

Wednesday, July 20, 2022

SEA GIRT PLANNING/ZONING BOARD
REGULAR MEETING
WEDNESDAY, JULY 20, 2022

The Regular Meeting of the Sea Girt Planning Board was held on Wednesday, July 20, 2022 at 7:00 p.m. at the Sea Girt Elementary School on Bell Place. In compliance with the Open Public Meetings Act, notice of this Body's meeting had been sent to the official newspapers of the Board and the Borough Clerk, fixing the time and place of all hearings. Kevin Kennedy, Board Attorney, Peter Avakian, Board Engineer were also present and Board Secretary Karen Brisben recorded the Minutes.

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

Present: Karen Brisben, Tom Britt, Mayor Don Fetzner, Stan Koreyva,
Eileen Laszlo, Jake Casey, Robert Walker, John Ward,
Norman Hall

Absent: Carla Abrahamson, Councilwoman Diane Anthony

Chairman Hall then asked the public for any questions or make any comments on anything other than what is on the docket or pending applications. Sean Fresco of 416 Crescent Parkway wanted to bring up the parking situation at Rod's Restaurant. He wanted to know if there is anything that can be done to ease the burden of the residents. Chairman Hall explained that this is not in the Planning Board's jurisdiction and, at this point, it would have to be addressed by Mayor and Council. Chairman Hall said he noticed, himself, the amount of people going to Rod's and agreed about the parking issue. Mayor Fetzner spoke and said Council meets the second Wednesday of the month, he suggested that Mr. Fresco come and speak to Council on this.

As there were no other comments, the Board turned to the approval of the June 15, 2022 Minutes. As there were no changes or errors, Mrs. Laszlo made a motion of approval, this seconded by Mr. Koreyva and unanimously approved, all aye.

NEW BUSINESS:

The Board heard an application for variance relief for Block 28, Lot 4, 107 Seaside Place, owned by Diane Rinnovatore, to allow demolition and construction of a new home. Lot Depth – 150 feet required, existing and proposed 132 feet. Lot Area – 7,500 square feet required, 6,600 square feet existing & proposed. Building Height – 35 feet maximum allowed, 36 feet proposed. Building Coverage – 20% maximum allowed, 24.64% proposed.

The correct fees were paid, taxes are paid to date and the property owners within 200 feet, as well as the newspaper, were properly notified. Mr. Kennedy also said the notice of the new schedule of the Planning/Zoning Board meetings was published in the Board's two newspapers and, therefore, this is a lawfully held meeting.

Mr. Mark Aikins, Esq. then came forward to present this application. Mr. Kennedy first marked the following exhibits:

- A-1. The application.
- A-2. The application checklist.
- A-3. Grading plan, 1 sheet, done by R.C. Associates Consulting, Inc., dated 3/3/22.
- A-4. Architectural Plans, 3 sheets, done by Architecture 915, dated 4/20/22, revision date of 4/29/22.
- A-5. Topographic Survey, 1 sheet, done by InSite Surveying, LLC, dated 3/4/22, revision date of 3/8/22.
- A-6A. Panoramic view of streetscape where home will be situated.
- A-6B. Rendering of proposed home.
- A-7. Report from Board Engineer Peter Avakian, dated 6/30/22.

At this time Peter Avakian, Board Engineer, was sworn in. Mr. Aikins then spoke and explained this is a single-family residence at 107 Seaside Place and is on an undersized lot; they have the proper width but lack in depth where they need 150 feet and have 132 feet. The garage that is there now, that will be demolished, has a side yard setback deficiency that will be eliminated when the new structure is built. The existing building coverage is 21.62% or 1,427 square feet over and the new structure will have 1,625 more square feet or 24.67% building coverage where 20% is allowed. He went on to say this property is in a Flood Zone and they need a base elevation of 9 feet for FEMA rules so they need a height variance for 1 foot over the maximum at 36 feet high. Mr. Kennedy noted that height variances may need a "D" variance, or Use Variance, but in this case the height is less than 10% difference so the "C" variance applies here and Mr. Aikins agreed.

At this time the three witnesses were sworn in, Patrick LaCorte of Hoboken, Architect, William Merunka, Planner with R.C. Associates, Manasquan, and Diane Rinnovatore, applicant. Mr. LaCorte started and said he has been a NJ licensed Architect since 1988 and has been before other Boards; he was accepted as an expert witness. He had Exhibit A-4 on the easel, his architectural plans, as well as Exhibit A-6B, the rendering of the proposed home. Mr. LaCorte said the existing house is an expanded Cape Cod and is two-stories. They want to build a new two & one/half story home with a full front porch that projects out from the main home, there is a brick base, brick chimney, cedar shake siding which will be painted or stained and a natural cedar shake roof, traditional double-hung windows and copper treatments for the gutters, downspouts and trim.

Mr. LaCorte then moved on to the first floor plan; it has the full front porch, and the plan is very open and meant for large family gatherings, there will be an elevator and mechanical space for the first floor as there is no basement. The porch is approximately 300 square feet and the first floor is 1,264 square feet. The second floor will have 4 bedrooms, 3 bathrooms and a laundry room for a total of 1,454 square feet.

The half story is the Master Bedroom suite and is 726 square feet. The height of the first floor is approximately 4 feet above grade with a 9 foot-high ceiling, the second floor has a ceiling of 8 feet and the top of the third floor reaches 8 feet at the sloped peak. Mr. LaCorte then presented Exhibit A-8 and called it roof massing, done by Mr. LaCorte, it is a blown-up version of the front of the house and shows the mass over the 35 feet height requirement. The main roof is at the very top of the peak and this exhibit shows the dormers. Mr. Aikins asked Mr. LaCorte to explain the reasons for the height variance request and Mr. LaCorte said the height measurement was taken from the crown of the road, the first floor is at 11.5 feet elevation where 9 feet is the FEMA base. Mr. Aikins asked if the structure can be taken down a foot and Mr. LaCorte said the roof could be made shallower and make the floor to floor smaller but they are trying to keep the higher ceiling for the larger open space the home has. He then explained Exhibit A-8 and the different colorings to show the amount of space there, the entire structure is 33 feet wide and the dormers are 6 feet wide.

A study was done to compare this structure to other structures and Exhibit A-6A was brought forward, the panoramic view of the streetscape. Mr. LaCorte said this is the corner of First Avenue and Seaside Place looking northwest with the rendering of the proposed home dropped in Lot 4. Mr. LaCorte did not have the exact height of these homes but said they appeared to be about 35 feet high, he did scale them for the rendering to be as accurate as possible. Mr. Aikins said if the Board did require the exact height of the houses they would do that; Mr. LaCorte said he did not have time to do this as this hearing was coming up. Mr. Aikins asked about the materials being used for the proposed home and how do they contrast with the surrounding neighborhood; Mr. LaCorte said they have cedar shakes and are consistent in design, this home will fit in. He added the existing home has small room spaces and the proposed home will have larger rooms, also the existing home has only 2 bathrooms and the proposed home will have more.

As Mr. LaCorte was done with his testimony, Chairman Hall wanted to move on to the next witness and said there will be questions for all the professionals after all the testimony has been given. At this time Mr. William Merunka, Engineer & Planner from R.C. Associates, came forward. He has been a licensed Engineer since 2018 and Planner since 2020; he has been before this Board before as well as other Boards. He was accepted as an expert witness. Mr. Aikins interjected that his third witness, Ms. Rinnovatore, was here but will not be called on unless the Board wants to hear from her or has questions to her.

Mr. Merunka then started with the site improvements and spoke of the underground recharge system that will be in the front yard and they do have additional grading which will be approved by the Board Engineer through the building process, this to prevent runoff in the future and try to get it to the street; they will add additional inlets, if necessary, in the future so there will not be any drainage issues on the adjacent lots. The downspouts will be in the front of the property and all overflow will be directed to the front area as well. Mr. Merunka then referred to Exhibit A-3, his plan and showed, in the back left corner, a detached garage that is 13x21 feet which is a one-car garage, the

home is in the front. The proposed home is in a flood zone so the base flood elevation is 9 feet and this home will be at 11.5 feet, the existing home is at 11.2 feet. Putting the base at 11.5 feet allows for duct work, etc. and he noted that most towns allow for this but Sea Girt does not have this in the Ordinance.

There will be a landing in the back of the property back down to a grade level patio as well as front yard steps, the landing and stairs count in building coverage as they are over 16 inches in grade, they total 62 square feet. The current home has a finished basement but will have to be eliminated as no basement can be in a flood zone, the ground will be filled in as per FEMA guidelines and flood insurance.

Mr. Aikins wanted to review the calculations again, Mr. Merunka said the property is 6,600 square feet where 7,500 square feet is required, it is 132 feet deep where 150 feet is required and they are trying to stay within the existing footprint. They are proposing 12 feet side setback on the driveway side of the proposed home and will have a total side setback of 17 feet which is more than what exists now. The driveway curbcut is 16.52 feet and that will be taken down to conform to what is required. For the proposed home they are asking for variance relief to allow a 36 foot height where 35 feet is the maximum allowed and he noted they had to measure from the road so they are about 4 feet above grade level to start with, he felt this request was minimal. He commented this has been allowed for some areas where homes are on a "hill" and given allowances for this grade and also again said this home is in a flood zone and needs to be higher from the ground to comply with the flood zone requirements. Mr. Merunka went on to say that, because they are losing the basement, they want to try to recapture some of that area lost and are going over the 20% building coverage and this coverage includes the front porch which will have a second story above it. This will make up for what will be lost in the basement.

Mr. Aikins asked Mr. Merunka to go over the C-2 criteria, positive versus negative, and Mr. Merunka said they have to comply with FEMA, they are providing light, air and open space, the new home will be about 3 feet back from where the existing house is, they are increasing the side yard setbacks and have no setback variances that will affect the neighbors. The home will present a desirable visual environment, it will fit in the neighborhood, they are putting a second floor over the porch to recapture the lost basement. They are eliminating the noncomplying basement which is for the welfare of Sea Girt as it helps the flood insurance rate for the town. Mr. Aikins asked about any substantial detriment to the Zone Plan or neighborhood and Mr. Merunka said there were none, they had looked at renovating the existing home but they would have had to come before the Board for the front porch and they still would have the nonconforming basement as well as the existing side yard setback violations. The proposed plan is a better plan than renovating the existing home.

At this time Mr. Aikins said his witness testimony was done and Chairman Hall asked if any Board members had any questions for any witness. Mr. Ward asked about the certificate of ownership not being signed but Mr. Kennedy said he was fine with that as Mr. Aikins signed on behalf of the applicant with the applicant's permission and Mr.

Aikins said yes. Mr. Casey asked how many square feet was over coverage and the answer was 200 square feet over what is there now. Mr. Merunka said the total overage would be 306 square feet. Mr. Casey said it looks like a large ½ story, Mr. LaCorte said the plan shows 726 feet for the ½ story and the second floor is 1,454 square feet. Mr. Casey noted Mr. Willms did not see this information and Mr. Avakian explained that after Mr. Willms does his original Letter of Denial the application then is addressed through his report and becomes his responsibility, the 726 square feet for the ½ story is not more than 50% so based on this the ½ story is okay as presented, it comes out to 49.9% which is under 50%.

Mr. Ward felt that new builds should be consistent with the existing Ordinances and he asked if the existing footprint is even more than what would be on a 50x150 foot lot and there was a short discussion on the calculations on this, Mr. Ward said a 50x150 foot lot coverage is 1,500 square feet and they are asking for 1,625 square feet. Mr. Casey said that makes it over by 8%. Mr. Ward then said the testimony was that this proposed home will be consistent with the neighborhood but it appears that the homes on this side of the street are new builds and this Board has not been asked for a height variance or coverage variances for them. The answer was that the statement made meant they are consistent with style.

Mr. Britt asked a question about the ½ story and asked if a dormer has a setback requirement; Mr. Avakian said the construction under the dormer is not supposed to project into the side yard, Mr. Britt commented that dormers have a maximum length of 10 feet and Mr. Avakian said they are part of the structure and they are under that. Mr. LaCorte said the dormers on either side of the home are flush.

Mayor Fetzer commented on the statement about benefits to the town for giving up the basement, this is a benefit to the homeowner and he asked for clarification on this. Mr. Merunka said they are trying to rebuild the home to make it compliant and gain some coverage lost by the basement and gaining a covered front porch with a second floor over it. Mayor Fetzer said this is over what is required and Mr. Merunka again said they are losing the basement square footage of 1,125 square feet. Mayor Fetzer wanted to know how this benefits the community, "taking it from there and putting it over here." Mr. Merunka felt it will improve the flood insurance rating and is better planning, it is 326 square feet more overall. Mayor Fetzer said 20% coverage is permitted but they are asking for 24% and is that the porch? Mr. Merunka said the 200 square feet between the existing building and the new building is within the front porch area. Mr. Aikins explained they are trying to allocate the square footage from what is there to the proposed new home, plus an extra 200 square feet which is aesthetically desirable as to putting in a porch. He felt this makes sense and offered to find out the other newer homes, did they have basements and did they meet the zoning? This might make all feel a little better and he again felt this was a good rationale. He was willing to do this and Mr. Merunka said one home to the east was over on coverage and was 2,100 square feet in building coverage. Chairman Hall commented the Board is looking at the property that is before them this evening.

Mayor Fetzner had a question for Mr. LaCorte and referred to Exhibit A-8 which showed the impact of the one-foot difference. He asked if there is a similar exhibit to show what the home would look like if it were taken down to 35 feet high? Mr. LaCorte did not have anything with him but said they would have to lose head room on the half story. Mrs. Brisben asked how high is the home itself without measurement from the street and the answer was the house itself is 32.16 feet high. Mrs. Brisben commented it is under the 35 foot high limit but asked, being in a flood zone they need 36 feet? The answer was yes.

Chairman Hall asked for the exact zone and was told the AE zone, a base elevation of 9 feet is required and they are proposing 11.5 feet for the duct work. Mr. Aikin said they need the extra for the other work and Chairman Hall said the norm is 1 foot above the base elevation and not 2 1/2 feet. Mr. Avakian stated the mechanicals have to be one foot above the base elevation as well. Chairman Hall then felt that they could bring the 11.5 foot elevation down another foot and the answer was they may have a problem with the mechanicals then.

At this time the hearing was opened to the public for questions only to any of the witnesses and Karen Loughran of 106 Neptune Place came forward. She knew the home and that the existing home's basement does get wet, she asked if the basement is being removed due to FEMA and the answer was yes. She then asked if there is a necessity in going over the building coverage and can't it be designed to be within the 20%? Mr. LaCorte said the client has a large family and needs space for them, along with a desirable front porch for family gatherings. Mrs. Loughran again asked if it is possible to create a home within the 20% and Mr. LaCorte said the rooms would have to be made smaller, this is relative. Mrs. Loughran started to make a comment about buying a home that would fit for large gatherings but Chairman Hall told her that was not really a question and Mr. Aikins agreed; he told her to come forward again when it was time for comments.

Next to come forward was Henry Matri of 114 Neptune Place, he was confused by the numbers, his notice said the coverage would be over 24% and he did the simple math and this comes to a 23% increase over what is allowed and asked if this figure is correct? He was told it was. He also asked about the height requirement, can they reduce the levels of the home to bring it down or reduce the 11.5 foot elevation; Mr. LaCorte said they really needed this under the home, they need the extra space in this area and came up with this calculation. Mr. Matri felt they can take the height down 8 inches here and 4 inches off the ceiling height on the first floor and they comply.

Mr. Aikins again asked if the Board was looking for additional land use sites to the east of this structure and he felt if this was done it may show this home will fit in, they are willing to do this. They also would like some time to review the plans to see if they can reduce the 11.5 foot base elevation. Chairman Hall asked Mr. Aikins if he would like to hear the Board's comments and the answer was yes. Chairman Hall started and said the building is one foot above the height requirement and the building coverage is going over 1,500 square feet, he did not see a hardship here. Before

proceeding further, Mrs. Brisben asked if the Board could hear from Mr. Avakian, Board Engineer and Chairman Hall asked him to speak.

Mr. Avakian started by giving compliments to the Board and applicants for the presentation and questions asked, he went over the technical data and the first was the base flood hazard elevation of 9 feet, the applicant is proposing 11.5 feet and this was explained and he went over what was changed after Hurricane Sandy, as well as Sea Girt Zoning Ordinances, he said the normal is one foot over the base elevation for flood zone homes and the applicant is asking for a height variance. Mr. Avakian then spoke of building coverage & impervious coverage, the applicant is not going over in impervious coverage but is in building coverage, they are taking out the basement so are losing that coverage and want to reuse it for the new home, there now will be a landing and steps so the Board has to weigh in on this. The only thing is to reconcile the application and building coverage and regulate it to the zoning regulations and keep to the 20% if possible. Mrs. Laszlo asked that the lowest structural items, such as duct work, is below, so the Board should give them some wiggle room so they can do this; Mr. Avakian said this is what the Board should consider.

Mr. Casey then spoke and was uncomfortable with the ½ story and asked if Mr. Willms should look at this as it was not in his Letter of Denial. He would like to see this redesigned as the 23% over in coverage is excessive and new homes are building built to code. Mr. Ward said the FEMA code has to be dealt with and losing the basement does not work for extra room for the proposed home. There is a 9-foot first floor and that can be adjusted and commented that even if this were a full-sized lot the applicant is still over in coverage. He felt the Board should be serious about the codes and follow them. Mr. Walker felt the height requirements may be able to be argued as to hardship and be given consideration, but the building coverage issue is a problem. Mr. Britt echoed what was said, a lot of living space on a smaller lot. This is not a unique situation as there are about 30 lots on this side of town with 13- foot depth and they comply, there are ways to maneuver things around to comply, too much for a small lot. He had openness for the height issue, though. Mr. Koreyva listened to Mr. Avakian and appreciated his comments and explanations. He felt the applicant can stay with the 20% maximum coverage requirement.

Mayor Fetzner agreed, as well, with the comments made and felt the applicant can get to 35 feet and address the coverage issue as well. Mrs. Laszlo was in favor of the building height variance but not the building coverage overage. Mrs. Brisben agreed with what Mrs. Laszlo said, she was okay with the height but disagreed with the argument that they are losing a basement so should get extra coverage because of this, she was not for the building coverage variance request.

As there were no more Board comments, Chairman Hall opened the meeting to the public for general comments. Karen Loughran of 106 Neptune Place came forward again and was sworn in. She reminded all this is the 10 year anniversary of Superstorm Sandy and she has been in the existing home many times, the back yard floods on a regular basis and the extra coverage for the new home is going to cause this water to

go somewhere in the neighborhood. Eliminating the basement is going to be much better for the homeowner and they won't have to deal with the basement flooding that occurs here. However, she felt the zoning rules should be adhered to and stated that this is a beautiful home and would improve the neighborhood and she wished the applicants well.

Mr. Henry Matri, 114 Neptune Place, came forward and was sworn in. In all his years in Sea Girt this is the first meeting he has been to and he congratulated all, the presenters did a great job as well as the Board responses and he agreed this is a beautiful home but agreed with many of the comments that were made. He built his home after Superstorm Sandy on the same 50x132 foot lot and they had issues, as well as the fact that FEMA had not yet come out with the new requirements, there was a lot of guesswork involved. But they did things to conform, they had to change their roof line to stay at 35 feet, change around their mechanicals, etc. He felt that, with a little bit of tinkering, they can stay within the code and still have a beautiful house.

As there were no more public comments, that portion was closed and Chairman Hall asked Mr. Aikins how he would like to proceed; Mr. Aikins asked that this matter be carried so the professionals can address the Board's comments with no further notice to be given. Mr. Kennedy wanted to remind all this is about a bulk C variance and there is a hardship standard here, shape, topography, etc. for a C-1; a C-2 relies on the benefits outweighing the detriments and he wanted the Board to be aware of this.

Mr. Kennedy then asked Mrs. Brisben about the next meeting and Mrs. Brisben said it would be Wednesday, August 17th, she asked Mr. Aikins if that was agreeable to him and would give him time to look this over and he said yes. Mr. Avakian said he would have to review the plans and would need more than 10 days to give him time and he could work for this, however, he had a conflict with the August meeting. Mr. Ward wanted to carry this to September to give all time for revised plans and a new report, Chairman Hall agreed as this stops it from being rushed, however, Mrs. Laszlo disagreed and would like to work with this application while it is still fresh, she wanted the August date. Mr. Aikins said he was happy with either date but wanted the Board to figure it out but he would like to have Peter at the meeting, after a brief discussion it was decided to carry this application to the Wednesday, September 21st meeting. Mr. Kennedy then asked for a motion to carry this to the Wednesday, September 21st meeting at 7:00 pm without further notice. He also asked Mr. Aikins to consent to waive the time frame on which the Board has to act and Mr. Aikins said he would consent to this and will provide a letter stating this.

Chairman Hall wanted to emphasize this will be held in September, not October, November, etc. unless there is an emergency situation, the Board cannot keep carrying applications at the last minute and he wanted Mr. Aikins to keep this in mind and it was so noted by Mr. Aikins. At this time Mr. Walker made a motion to carry this application, without further notice, to the Wednesday, September 21st meeting of the Board, this seconded by Mrs. Brisben and then by a unanimous voice vote, all aye, no nays.

The Board now turned to the courtesy review of the proposed Crescent Park platform tennis court. Chairman Hall explained that if this were a Capital Improvement it would need a review by the Planning Board, but as it is not it was approved by Mayor and Council and is now before us for a courtesy review. The Board will have a discussion and send a Resolution to Council which will be nonbinding. He referenced the Master Plan and the Board will discuss if this is in compliance agrees with that Plan or not, in their opinion. The Board now has the plans for the second platform tennis court, sent in their emails and showing where it will be located. Mayor Fetzner said he was not going to take part in this discussion and will quietly sit through any discussion on this.

At this time Peter Avakian came forward and was sworn in again, and noted that the only person left in the audience was the former Mayor, Mark Clemmenssen, who had the original platform tennis court put in. He spoke of the uniqueness of Crescent Park, or Cornelius Park as it is also known, and the roadway improvements that were done after a lot of considerations were done. There are three tennis courts there and one platform tennis court that was put in several years ago. He also referenced the Master Plan and the using of public funds to fund a project, but this is not being funded by public funds, so the Mayor wanted the Board to review this as a courtesy but Council already has had a public hearing on this, approved the plan and are in the process of getting bids; Mr. Avakian anticipated the bid approval will be announced at the next Council meeting.

Mr. Casey asked about ongoing maintenance and is the town responsible for paying for this. Mr. Avakian said no town funds have been spent on the courts as yet but there will be maintenance. He then spoke of the greatness of Sea Girt and its people and he never felt better about doing a project if it is in Sea Girt, it is talked about and opened for residents' comments, there is a Master Plan. He has done multiple platform tennis courts and noted it is popular among a certain segment of the population, just as is pickleball. If one looks at the plan, the platform tennis court is going in the very southeasterly corner area, located north/south; it is 30x60 feet in dimension with a raised platform similar to the existing court, 4-4.5 feet above grade and there will be a handicapped ramp and a walking path on the north and west side; he said this might be in a different location as the project gets going. The walking path in the plans is concrete but that may change to mulch or something similar to help with pervious coverage.

He spoke of when Carriage Way was reconstructed, they put in infiltration basins for underground coverage. By the time they were done the runoff was able to be collected, the town is always addressing these types of things. This is one platform tennis court and the cost estimate is \$175,000-\$200,000. It will have a slatted surface and can be played on in all kinds of weather, it has heating units under it to keep the surface playable. Like any other paddle sports, it generates noise and there is a concern for the neighbors in this area, some are affected by it and others are not.

Once again Mr. Avakian said this has been proposed and authorized by Mayor and Council and there may be only one tree to come down for this as it will be in the current parking facility, they spent hours going over this and noted there still will be spaces available for parking. Mr. Walker made a comment on the size of the platform tennis court and said pickleball is similar, why not make markings for a pickleball court as well? Mrs. Laszlo said there is no money for pickleball, there is only money for platform tennis. She then asked Mr. Avakian if 30x60 feet is the same as the other court and the answer was yes, all manufacturers in the area build to that dimension. Mrs. Laszlo then asked how the handicapped parking going to be addressed? Mr. Avakian said that this has been discussed and the thought is that there will be one concrete pad for handicapped parking and will allow access to the ramp. Mrs. Laszlo asked if this would be paid for out of public funds and the answer was no, nothing is being paid that way, it is all Recreation Trust money. Mrs. Laszlo asked if the ADA determines how many spots they will have to have available and Mr. Avakian did not feel they would address this in this situation, this is not like a development application where a number of spaces are required, this is more for accessibility and he noted there are only 4 spaces there for parking. There was a discussion of taking down some trees for more parking but it was decided to leave it the way it is on the plan.

Mr. Avakian said the town also looked at other areas in town to put up the second platform tennis court as well as the consideration of adding this to the park. Mrs. Laszlo then asked if the handicapped parking was on the plan the Board has and Mr. Avakian said it is not. Chairman Hall asked Mr. Ward about the Master Plan update that was done in 2018 and what was said about the area of Crescent Park? Mr. Ward said that, back in February, he had made a long presentation about the environmental issues in general to this Board and at that time there was not a consideration for an additional platform tennis court in the Park. Chairman Hall asked Mr. Ward if, at the time of the update, did the Board want to expand the use of recreational areas and Mr. Ward said they wanted to see them cleaned up and be a passive use. It was after this it was changed from passive to active and there was a comment on the Stewardship Plan the town has. Mr. Avakian referred to the comprehensive goals stated in the Master Plan and that it encourages the development of active and passive recreational use for the residents. Chairman Hall felt the Park was a passive use until the platform tennis court was put in after the update.

Mr. Ward then went on and said this update was the first one that was done post Sandy and the committee on the update talked about sustainability and resilience for the future. Land Use Planning and Land Use Policies played a key role in advancing this by using natural and environmental uses and provide greater awareness of environmental protection. He then referred to CAFRA and most of Sea Girt is part of this, it was enacted to counteract the building pressures and protect the waterfront and aquatic resources along the shore line, including habitats and to encourage the reclamation of environmentally endangered sites for future impacts. The Borough was to manage the direction of land use patterns in such a way as to maintain the seaside nature of the community and balance the needs of the development. He did refer to meeting the needs of passive and active recreational opportunities for residents and

visitors and to promote the sustainability for future residents as well as current residents. Mr. Ward then spoke of the open space and conservation and to analyze the needs of all residents for these areas of open space and conservation recreation. Also, the town has to look at the impact to the public, semi-public and institutional use to the surrounding neighborhoods and to regulate this to coordinate any intensive use. He felt that what has been done here just runs right through all this.

Mrs. Laszlo then spoke and reminded all she was on the committee for the Master Plan Update in 2018 and sought input from residents. Some of the major areas of concern were tree preservation and bulk building. A tree-saving Ordinance was recommended back then and not acted upon effectively. Sea Girt is a beautiful town and Carriage Way is one of the most beautiful in town. The current platform tennis court is tucked away from the road but this proposed one will be right in front, brown, bulky and not in keeping with what Sea Girt is used to at all. When there was a proposed library expansion and withdrawal from the County, it was put to a public vote and she was perplexed that given the tremendous opposition that was given to Council from residents that the Governing Body did not put this important issue before the voters of Sea Girt. She did not feel this was the cooperative nature that Mr. Avakian spoke of in his comments earlier. She also did not feel this is in keeping with the Master Plan and referred to page 34 where it was said that the Borough is seeing an increase in senior ages. The recreation plans should make sure it covers all the needs of the population are met and she found it ironic that all the money in the recreation trust is going to be spent on a court that benefits so few in town and she was opposed to it. Sea Girt has an aging population and they are not going to be playing platform tennis.

Mr. Koreyva asked what is the difference between passive and active recreation? Mr. Avakian answered and said active is participating in a sport, baseball, tennis, etc., these are active activities; passive would be walkways, bird watching, etc. They are kind of mixing these activities now and he used the Deal Test Site as an example, they have tennis courts and jogging tracks but they also have disc golf where you throw a disc from a concrete pad and then walk in a passive setting of grass to the netting where the disc lands. Mr. Koreyva commented the tennis courts have been there many years and it is considered passive and Chairman Hall said it was then decided to be an active use in a passive area. Mr. Koreyva agreed with Mrs. Laszlo that the people should vote on this.

Mr. Britt struggled with the process of this and this court will be in the road and be visible, he walks here a lot and this will be "in your face". He wanted to go back to the parking, he was unclear as to how many cars can park here, Chairman Hall said there was a concern on the parking along the road and the environmental concerns. Mr. Avakian said they did make provisions for parking along the side of the roadway and then wrap around where the proposed platform tennis will be.

Chairman Hall reminded the Board that they have to find out if this is in line with the Master Plan, a lot of time was done by the Board in that update, and does the Board feel the Borough acted in line with this; does it advance the Master Plan or set back the

Master Plan? Mr. Avakian said if this were an application and if it was consistent with the Master Plan I would say the Borough is encouraging active and passive recreation and this would be consistent with that, it is a positive thing. Mrs. Laszlo again felt it would only benefit a small population of residents, Sea Girt is aging every year. Chairman Hall agreed with Mr. Avakian on one point of the Master Plan, to encourage recreation, but it should be without affecting the environment as Mr. Ward spoke of earlier. Mrs. Laszlo commented that Jennifer Beahm, the Planner from Mr. Avakian's office that worked with the Board on the 2018 update, was excellent and she hoped Jennifer will still be around for the next update, but for her, personally, this proposal does not advance the Master Plan.

Mr. Casey was a bit conflicted as he was one of the donors to the original platform tennis court and had also asked Mr. DeTrui of the Recreation Commission to put in a pickleball court, he would rather see pickleball than platform tennis, however, he does have friends that play both; he did not know if there are alternatives to have the court here, it seems that there was a motive to keep them together, but wondered if there is another area to put the court and that would help in keeping in line with the goals of the Master Plan.

Chairman Hall said one of the purposes of the Planning Board is to have a Master Plan and again the question is, is the paddle tennis court compliant or not compliant with the Master Plan. Most of those who were on that committee are still on the Board and we have to give to Council, as creators of the Master Plan, our opinion on this; the Council is not asking the Board for their approval. At this time he asked for a motion that this does or does not meet the intent of the Master Plan unless a Board member had anything else to add.

As no one did, Mr. Ward then made a motion that the proposal for a second platform tennis court is not adequately consistent with the Master Plan, this was seconded by Mrs. Laszlo. Before a vote was taken, Chairman Hall asked if there was any discussion on this and Mr. Koreyva felt the Board should take into consideration the amount of recreational activity there is and he sees it on the tennis courts; however, he doesn't see much activity on the existing platform tennis court and he is at the park at least twice a week. He felt it would behoove all to take a look around and see what the people in town really want here versus a few select that want a platform tennis court.

Mrs. Laszlo spoke of Mr. Casey's comments on being conflicted as he had donated to the first court, Mr. Casey said it was more of a personal comment and he agreed with what Mrs. Laszlo had said. She noted that several members of the Council who voted for this are frequent users of the platform tennis court and had no conflict in voting for it, she felt Mr. Casey should be able to vote as well.

Mrs. Brisben asked that there should also be a motion to ask Council to put this to a vote to the people in November, this will be more transparent; this was done several years asking if a new Borough Hall should be built, it was on a referendum. Chairman Hall said it could not be a referendum as it is not a capital expenditure, it can

be a public question. Mrs. Brisben said fine, as long as the residents can have a say in this and noted it will be nonbinding. Chairman Hall said that has been asked before and Mrs. Brisben agreed it had but asked that it be asked of Council by the Planning Board. Chairman Hall agreed it can be requested but it should be a separate Resolution.

There was a brief conversation then on why the Board is even hearing this as Council has already decided, Mrs. Brisben said she was asked this question, why is this before the Board when Council already voted on it? Chairman Hall said the Council has been nice enough to ask that the Planning Board review it and the Board should make it know if this complies with the Master Plan.

At this point, as there was a motion and second that the proposal is not consistent with the Master Plan and then the following roll call vote was taken:

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

Noes: None

Abstain: Mayor Don Fetzer

Mrs. Brisben then made a motion to recommend to Council that they put this on the November ballot for a vote by the residents, in whatever form is proper, and let the townspeople decide. Mr. Ward asked that the beginning wording state something about "based on what we have learned in the town, we would highly recommend, etc." and was agreeable to the Board. The amended motion was seconded by Mr. Koreyva and then by the following roll call vote:

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

Noes: Robert Walker

Abstain: Mayor Don Fetzer

OTHER BUSINESS:

Chairman Hall then wanted to speak of the Ordinance Review Committee and was very pleased with Mr. Casey's handling of this as Chairman and the activity they have had so far and complimented him. Mr. Casey then gave his report and said the address for submitting comments is on the website at sg-planning@seagirtboro.com and they are reviewing the comments that come in, the Committee meets on the fourth Tuesday of the month at the Borough Hall. They are coming up with standardized forms and looking at changes. He spoke of one Ordinance he wanted to work on to see if the Committee approved it to give them some consistent way to communicate the

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problems and come up with a solution to perhaps modify an Ordinance, it won't work for all but it will work for some.

Mr. Casey said they assigned a list of issues and prioritized them, some things are easier than others and noted some of this as follows: mechanical equipment location, tree ordinance, sign ordinance, flat roof issue, definition of half-story, building coverage issues, pool and hot tubs and definitions of same, driveways, light pollution as well as other pollution, and basements under garages. Some of these issues are difficult for Code Enforcement to enforce due to the wording and they are going to look at this. They are looking at the process of getting this to the Planning Board and then to Council for adoption. He finished by stating they are off to a good start and it will be seen how this evolves over time.

Chairman Hall felt that one of the nice things about the Committee is that it is made up of different segments of residents and there can be discussions which he felt was due to Mr. Casey and his organizational skills. He also did not feel there is another town in New Jersey that has such a committee, to review and clarify Borough Ordinances. Mr. Ward made the suggestion that the contact be put on the agenda each month and if one goes to the town website it is still a little opaque to find the email address, it doesn't jump out. Mrs. Brisben asked Mayor Fetzer if perhaps he can take a look at it and speak to the Borough Administrator and he said he would.

Mrs. Laszlo noted there has been a lot of discussions on porches and she wondered if porches made Mr. Casey's list and Mr. Casey said it can be addressed.

As there was no other business to come before the Board, a motion for adjournment was made by Mrs. Brisben, seconded by Mrs. Laszlo and unanimously approved, all aye. The meeting was adjourned at 9:24 p.m.

Karen S. Brisben, Secretary

Approved: September 21, 2022

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