
- The proposed addition / improvements should nicely complement the property and the neighborhood.
- Subject to the conditions contained herein, the proposal will not appreciably intensify the single-family nature of the lot.
- Additionally, the architectural/aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicant's inability to comply with all of the specified bulk standards.
- The architectural design of the proposed addition will not be inconsistent with the architectural character of other homes / additions in the area (on similarly situated lots).
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated with the same.
- Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and, thus, the Application can be granted without causing substantial detriment to the public good.
- The improvement to be constructed herein will not be inconsistent with other improvements located within the Borough.
- Approval of the within application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented satisfies the Statutory Requirements of N.J.S.A. 40:55D-70(c) (Bulk Variances).

Based upon the above, and for the other reasons set forth herein, and during the Public Hearing process, the Board is of the unanimous opinion that the requested relief can be granted without causing substantial detriment to the public good.

### **CONDITIONS**

During the course of the Hearing, the Board has requested, and the Applicant has agreed, to comply with the following conditions:

- a. The Applicants shall comply with all promises, commitments, and representations made at or during the Public Hearing Process.
- b. The Applicants shall comply with the terms and conditions of the April 25, 2019 Review Memorandum of Leon S. Avakian, Inc. (A-5).
- c. The cabana shall not be utilized as living space or as a dwelling unit.
- d. The Applicants shall cause the Plans to be revised so as to portray and confirm the following:
  - Confirmation that, per the testimony presented, the air conditioning condenser system shall be shielded (so as to not be visible from the public street).
  - Confirmation that the air conditioning shielding shall be perpetually replaced / maintained, as necessary.
  - Confirmation that the existing pool equipment location shall not change (as the Applicant's representative withdrew the Variance request associated with the initial proposal to change the said location).
  - Confirmation that there shall be no gas service for the cabana use.
  - Confirmation that the cabana shall not be utilized as living space or as a dwelling unit.

- e. If requested by the Board Engineer, the Applicants shall submit a Grading Plan, which shall be approved by the Board Engineer.
- f. The Applicants shall manage storm water run-off during and after construction (in addition to any other prevailing / applicable requirements/obligations.)
- g. The Applicants shall obtain any applicable permits / approvals as may be required by the Borough of Sea Girt - including, but not limited to the following:
  - Building Permit
  - Plumbing Permit
  - Electric Permit
  - Demolition Permit
- h. If applicable, the proposed structure shall comply with applicable Provisions of the Americans with Disabilities Act.
- g. If applicable, grading plans shall be submitted to the Board Engineer so as to confirm that any drainage / run-off does not go onto adjoining properties.
- h. The proposed structure shall comply with the Borough's Prevailing Height Regulations.
- i. The construction, if any, shall be strictly limited to the plans which are referenced herein, and which are incorporated herein at length. Additionally, the construction shall comply with Prevailing Provisions of the Uniform Construction Code.
- j. The Applicants shall comply with all terms and conditions of the Review Memoranda, if any, issued by the Board Engineer, Borough Engineer, Construction Office, the Department of Public Works, the Bureau of Fire Prevention and Investigation, and/or other agents of the Borough.
- k. The Applicants shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District.

- l. The Applicants shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.
- m. If required by the Board / Borough Engineer, the Applicants shall submit appropriate performance guarantees in favor of the Borough of Sea Girt.
- n. Unless otherwise agreed by the Planning Board, the approval shall be deemed abandoned, unless, within 24 months from adoption of the within Resolution, the Applicants obtain a Certificate of Occupancy (if necessary) for the construction / development approved herein.
- o. The approval granted herein is specifically dependent upon the accuracy and correctness of the testimony and information presented, and the accuracy of the Plans submitted and approved by the Board. The Applicants are advised that there can be no deviation from the Plans approved herein. If conditions at the site are materially different than what was presented to the Board, or different from what was otherwise known, or in the event post-approval conditions are different than what was anticipated , the Applicants' representatives are not permitted to unilaterally deviate, or build beyond, what is approved herein. For example, if the testimony/plans provide that an existing building / structure is to remain, the same cannot be unilaterally demolished / destroyed (without formal Board/Borough consent), regardless of the many fine construction reasons for doing so. That is, the basis for the Board's decision to grant Zoning relief may be impacted by any change of conditions. As a result, Applicants and their representatives are not to assume that any post-approval deviations can be effectuated. To the contrary, post-approval deviations can and will cause problems. Specifically, any post-approval unilateral action, inconsistent with the testimony / plans presented / approved, which does not have advanced Borough/Board approval, will compromise the Applicants' approval, will compromise the Applicants' building process, will create uncertainty, will create stress, will delay construction, will potentially void the Board Approval, and the same will result in the Applicants incurring additional legal / engineering / architectural costs. Applicants are encouraged to be mindful of the within – and the Borough of Sea Girt, and**



**the Sea Girt Planning Board , are not responsible for any such unilateral actions which are not referenced in the testimony presented to the Board, and / or the Plans approved by the Board. Moreover, Applicants are to be mindful that the Applicants are ultimately responsible for the actions of the Applicants, their Agents, their representatives, their employees, their contractors, their engineers, their architects, their builders, their lawyers, and other 3<sup>rd</sup> parties.**

**BE IT FURTHER RESOLVED**, that all representations made under oath by the Applicants and/or their agents shall be deemed conditions of the approval granted herein, and any mis-representations or actions by the Applicants contrary to the representations made before the Board shall be deemed a violation of the within approval.

**BE IT FURTHER RESOLVED**, that the Application is granted only in conjunction with the conditions noted above - and but for the existence of the same, the within Application would not be approved.

**BE IT FURTHER RESOLVED**, that the granting of the within Application is expressly made subject to and dependent upon the Applicants' compliance with all other appropriate Rules, Regulations, and/or Ordinances of the Borough of Sea Girt, County of Monmouth, and State of New Jersey.

**BE IT FURTHER RESOLVED**, that the action of the Board in approving the within Application shall not relieve the Applicants of responsibility for any damage caused by the subject project, nor does the Planning Board of the Borough of Sea Girt, the Borough of Sea Girt, or its agents/representatives accept any responsibility for the structural design of the proposed improvement, or for any damage which may be caused by the development / renovation / construction.

FOR THE APPLICATION: Carla Abrahamson, Larry Benson, Karen Brisben, Jake Casey, Mayor Ken Farrell, Robert Walker, John Ward, Norman Hall

AGAINST THE APPLICATION: None

ABSENT: Raymond Petronko

The foregoing Resolution was offered by Mr. Ward, seconded by Mayor Farrell and adopted by the following Roll Call Vote:

AYES: Carla Abrahamson, Larry Benson, Karen Brisben, Jake Casey, Mayor Ken Farrell, John Ward, Robert Walker, Norman Hall

NOES: None

NOT ELIGIBLE TO VOTE: Raymond Petronko

The Board then turned to a Resolution of approval for Block 13, Lot 7, 12 Chicago Boulevard, owned by Patrick Finn & Mary Brody, to allow demolition of an existing home & construction of a new home with variances. Mr. Ward had one minor change requested and Mr. Kennedy said the applicant's attorney had requested one change on item "h" regarding the footings on the wall; the following was then presented for approval:

**WHEREAS,** Patrick Finn and Mary Brody have made Application to the Sea Girt Planning Board for the property designated as Block 13, Lot 7, commonly known as 12 Chicago Boulevard, Sea Girt, NJ, within the Borough's District 1, East Single-Family Zone, for the following approval: Bulk Variances associated with a request to effectuate the following:

- Demolition of an existing single-family home; and
- Construction of a new single-family home, with detached garage, cabana, patio, and driveway.

### **PUBLIC HEARING**

**WHEREAS**, the Board held a Public Hearing on July 17, 2019, Applicants having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

**EVIDENCE/EXHIBITS**

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

- Zoning Development Application materials, introduced into Evidence as A-1;
- Zoning Officer Denial Letter, dated March 26, 2019, introduced into Evidence as A-2;
- Plot Plan, prepared by R.C. Associates, Consulting, Inc., dated February 7, 2019, last revised February 13, 2019, consisting of one sheet, introduced into Evidence as A-3;
- Architectural Plans, prepared by I House Architecture, LLC, dated February 14, 2019, consisting of four sheets, introduced into Evidence as A-4;
- Half Story Plan, prepared by I House Architecture, LLC, dated April 26, 2019, introduced into Evidence as A-5;
- Survey Plot, prepared by Ragan Land Surveying, P.C., dated December 10, 2018, introduced into Evidence as A-6;
- Review Memorandum from Leon S. Avakian, Inc., dated June 21, 2019, introduced into Evidence as A-7;

- Rendering of the front of the home, prepared by I House Architecture, LLC, introduced into Evidence as A-8;
- Package of 11 Resolutions previously adopted by the Sea Girt Planning Board, collectively introduced into Evidence as A-9;
- A picture of the two window-wells, (one from the Internet and one actual picture) collectively introduced into Evidence as A-10;
- Affidavit of Service; and
- Affidavit of Publication.

### **WITNESSES**

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

- Patrick Finn, Applicant;
- Mary Brody, Applicant;
- Paul Lawrence, Architect;
- C. Keith Henderson, Esq., appearing.

### **TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE**

#### **APPLICANTS**

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

- The Applicants are the Owners of the subject property.
- The Applicants have owned the subject property for approximately 20 years.

- There is an existing single-family home at the site.
- The Applicants utilize the subject property as their second home.
- The existing home at the site is rather old and not necessarily built for the needs of a modern family. Specifically, among other things, the staircases are very narrow (and not Code Compliant), the rooms are small, there is not a modern/open floor lay-out, there is a need for more space, and, quite frankly, there is a need for the home to be more functional.
- The Applicants feel that, under the circumstances, demolition is more appropriate than mere renovation.
- Against such a backdrop, the Applicants propose the following:
  - Demolition of an existing single-family home; and
  - Construction of a new single-family home, with detached garage, cabana, patio, and driveway.
- Upon completion, the proposed new home will include the following:

**FIRST FLOOR**

Family Room

Kitchen

Breakfast Area

Office/Bedroom

Bathroom

Covered Porch

## **SECOND FLOOR**

Master Bedroom

Master Bathroom

Bedroom

Bedroom

Bathroom

Bathroom

Laundry Room

## **TOP HALF STORY**

Guest Bedroom

Bathroom

- The Applicants anticipate having the demolition and construction completed in the near future.
- The Applicants will be utilizing licensed Contractors in connection with the construction process.

## **VARIANCES**

**WHEREAS**, the Application as submitted and ultimately amended requires approval for the following Variances:

*PRINCIPAL BUILDING HEIGHT:* Maximum 35 ft. allowed;  
whereas 38 ft. proposed.

*GARAGE HEIGHT:* Maximum 16 ft. allowed; whereas 18 ft.  
proposed;

*WINDOW WELL SETBACK (West-side):* 15 ft. required;  
whereas 12 ft. proposed;  
*DRIVEWAY WIDTH:* 14 ft. permitted; whereas 17.7 ft. exists,  
which is an existing condition;  
*CURB-CUT WIDTH:* 13 ft. allowed; whereas 15.6 ft. exists,  
which is an existing condition.

*GRADING CHANGE:* Pursuant to the prevailing Zoning Regulations, no alteration of the existing natural configuration and elevation of any lands or lots shall be made without the permission of the Borough Engineer. Said permission shall only be granted to the extent absolutely necessary so as to render the premises suitable for such permitted use. In the within regard, the Applicants herein need approval from the Land Use Board for the approximately 3 ft. raise in grade being proposed.

### **PUBLIC COMMENTS**

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

- Robert Gregg
- Lynn Ward
- Tom Schnurr
- Meghan Pasetti

- Chris Kazinski
- Nick Campbell

### **FINDINGS OF FACT**

**NOW, THEREFORE, BE IT RESOLVED**, by the Sea Girt Planning Board, after having considered the aforementioned Application, Plans, Evidence, Testimony, and Public Comments, that the Application is hereby **approved with conditions**.

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

1. The Sea Girt Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is located at 12 Chicago Boulevard, Sea Girt, NJ within the Borough's District 1, East Single-Family Zone.
3. The subject property contains a single-family home.
4. Single-family use is a permitted use in the subject Zone;
5. Given the nature/condition of the existing home, and given the fact that the same is not built for the needs of a modern family, the Applicants are proposing the following:
  - Demolition of an existing single-family home; and
  - Construction of a new single-family home, with detached garage, cabana, patio, and driveway.
6. Such a proposal requires Bulk Variance approval.



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

8. With regard to the Application, and the requested relief, the Board notes the following:

- As referenced, the within Application approves the construction of a new single-family home on the lot.
- Single-family use is a permitted use in the subject zone.
- The single-family home approved herein has been designed so as to comply with the overwhelming majority of the Borough's prevailing Bulk Zoning requirements.
- Single-family use, as approved herein, is appropriate for the site.
- Continued single-family use at the site is appropriate.
- Continued single-family use at the site is consistent with the Master Plan and prevailing Zoning Ordinances.
- The Applicants testified that the line-wall has been designed so as to accommodate a number of Applicant related goals/objectives. Specifically, the Applicants testified that the construction and

placement of the lot line-wall will fulfill a number of purposes, including, but not limited to, the following:

- i. The line-wall will help discourage raucous/mischievous behavior from late-night patrons exiting a local bar;
  - ii. The line-wall will better protect the subject property from future storm surges;
  - iii. The line-wall will facilitate easier/better control of storm water run-off (diverting the same into two under-ground cisterns, as opposed to the Municipal Sewer); and
  - iv. The line-wall will help create/promote a better visual environment.
- The Board understands, accepts, and endorses the aforesaid development goals.
  - Per the testimony and evidence presented, approval of the within Application will improve Storm- Water Management.
  - Modern design standards require that homes be designed so as to be able to better accommodate future storm surges – and, the line-wall approved herein will advance such a goal.

- Approving design standards which can better protect homes against potential incidents of flooding represents a commendable development goal – particularly if the same can be effectuated without causing substantial detriment to the public good.
- The Municipal Land Use Law encourages the approval of Applications which promote a desirable visual environment – and approval of the within Application will advance such a purpose.
- The Board is aware that the subject property is a corner lot – and the Board Members recognize development challenges traditionally associated with a corner lot.
- The driveway width at the site is an existing condition – and approval of the within Application will not change the same.
- Per the testimony and evidence presented, the existing curb-cut has a non-conforming width of 15.6 ft. – and approval of the within Application will not change the same.
- The Application as initially presented required a Variance for the window-well setbacks on both the western and eastern sides. The Board Members

critically reviewed the said request, and the fact that the Municipal Ordinance in the said regard is fairly new. The Board Members were not necessarily willing to deviate from the prevailing Borough Ordinance, in the absence of sufficiently compelling reasons to do so.

- In conjunction with the above point, the Planning Board Members intensely reviewed the pictures/details of the proposed window-wells, including those images as set forth on the document marked into the record as A-10.
- The Applications have requested, and the Board has approved, a window-well setback Variance on the western side of the property. (i.e. 15 ft. required; whereas 12 ft. proposed.) The Board finds that there are no other homes in the immediate area of the West side of the property, there are no aesthetic issues associated with the proposed window-wells, and there are no apparent public health/safety issues associated with the non-compliant window-wells (and/or associated walk-ways).

- Against such a backdrop, the Board has specifically approved the window-well setback variance for the western façade.
- The window-well setback on the eastern side of the property was intensely discussed as well. Respectfully, sufficient reasons were not presented to justify a deviation from the Borough's prevailing setback requirements. Additionally, the testimony from the Applicants' representatives did not sufficiently prove that there aesthetic, functional, or health and safety benefits associated with the proposed window-well setback deviation on the eastern side of the property. As such, upon further review, the Applicants' representatives decided to withdraw the request for a window-well setback variance on the eastern portion of the property. Rather, as a condition of the within Approval, the Applicants will revise the Plans so as to include compliant windows, or window-wells which comply with the prevailing setback requirements (for the eastern side).

- The Application as presented requires a Height Variance for the principal structure and a Height Variance for the garage/accessory structure.
- Specifically, the prevailing Zoning Ordinance allows a principal structure to have a height of 35 ft.; whereas 38.0 ft. is proposed herein.
- Likewise, under the prevailing Zoning Regulations, a free-standing garage is permitted be no taller than 16 ft.; whereas the Applicants herein are proposing a garage height of 18 ft.
- The Board is aware that with regard to the principal structure, a Height Variance can be either a Bulk “c” Variance or a Use/“d” Variance, depending upon the nature/extent of the height deviation.
- In conjunction with the above point, the Board notes that the height deviation proposed herein constitutes a “c” Variance, requiring Bulk “c” relief.
- The Sea Girt Planning Board Members critically analyzed the height of the proposed structures.
- The Board is aware that the Borough of Sea Girt previously modified how building height is technically calculated.

- The Board Members are furthermore aware that with the prevailing building height calculation method, it is more difficult for new structures on elevated lots to comply with the prevailing height regulations.
- The Applicants' lot herein is, in fact, elevated.
- The elevated nature of the lot complicates the ability of the Applicants to satisfy the prevailing height requirements.
- The Board is aware that the height deviation approved herein is being driven, in many respects, because of the geographical realities associated with the existing elevated lot.
- The Board notes that if the subject lot (i.e. the Applicants' lot) was at grade, (as opposed to being elevated), then, in that event, the within Application would not require Height Variance Relief.
- The Board notes, positively, that the physical height of the home approved herein, (measured from the actual bottom of the home to the top of the home) is 34.5 ft. (i.e. a home which complies with the Borough's 35 ft. height limitation). However, the within height deviation stems from how the Borough's prevailing

Zoning Ordinance requires a principal structure (on an elevated lot) to be actually measured.

- Likewise, in conjunction with the above point, the Board is aware that the garage structure approved herein measures 15 ft. (from the actual bottom of structure to the top of the structure) – (i.e. a structure which complies with the 16 ft. height limitation otherwise allowed per prevailing Borough Zoning Ordinances). However, the Board is aware that the height deviation (for the garage) stems from how the Borough's prevailing Ordinance requires the garage structure (on an elevated lot) to be actually measured.
- Per the testimony and evidence presented, the home approved herein has been designed to preserve some of the views of neighboring property owners – and the Board Members collectively appreciate the Applicants' efforts in the said regard.
- Notwithstanding the height deviation, the structure approved herein will not overpower/overwhelm the site, the area, or the neighborhood.
- The structure approved herein (with the non-conforming height,) will not be inconsistent with the



appearance/height of other homes on the area (on similarly situated elevated lots).

- Given the elevated nature of the subject lot, and the calculation method used by the Borough of Sea Girt, (for measuring Building Height), in many ways, the subject lot is a unique lot.
- Given the nature of the elevated lot, and how the Borough measures building height, it is, essentially, a hardship for the Applicants herein to comply with the Borough's prevailing height requirements.
- If the Height Variance were not granted, the same could, under the circumstances, and per the testimony and evidence presented, potentially compromise the architectural integrity, beauty, and functionality of the proposed home.
- There was much debate/discussion regarding the height of the line-wall, and the elements associated therewith. Upon further review and discussion, the Applicants' representatives testified that they comply with the Borough's prevailing requirements in the said regard, and that no Variance is necessary. The said issue is very important to the Board Members – and

but for compliance with the said regulations, the within Application may not have been approved.

- The Board Members appreciate the aesthetic design and appeal of the line-wall proposed herein.
- The home approved herein is well designed and a beautiful structure.
- The Board is also aware that the proposed home will comply with all prevailing Zoning Regulations regarding location, setback coverage, etc. (except height and window-well setbacks for the western side.)
- As a condition of the within Approval, the Applicants will landscape the property so as to sufficiently minimize the overall impact of the development.
- The proposed garage and cabana are a permitted accessory use at the site.
- The location of the proposed home is practical and appropriate.
- The size of the to-be-constructed home is appropriate, particularly given the size of the existing lot.

- The existing Lot contains 7,500 SF; whereas the minimum of 7,500 SF is otherwise required in the Zone.
- The location of the home as proposed herein is consistent with the character of the neighborhood.
- The location of the home as proposed herein, is consistent with the pattern of development in the neighborhood.
- Subject to the conditions contained herein, the home approved herein will not overpower/overwhelm the subject Lot.
- Subject to the conditions contained herein, the home approved herein will not overpower/dwarf other homes in the area – particularly in light of the nature of the surrounding area.
- The home approved herein will not overpower/dwarf other homes in the area – particularly in light of the nature of the surrounding uses.
- The size of the proposed home is appropriate – particularly as evidenced by the fact that the same will satisfy the Borough's Prevailing Building Coverage Requirements.

- The home approved herein represents an attractive and upscale proposal, in accordance with Prevailing Community Standards.
- The site will provide a sufficient amount of off-street parking spaces for the Applicants' use and thus, no Parking Variance is required.
- The existence of sufficient and appropriate parking is of material importance to the Board – and but for the same, the within Application may not have been approved.
- There are no known adverse health/safety/building/construction issues associated with the placement of the home, as proposed.
- Approval of the within Application does not compromise the public health, safety, or welfare.
- Sufficiently detailed testimony/plans were represented to the Board.
- Subject to the conditions contained herein, the proposed home should nicely complement the property and the neighborhood.
- Subject to the conditions contained herein, the proposal will not appreciably intensify the historic and to-be-continued single-family nature of the lot.

- Additionally, the architectural/aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicants' inability to comply with all of the specified Bulk Standards.
- The architectural design of the to-be-constructed home will not be inconsistent with the architectural character of other homes in the area (on similarly sized elevated lots).
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated with the same.
- Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and, thus, the Application can be granted without causing substantial detriment to the public good.
- The improvements to be constructed herein will not be inconsistent with other improvements located within the Borough.
- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.

- The Application as presented satisfies the Statutory Requirements of N.J.S.A. 40:55d-70(c) (Bulk Variances).

Based upon the above, and for other reasons set forth during the Public Hearing Process, the Board is of the unanimous opinion that the requested relief can be granted without causing substantial detriment to the public good.

### **CONDITIONS**

During the course of the Hearing, the Board has requested, and the Applicants have agreed, to comply with the following conditions:

- a. The Applicants shall comply with the terms, commitments, promises, and representations made at or during the Public Hearing Process.
- b. The Applicants shall comply with the terms and conditions of the Leon S. Avakian, Inc. Review Memorandum, dated June 21, 2019 (A-7).
- c. The Applicant shall submit the details for the two sub-surface tanks to the Board Engineer, for his review and approval.
- d. The Applicants shall obtain any and all necessary demolition permits.
- e. The Applicants shall satisfy any and all required Affordable Housing directives/contributions as required by the State of New Jersey, the Borough of Sea Girt, C.O.A.H., the Court System, and any other Agency having jurisdiction over the matter.
- f. The Applicants shall comply with all Prevailing Building/Construction Code Requirements.
- g. The Applicants shall submit grading/drainage plans, which shall be approved by the Board Engineer.
- h. The Applicant shall cause the Plans to be revised so as to portray and confirm the following:

- Confirmation that the line-wall height will comply with prevailing Borough Zoning Regulations, (i.e. confirmation that no Variance for the same is necessary/granted).
  - Confirmation that there will be no footings from the wall constructed on the neighboring property (and confirmation that any footings will be underground footings).
  - Confirmation that the air conditioning units will be appropriately (and perpetually) screened/shielded.
  - Confirmation that the mechanical equipment will be located in a Zoning compliant location.
  - Confirmation that conforming window-wells shall be placed on the East side of the property (or compliant Block Windows) (i.e. no Variance is granted for window-well placement on the East side of the property).
  - Confirmation that the Applicants shall comply with the line wall height requirements.
  - Confirmation that the Applicants shall place (and perpetually maintain/replace as necessary) small shrubs around the western-side window wells.
  - Confirmation that the Applicants shall arrange for the drywells to be installed in accordance with manufacturing design standards.
  - Confirmation that the drywells will be perpetually maintained in accordance with the design standards (or other applicable standards).
  - Confirmation that, unless otherwise waived by the Board Engineer, the Applicants shall arrange for a grate to be placed on top of the window-well.
- i. The Applicants shall comply with any Prevailing FEMA Requirements.
  - j. If requested by the Board Engineer, the Applicants shall submit a Grading Plan, which shall be approved by the Board Engineer.
  - k. The Applicants shall manage storm-water run-off during and after construction (in addition to any other prevailing/applicable requirements/obligations.)

- l. The Applicants shall obtain any applicable permits/approvals as may be required by the Borough of Sea Girt – including, but not limited to, the following:
- Building Permit
  - Plumbing Permit
  - Electric Permit
  - Demolition Permit
- m. If applicable, the proposed structure shall comply with applicable Provisions of the Americans with Disabilities Act.
- n. The construction, shall be strictly limited to the Plans, which are referenced herein, and which are incorporated herein at length. Additionally, the construction shall comply with Prevailing Provision of the Uniform Construction Code.
- o. **The approval granted herein is specifically dependent upon the accuracy and correctness of the testimony and information presented, and the accuracy of the Plans submitted and approved by the Board. The Applicants are advised that there can be no deviation from the Plans approved herein. If conditions at the site are different than what was presented to the Board, or different from what was otherwise known, or in the event post-approval conditions are different than what was anticipated , the Applicants’ representatives are not permitted to unilaterally deviate or build beyond what is approved herein. If the testimony/plans provide that an existing building/structure is to remain, the same cannot be unilaterally demolished/destroyed without formal Board/Borough consent), regardless of the many fine construction reasons for doing so. That is, the basis for the Board’s decision to grant Zoning relief may be impacted by the aforesaid change of conditions. As a result, Applicants and their representatives are not to assume that any post-approval deviations can be effectuated. To the contrary, post-approval deviations can and will cause problems. Specifically, any post-approval unilateral action, inconsistent with the testimony/plans presented/approved, which does not have advanced Borough/Board approval, will compromise the Applicants’ approval, will compromise the Applicants’ building process, will create uncertainty, will create stress, will delay construction will potentially void the Board Approval, and the same will result in Applicants incurring additional legal/engineering/architectural costs. Applicants**



are encouraged to be mindful of the within – and the Borough of Sea Girt, and the Sea Girt Planning Board , are not responsible for any such unilateral actions which are not referenced in the testimony presented to the Board, and /or the Plans approved by the Board. Moreover, Applicants are to be mindful that the Applicants are ultimately responsible for the actions of the Applicants, their Agents, their representatives, their employees, their contractors, their engineers, their architects, their builders, their lawyers, and other 3<sup>rd</sup> parties.

- p. The Applicants shall comply with all terms and conditions of the Review Memorandum, if any, issued by the Board Engineer, Borough Engineer, Construction Office, the Department of Public Works, the Bureau of Fire Prevention and Investigation, and/or other Agents of the Borough.
- q. The Applicants shall obtain any and all approvals (or Letters of No Interest) from applicable outside Agencies – including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District. Additionally, if the proposal/plans/details significantly change as a result of any outside Approvals, the Applicants shall be required to seek further relief/permission/approval from the Sea Girt Planning Board.
- r. The Applicants shall, in conjunction with the appropriate Borough Ordinances, pay all appropriate/required fees and taxes.
- s. If required by the Board/Borough Engineer, the Applicants shall submit appropriate performance guarantees in favor of the Borough of Sea Girt.
- t. Unless otherwise agreed by the Planning Board, the approval shall be deemed abandoned, unless, within 24 months from adoption of the within Resolution, the Applicants obtain a Certificate of Occupancy for the construction/development approved herein.

**BE IT FURTHER RESOLVED**, that all representations made under oath by the Applicants and/or their Agents shall be deemed conditions of the Approval granted herein, and any mis-representations or actions by the Applicants contrary to the representations made before the Board shall be deemed a violation of the within Approval.

**BE IT FURTHER RESOLVED**, that the Application is granted only in conjunction with the conditions noted above – and but for the existence of the same, the within Application would not be approved.

**BE IT FURTHER RESOLVED**, that the granting of the within Application is expressly made subject to and dependent upon the Applicants' compliance with all other appropriate Rules, Regulations, and/or Ordinances of the Borough of Sea Girt, County of Monmouth, and State of New Jersey.

**BE IT FURTHER RESOLVED**, that the action of the Board in approving the within Application shall not relieve the Applicants of responsibility for any damage caused by the subject project, nor does the Planning Board of the Borough of Sea Girt, the Borough of Sea Girt, or its agents/representatives accept any responsibility for the structural design of the proposed improvement, or for any damages which may be caused by the development.

FOR THE APPLICATION: Carla Abrahamson, Larry Benson, Karen Brisben,  
Jake Casey, Mayor Ken Farrell, Eileen Laszlo, Robert  
Walker, John Ward, Norman Hall

AGAINST THE APPLICATION: None

ABSENT: Raymond Petronko

The foregoing Resolution was offered by Mr. Ward, seconded by Mr. Casey and then by the following roll call vote:

AYES: Carla Abrahamson, Larry Benson, Karen Brisben, Jake Casey, Mayor  
Ken Farrell, John Ward, Robert Walker, Norman Hall

NOES: None

NOT ELIGIBLE TO VOTE: Raymond Petronko

ABSENT: Eileen Laszlo

## OTHER BUSINESS:

Before starting the next matter, Mr. Kennedy wanted to elaborate on the Borough's deciding to postpone their Minor Subdivision application for Block 81, Lot 1 by the railroad tracks. They had a discussion at the last Council meeting after several people complained about this happening and they decided to look into this application again, so it is being carried to the Wednesday, October 16<sup>th</sup> meeting of the Planning Board and there will be no further notice on this; if anyone is here for this please come back on October 16<sup>th</sup>. At this time a motion to carry this hearing was made by Mr. Casey, seconded by Mr. Benson and approved by voice vote with Mayor Farrell abstaining.

Mr. Kennedy then announced that the variance application for Michael O'Neill for 5 First Avenue was also being carried, the hearing will be held at the next Board meeting set for Wednesday, September 18<sup>th</sup>. There was a problem with the Notice that the applicant's attorney sent out, new ones will be delivered to those within 200 feet as well as a new notice being put in the newspaper; Mr. Kennedy noted the applicant's attorney has given consent to waive the timeframe for approval.

The Board was then able to turn to a discussion on possible zoning changes to the downtown Commercial Zone and he emphasized this is not an application but just a discussion and there will be no decisions being made this evening. Before this started, Mayor Farrell recused himself from this discussion and left the dais.

Mr. Kennedy explained this is about possible rezoning and that the power to rezone a district is solely in the hands of the Governing Body, not the Planning Board; the Governing Body decides what goes in the zone, lot size, density, etc. If an applicant deviates from this they come to the Planning/Zoning Board for relief; so if there are any changes to any of the zones it goes to the Governing Body to put it into law and adopt same, this comes to the Planning/Zoning Board first for review and comments but the decision lies with Council, they just ask for the Board's opinion. There have already been discussions on changing the zoning for the downtown area and Mr. Kennedy then read from page 25 and page 35 of the Master Plan update concerning this. He particularly noted it says the first floor of a building had a permitted use of commercial only, this to help the downtown, the community needs to preserve the commercial district so no ground floor space for residential.

The Governing Body can ask if this is still consistent and, if it is, no change will be done; but if it is no longer relevant and changes are needed, then the Zoning Ordinance is amended. He let the public know this is all done through the public process and there are a million possibilities of changes that can be done. There can't be a change in one part of the zone, anything done affects the entire zone.

If the zoning is changed to allow a particular use then no variance relief is needed, just Site Plan approval from the Planning Board; he noted all this can be found in the New Jersey Municipal Land Use Law. He again stated this all is approved by the Governing Body with Borough Attorney review.

At this point Chairman Hall took over and said this is just an informal discussion but it needs structure. This is now going back and forth between the Planning Board and Council, the Master Plan update was not specific on the downtown area. All agree that we need to help foot traffic and make the downtown attractive with places to go to and the ability to get there. He commented that an age restricted area may help with this as seniors can walk downtown and use the stores there. He felt that even the proposed Library/Borough Center can promote foot traffic. The Board can look at Conditional Uses or not, we just want to make sure we are looking at the big picture. So one question is "do we want to allow first floor residences?" He said he would like audience participation in this and to please be respectful, keeping in mind what is good for Sea Girt.

Mr. Ward commented that, in the Master Plan revision, that committee was trying to get more foot traffic and the point made was to look at what has been done with Manasquan and Spring Lake and try to keep retail on the first floor and possible offices on the second floor, try to make an area for kids for after school and spiff up the downtown. Mr. Benson asked what exactly is defined as "downtown" and Chairman Hall said between Fifth & Sixth Avenues along Washington Boulevard, this discussion is not considering the Bell Place/Highway 71 corridor.

Mr. Petronko questioned the need for more foot traffic and Chairman Hall felt the restaurants would like it, this came from the Master Plan update committee. The Borough Planner, Jennifer Beahm, noted the walking downtown after dark is not vibrant. Mr. Casey commented he saw a shortage on outdoor entertainment, the ice cream store on the corner of Fifth Avenue is very busy but Chairman Hall felt it would be very hard for Sea Girt to get that kind of activity, this is not Asbury Park and we have regulations. Mrs. Abrahamson said her daughter always wants to go to Manasquan or Spring Lake to go to the retail, candy or ice cream stores and to go down Highway 71 is not good for the kids to travel on. Stores such as these would encourage people to walk around rather than just offices.

Mr. Kennedy said there are challenges and there are restrictions that can be looked at and this can be put into Conditional Uses. Chairman Hall asked Mr. Kennedy if an age-restricted use can be limited to age 55 & older or it is 62 & older? Mr. Kennedy was not sure and will have to look into it. Mr. Casey felt a lot of the town is 55 and older as evidenced by the audience here tonight.

Mr. Petronko asked if the town puts in age restricted houses what is there for them to do in the downtown area. Mr. Ward foresaw this going to be applied to the whole zone and was concerned about that; Chairman Hall felt there can be a percentage on this use being allowed. Mr. Kennedy gave an example of perhaps limiting housing to 12 units to a building, this would be a condition of approval. Mr. Ward said if there are twenty buildings that can comply then there are 20 buildings that can have this use, Mr. Kennedy agreed this would have to apply to the entire zone. Chairman Hall felt there would have to be requirements for buildings to accommodate this and a developer would have to meet all the setbacks, etc. The town also has to address any States rules on this issue.

At this time the discussion was opened to the public for comments and Melissa Geigerich from Philadelphia Boulevard came forward and wanted to know why this discussion is taking place. Chairman Hall said at a previous Council meeting there was a presentation of a Senior Housing concept and Council then decided that this should go back to the Planning Board so we are now trying to come to a consensus of what to do. Council never gave the Planning Board any direction, they were going to address this at the last Council meeting but did not, so Chairman Hall said he decided that some kind of action has to be taken. Mr. Ward referred to the Master Plan update and that Ms. Beahm did guide the committee not to be super specific so Council would have to act on that alone, so they kept it general.

Mrs. Lynn Ward asked if we ever explored what other towns have done? There are stores the townspeople would like to see and give input into revitalizing the downtown. She then asked why not open housing to families and Chairman Hall said this was the original plan that was presented to the Board and denied. She then commented "why would seniors want to live here? This should be revitalized".

Michael Keefe was confused as to what action is being done tonight and wanted to know if something positive was going to be done. Chairman Hall said this is why this discussion is going on, for input. He then asked about the notice about tonight's discussion and Mrs. Brisben told him the agenda is put on the Sea Girt Website about two weeks before a meeting. Chairman Hall said he had heard there was an actual application tonight and that is not true, the Board is just looking for a community endeavor and is looking for direction; do we or do we not want age limited uses and what would be their scope. The idea is to have some place for people when they move out of their homes, perhaps to downsize; so some changes may be discussed, this is just a start to action.

Tom Jennings of Trenton Boulevard said this is an assumption that this is what we need and this is not guaranteed for Sea Girt people only, he sees folks going to Fairway Mews or Four Seasons, etc. The Master Plan is spelled out as first floor use for commercial/retail, this is the town's rule book and why can't we stick to it. If we allow it in one place then other landlords will want to do this also,

there are other things we can do and he noted we have a parking problem in town and this may explode – he did not think this was a good thing for Sea Girt.

Chairman Hall said some people feel there should be a transition from Commercial to Residential, again saying this is just a discussion with no decisions. Frank Kineavy, owner of Rod's Restaurant, asked if we have hired a professional who has experience in planning for the downtown. He would love to see a bustling downtown, he has been here 30 years and said the parking is not there nor the infrastructure; people are at the ice cream store in the summer only, it's closed in the winter. He said that, back in 1981, most homes were year around and that is lower now and he would like to see recommendations by a professional. He commented that this is obviously talking about the Sitar property and they do need to be improved but there needs to be discussion on what could be done there. He said that Governor's Court seems to work okay and this has never been a retail town, everyone wants to live in Sea Girt, but today there are mostly second summer homes here. Mr. Petronko asked Mr. Kineavy how far do some people travel to eat at his restaurant and the answer was from Red Bank down to Bay Head.

Chairman Hall said that when he came into town there was no elementary school but then families came in and a school was built and he agreed a study should be done by our Planner, Jennifer, she may have input into this. Mr. Kineavy felt that everyone will have a different point of view. Ms. Geigerich felt the Sitar property cannot look worse and agreed with Mr. Kineavy on that point but she did not want to see apartments or condos put in for one property owner. Chairman Hall said this is why we need to make rules for what kind of buildings for this if it is allowed, we don't want to see all residential in our downtown.

Mr. Keefe asked if there was a planner for the Master Plan update and Chairman Hall said yes, it was done last year in 2018 and Jennifer worked on that; Mr. Keefe then felt it was redundant to hire a professional planner again but Chairman Hall said that may be a direction to go, he then said a committee should be formed. Trish Connor of Chicago Boulevard said she would like to see the Master Plan followed and she agreed to a committee and felt the new Library expansion/Borough Hall should be included in this; Chairman Hall agreed that this is part of the downtown use.

Mr. Jennings suggested getting the Chamber of Commerce involved to discuss this, Chairman Hall felt we do need a committee and invite the Chamber representative. Councilwoman Diane Anthony felt a committee was a good idea, they have one for the Rideshare issue and they have met, they have two residents on this committee, there are 6 people on this; she told Chairman Hall the names of the two women who are chairing the Chamber of Commerce. Mr. Ward agreed that a planner needs to be consulted as there may be laws involved. Mr. Petronko said when he was a City Councilman in South Plainfield they had an advisory group and they had some good ideas, perhaps getting

some grant money. Mr. Ward also mentioned perhaps reaching out to Rutgers to get an unpaid intern to work with us.

Chairman Hall felt all agreed that we should have a committee look into this, he will confer with the Borough Planner, Jennifer Beahm. Mr. Tom Schnurr of Beacon Boulevard asked if a zoning change is needed to put up condos and Chairman Hall said yes; Mrs. Brisben commented there are no condominiums zoned in Sea Girt so anything like that would have to come to the Board for approval.

Mr. Kennedy said all of us want a successful downtown and the Governing Body has to accept the set up of a committee to study this, the end result may be a little change, no change, etc. He said that Rutgers has some of their students work on a park in that area so that idea is good, the professional planner is good as well as including the Chamber of Commerce. Mrs. Brisben said she will write to Council on this matter.

Mr. Schnurr felt a committee should meet first, then have the planner come in to discuss their thoughts, Chairman Hall agreed. Marjorie Kane asked how the group will be formed and Chairman Hall said it has to be kept to a certain number of people, it can't be large, if anyone wants to be on this committee, please let Mrs. Brisben know. Mrs. Brisben said a notice can be put on the website for anyone who is interested.

As there were no other discussions to be held, Chairman Hall opened the meeting for any comments on anything and there was no response so that portion was closed. A motion was then made by Mr. Benson to adjourn, this seconded by Mrs. Abrahamson and then unanimously approved, all aye. The meeting was adjourned at 8:55 p.m.

Approved: September 18, 2019