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BOROUGH OF SEA GIRT PLANNING BOARD  
COUNTY OF MONMOUTH - STATE OF NEW JERSEY

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REGULAR MEETING FOR:

- 501 WASHINGTON BOULEVARD, LLC - BLOCK 76, LOT 1
- 503 WASHINGTON BOULEVARD, LLC - BLOCK 76, LOT 2
- SITCO SEA GIRT, LLC - BLOCK 77, LOT 16
- SEA GIRT FIFTH AVENUE, LLC - BLOCK 77, LOT 17

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WEDNESDAY, APRIL 20, 2022  
COMMENCING AT 7:00 P.M.

TRANSCRIPT OF PROCEEDINGS  
VIRTUAL PUBLIC HEARING

BOARD MEMBERS PRESENT:

- NORMAN HALL, Chairman
- CARLA ABRAHAMSON (arriving 7:48 a.m.)
- DIANE ANTHONY, Councilwoman
- TOM BRITT
- JAKE CASEY
- DON FETZER, Mayor
- STAN KOREYVA
- EILEEN LASZLO
- ROBERT WALKER
- JOHN WARD (Recused)

ALSO PRESENT:

- KEVIN KENNEDY, Esquire, Board Attorney
- PETER AVAKIAN, P.E., Board Engineer
- JENNIFER BEAHM, P.P., Board Planner
- CHRIS WILLMS, Fire Prevention Officer/Fire Marshal, Code Enforcement Officer, Zoning Officer, Acting Board Secretary
- KAREN BRISBEN, Zoning Board Secretary - Member

STENOGRAPHICALLY REPORTED BY:

ANGELA BUONANTUONO, CCR, RPR, License No. 30XI00233100

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7

--Counsel for the Applicant

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15 A L S O P R E S E N T:

16 William Sitar, Applicant

17 Ben Ledbetter, Architect

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I N D E X

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<u>WITNESSES</u>	<u>PAGE</u>
Douglas Hanley, P.E. Dynamic Engineering Consultants, PC	36
Justin Taylor, P.E., PTOE Dynamic Traffic, LLC	48
Thomas Brennan, AIA Thomas J. Brennan Architects, Inc.	52

PUBLIC COMMENT:

<u>NAME</u>	<u>ADDRESS</u>	<u>PAGE</u>
Pat Raffetto	417 Trenton Boulevard	102
Sean Fresco	416 Crescent Parkway	103

## E X H I B I T S

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A-1	Application	*
A-2	Site plan, prepared by Dynamic Engineering, dated November 24, 2021, last revised April 8, 2022, 15 sheets	*
A-3	Architectural plans, prepared by Thomas J. Brennan Architects, dated December 12, 2021, last revised April 8th, 2022, 4 sheets	*
A-4	Boundary and Topographic Survey, prepared by Dynamic Survey, LLC, dated September 3, 2021, 1 sheet	*
A-5	Stormwater Management, Groundwater Recharge and Water Quality Analysis, prepared by Dynamic Engineering, dated November, 2021	*
A-6	Traffic Impact and Parking Assessment, prepared by Dynamic Traffic, dated December 3, 2021, 6 sheets	*
A-7	Review Letter from Leon S. Avakian, Inc, and that's dated March 11, 2022	*
A-8	Supplemental review letter from Leon S. Avakian, Inc., dated April 19, 2022	*
A-9	Monmouth County Planning Board letter of action taken on January 24, 2022	*
A-10	Fire prevention/fire chief memorandum prepared by Sea Girt Fire Prevention Office, dated March 9, 2022	*
A-11	Sea Girt Police Department memo, undated	*
A-12	Aerial Map Exhibit, prepared by Dynamic Engineering, dated 4/18/22	37
A-13	Site Plan Rendering, prepared by Dynamic Engineering, dated 4/18/22	37

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2 E X H I B I T S

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4	<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
5	A-14	Aerial Overlay, prepared by Dynamic Engineering, dated 4/18/22	37
6	A-15	Rendering of North building, dated 12/20/21	52
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8	A-16	Rendering of South Building, dated 12/20/21	54
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10	A-17	South Building Floor Plan, dated 4/8/22	56
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(\*)Exhibits marked prior to commencement.

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1 (Time noted, 7:12 p.m.)

2 CHAIRMAN HALL: We have the  
3 application, Preliminary and Final Site Plan  
4 approval resulting from a settlement between the  
5 Borough of Sea Girt and various different companies.

6 Mr. Sitar, I cannot believe that this  
7 started ten years ago. So hopefully tonight we will  
8 come to some sort of progression.

9 Mr. Kennedy, we have discussed this in  
10 advance and you are going to do a pretty formal  
11 introduction, not only for the board members to  
12 understand what we have that we can and cannot do,  
13 but also for members of the public that are  
14 attending.

15 ATTORNEY KENNEDY: Thank you.

16 MEMBER WARD: Norm?

17 CHAIRMAN HALL: Yes, sir.

18 MEMBER WARD: Given that I was noticed  
19 within the 200 feet I'm going to recuse myself from  
20 this and I'll take myself off video but I'll -- I'll  
21 hang around.

22 CHAIRMAN HALL: Okay, very good. And  
23 thank you for bringing that to our attention, Mr.  
24 Ward.

25 ATTORNEY KENNEDY: Thank you, Mr.

1 Ward.

2           Sure. So good evening, Mr. Chair and  
3 board members and ladies and gentlemen of the  
4 public. As many of you may know and some not know,  
5 my name is Kevin Kennedy and I am fortunate and  
6 honored to be the Sea Girt planning board attorney.

7           So, Mr. Chairman, in my opinion in many  
8 ways this application before us tonight is a fairly  
9 typical application for site plan approval.  
10 However, in my opinion, in many ways this  
11 application before us tonight is not a typical  
12 application. And with your consent and with the  
13 consent of the board I'd like to take a few minutes  
14 to discuss the procedural, substantive and legal  
15 issues affecting this particular application.

16           It is my hope -- excuse me, that my  
17 comments may prove to be helpful to board members  
18 and helpful to the public at large and, hopefully,  
19 my comments will shed some light on the -- this  
20 application and the procedural history of this  
21 application, which is important.

22           I'd like to start off with a very,  
23 very, very general discussion about affordable  
24 housing issues and obligations in the State of New  
25 Jersey particularly because of the important role

1 that those regulations play in this very  
2 application. I start by saying decades and -- well,  
3 I start by saying that the affordable housing world  
4 is a very, very complex, intense, detailed,  
5 regulated, ever-evolving and heavily litigated  
6 field. And there are many professionals, lawyers,  
7 planners, engineers who actually specialize and make  
8 careers in -- in this ever-growing field.

9 For obvious purposes my discussion  
10 tonight is just a very basic discussion designed  
11 only to provide general background information in  
12 conjunction with the review of the application for  
13 tonight.

14 Incidentally, I believe we have the  
15 borough attorney online tonight. And there may be  
16 some other affordable housing representatives,  
17 borough's representatives on the line, as well.

18 Initially, way back, decades and  
19 decades ago, the New Jersey Supreme Court issued an  
20 opinion in the case, I think it was entitled  
21 Burlington County NAACP v. Mount Laurel, which dealt  
22 with affordable housing obligations. And  
23 incidentally, that is why, because the name of that  
24 case was against Mount Laurel, that is why we  
25 sometimes interchangeably use the words affordable



1 housing, COAH, which stands for Council on  
2 Affordable Housing and/or Mount Laurel housing. So  
3 for purposes tonight all those words essentially  
4 mean and incorporate the general concept of  
5 affordable housing.

6           So way back, decades ago, when this  
7 decision, in this Mount Laurel decision, the New  
8 Jersey Supreme Court decided that all New Jersey  
9 municipalities have an affirmative obligation to  
10 provide affordable housing. And it's an important  
11 concept that we all need to understand. And in my  
12 humble opinion some of the important impacts of that  
13 initial decision, I don't necessarily think were  
14 really necessarily identified at first as there did  
15 not necessarily appear to be specific details or  
16 procedures or mandates as to how affordable housing  
17 obligations would need to be identified and  
18 satisfied, et cetera.

19           However, and importantly in my opinion,  
20 many of the affordable housing obligations that we  
21 have today all got started with and emanate from  
22 that particular Mount Laurel case many decades ago.  
23 And as indicated, there was some uncertainty as to  
24 how the specific affordable housing obligations  
25 would need to be identified and implemented and

1 fulfilled. And years later the New Jersey Supreme  
2 Court issued an opinion, what's essentially referred  
3 to as Mount Laurel II, and there have been other  
4 cases, other related cases, too. And they more  
5 particularly addressed such things as A, the cases  
6 affirm the obligation that each municipality has an  
7 obligation to provide realistic affordable housing  
8 options. And B, they set up a process by which the  
9 affordable housing obligations could be identified  
10 and monitored and enforced. And essentially the  
11 background for the creation of the agency which was  
12 then known as COAH, Council on Affordable Housing.

13 So since then, Mr. Chairman, there have  
14 been many, many, many political and legal challenges  
15 to the affordable housing regulations. And there  
16 have been many, many challenges and many cases and  
17 some of the cases have been interesting and some of  
18 them have been fairly nuanced and some of them  
19 gained some curve balls and some twists. But in my  
20 opinion, the general principal relative to the  
21 affordable housing obligation process has pretty  
22 much remained the same and pretty much remained  
23 fairly constant -- I mean fairly constant in terms  
24 of the conceptual items.

25 So one of the guiding principals of the

1 affordable housing world is that each town has an  
2 affirmative obligation to provide affordable housing  
3 driven primarily by the very obvious acknowledgement  
4 that housing in the state is just so incredibly  
5 expensive.

6           The general rule is that each town is  
7 required to identify its affordable housing  
8 obligations and determine how those affordable  
9 obligations and needs will be satisfied or met.  
10 Generally speaking, the process involves --  
11 professional -- I'm sorry, generally speaking, the  
12 process involves some type of affordable housing  
13 plan, for lack of a better word, being reviewed and  
14 approved and certified by the state or the court  
15 system. Depending on a lot of factors, such as the  
16 physical size of the town, the amount of undeveloped  
17 land within the town, need and many, many other  
18 relevant and sometimes complicated factors.

19           As indicated, each town's plan  
20 is -- was required to be or is required to be  
21 approved by the state or court system and they  
22 generally refer -- to that as the substantive  
23 certification process. And moreover, there are  
24 consequences for the failure of a town to obtain  
25 that substantive certification.

1           So sometimes towns didn't necessarily  
2 get the substantive certification from the state or  
3 the court because sometimes the towns believed that,  
4 you know, they were too small to have an affordable  
5 housing obligation. Sometimes the towns were of the  
6 opinion that there's not enough developable land  
7 within the town to have an obligation. And quite  
8 frankly, the process of obtaining substantive  
9 certification was and is, to my knowledge, quite  
10 timely and expensive as there are lots of legal  
11 fees, lots of lawyers, lots of planners, lots of  
12 engineers involved in the various procedures.

13           Also, Mr. Chair, as referenced pursuant  
14 to those regulations there are consequences if a  
15 town did not receive its particular substantive  
16 certification from the state or court system or back  
17 then, COAH. Specifically, if a town did not have  
18 its substantive certification the town is open to  
19 and -- under the regulations, the town is open to a  
20 builder's remedy lawsuit.

21           In general, a builder's remedy lawsuit  
22 is where the developer files a complaint, a  
23 litigation complaint, against a particular town.  
24 And in the complaint the plaintiff/developer states  
25 that the borough did not receive its substantive

1 certification relative to its affordable housing  
2 obligations. Thus, the developer alleges in the  
3 lawsuit that because no substantive certification  
4 had been obtained, the developer is allowed to  
5 construct essentially any type of residential  
6 development it wants to construct, regardless of the  
7 town's zoning and density, bulk requirements, height  
8 requirements, et cetera, as long as a certain  
9 percentage of the residential units would be set  
10 aside for affordable housing purposes. So, it's a  
11 pretty intense remedy. Again it is an intense  
12 remedy but that is the remedy.

13           So against that backdrop fairly  
14 recently, I think it was 2020, representatives of  
15 Sitar filed a builder's remedy lawsuit against the  
16 Borough of Sea Girt and the Sea Girt planning board.  
17 The litigation complaint alleged, among other  
18 things, and again generally speaking, it alleged,  
19 one, that the Borough of Sea Girt did not have a  
20 court or a COAH or state certified substantive  
21 certification as to its affordable housing needs and  
22 obligations. And, two, it alleged that because of  
23 that the developer was allowed to build regardless  
24 of the town zoning, density, height and bulk  
25 regulations. And, three, in accordance with

1 prevailing regulations the developer would set aside  
2 a number of the units as affordable housing units.

3 As with any litigation case, the  
4 borough and the planning board arranged for  
5 attorneys to represent and defend their interests  
6 and specifically, an answer or response of pleading  
7 was filed on behalf of the borough and the planning  
8 board. And given the legal realities, given  
9 settlement -- settlement discussions ensued and the  
10 parties ultimately agreed to a settlement.

11 Importantly -- and again, Mr. Chairman,  
12 I keep saying, but this is just a very, very general  
13 statement -- the settlement provided, among other  
14 things, the following: The borough would  
15 essentially endorse the general concept of the  
16 plaintiff's development proposal as negotiated and  
17 modified by the parties;

18 B, the settlement indicated that the  
19 developer would be permitted to build the project,  
20 which was negotiated, provided planning board  
21 approval was obtained in due course;

22 C, there would be a set aside -- for  
23 affordable housing units in the proposed  
24 development;

25 D, the borough would adopt and amend

1 and adopt zoning ordinance specifically allowing, or  
2 specifically permitting the plaintiff's proposed  
3 development as modified per the settlement  
4 discussions;

5 And E, the settlement also indicated  
6 that the borough's Affordable Housing Plan would be  
7 legitimized in conjunction with other actions which  
8 are not necessarily relevant to discussion tonight,  
9 but we have a borough planner and board planner that  
10 have to do other things, but we'll get into that  
11 later on.

12 And the final part of the -- well, the  
13 two final parts of the settlement would be: There  
14 would be a judgement of repose in effect, meaning  
15 that if all the obligations of the settlement  
16 agreement were honored, and including some other  
17 things that the borough has to do later on, and the  
18 planning board approval was obtained, the borough  
19 would be protected from any other builder remedy  
20 lawsuit at least until the next round of affordable  
21 housing obligations, which I believe the next round  
22 starts again in 2025. But you want to, if we do  
23 settle and approve something, you want that judgment  
24 of repose;

25 And the final aspect of the settlement

1 would be that the litigation case would be dismissed  
2 and settled.

3           So Sitar representatives, the borough  
4 representatives and planning board representatives  
5 officially endorsed the settlement, which for the  
6 record, was modified and reduced in size and  
7 intensity and scope from the initial complaint and  
8 the parties actually signed a settlement agreement.

9           In furtherance, thereof, the Borough  
10 Council adopted a zoning ordinance which amended the  
11 allowable and zoning parameters for the site. And I  
12 guess, that is to say in plain English, the zoning  
13 ordinance was amended so as to specifically permit  
14 and allow the development which is generally  
15 proposed tonight.

16           So, Mr. Chair, against that backdrop,  
17 this particular Sitar application, which is being  
18 reviewed tonight, was submitted to the planning  
19 board for the board's review and approval. Subject  
20 to further review and testimony, which will be  
21 presented tonight, the applicant's representatives  
22 maintain that they have submitted an application,  
23 which conforms and complies with the new zoning  
24 regulations and which conform with the previously  
25 executed settlement agreement.



1           As an aside, there may be many of you  
2 on the board tonight who were actually board members  
3 ten years ago when the first Sitar application was  
4 reviewed and adjudicated. Likewise, there may be  
5 some -- many members in the listening public tonight  
6 who ten years ago observed, watched, followed, or  
7 otherwise participated in the public hearing process  
8 way back when. And so, for the record, we just --  
9 and I sometimes feel a little funny saying this, but  
10 we need to say for the record -- we just need to  
11 take notice that the fact that between 2012, when  
12 that first Sitar application was heard, and now life  
13 has changed. And at least with respect to the  
14 zoning, and some of those circumstances have  
15 changed.

16           Years ago, when the first Sitar  
17 application was presented, back then the applicant  
18 need use variance approval, density variance relief,  
19 I think there was maybe height variance relief and  
20 some bulk variance relief. And there are some  
21 pretty strict and intense legal standards involved  
22 when one needs use variance, density variance,  
23 height variance and bulk variance relief.

24           Now, however, today because of the  
25 litigation, because of the settlement and because of

1 the change in zoning ordinances, as I understand it,  
2 the application presented tonight is permitted and  
3 there is no variance relief required. And we're  
4 going to hear some testimony on that later on. And  
5 we'll hear Peter Avakian chime in, too, because I  
6 think there were some plan revisions which may have  
7 eliminated the need for a variance, so we'll get to  
8 that.

9           So thus, Mr. Chairman, in conclusion,  
10 that is the general background information which is  
11 relevant for tonight's application. Again, I'm not  
12 the borough attorney. I'm not the borough's  
13 affordable housing attorney. And I would therefore,  
14 you know, caution everybody to, you know, have a  
15 little bit of -- take what I say with a little bit  
16 of grain of salt because I was not intimately  
17 involved in all those specific aspects.

18           But the affordable housing issues are  
19 complicated matters. They involve complicated  
20 topics. They're ever-changing topics and they're  
21 highly litigated topics. And, as indicated, there  
22 are still other items, which will need to be  
23 addressed outside of this particular application.  
24 But, Mr. Chairman, my goal was just to attempt to  
25 highlight some of the broad strokes of the

1 affordable housing process. Particularly, as they  
2 affect the history of this application and the legal  
3 standards affecting this application tonight.

4 As is always the situation, in  
5 conjunction with any site plan approval, board  
6 members tonight should focus on typical site plan  
7 issues as they always do. And in consultation with  
8 our board engineer, the specific site plan related  
9 issues upon which you will all focus and always do  
10 focus, include such things as: Grading, drainage,  
11 stormwater management, lighting, signage, parking  
12 details, building details, et cetera.

13 In conclusion, Mr. Chairman, I  
14 apologize for the length of time I've taken. I  
15 didn't want to take this long, but I just wanted to  
16 try to the greatest extent possible to provide a  
17 legal backdrop in the procedural history of this  
18 application. So I thank you for giving me the time.

19 And, Mr. Chairman, when you're ready,  
20 you tell me and we'll start into the notice and  
21 putting things into evidence and all those things.

22 CHAIRMAN HALL: Just for the record,  
23 Jen Beahm is now attending us, who is Peter  
24 Avakian's planner for any type of professional  
25 responses that need to be done for that.

1                   And, Ken, do you have any objection to  
2 what Mr. Kennedy has laid out as a -- as format of  
3 what we're going to be doing tonight? And then, is  
4 there anything that you disagree with on what he was  
5 presenting?

6                   ATTORNEY PAPE: Mr. Chairman and board  
7 members and all, good evening, Kenneth Pape. I am  
8 the attorney for your applicant.

9                   I listened carefully to all that Mr.  
10 Kennedy so clearly stated. I have no objections to  
11 any of the statements. I found it to be accurate.  
12 I would only add two things, and that is part of  
13 this process involved Fair Share Housing observing,  
14 participating and commenting. And Fair Share  
15 Housing also joined in the resolution of this  
16 matter. And that the process that went from court  
17 to settlement had attached to it a sketch. And this  
18 application that we bring before you this evening  
19 mirrors that sketch.

20                   And finally, I would say that the last  
21 step in that process was the creation of an  
22 ordinance, a very detailed ordinance. I was reading  
23 the ordinance today over and over, a very detailed  
24 ordinance. And it is our intention this evening to  
25 present an application that is consistent with that

1 full ordinance.

2 And other than those comments, I  
3 appreciate the opportunity to share them. I think  
4 Mr. Kennedy stated it eloquently and completely.

5 CHAIRMAN HALL: One thing, this  
6 procedure we're going to do tonight is all of your  
7 witnesses are going to be presented, and we're going  
8 to swear all them in it at the same time.

9 And then we're going to hold any  
10 comments or questions -- not only from the Board but  
11 also from the audience -- to do that at one time to  
12 avoid a lot of duplication or overlapping of  
13 questions that may be in one of the professionals  
14 that you're presenting tonight or another one.

15 So then, for the sake of efficiency, I  
16 think we talked about this earlier and you agreed to  
17 that process. Is that correct?

18 ATTORNEY PAPE: Yes. Mr. Chair, I  
19 think that process is efficient and we have no  
20 problem abiding by it.

21 CHAIRMAN HALL: Okay. So with that,  
22 Kevin, anything else? Or is there exhibits that you  
23 are going to be --

24 ATTORNEY KENNEDY: Sure.

25 CHAIRMAN HALL: -- attending to?

1                   ATTORNEY KENNEDY: Why don't I start  
2 with -- I'm going to ask if anyone has any objection  
3 to the notice they received from Craig Gianetti's  
4 office? Craig Gianetti is the attorney of record  
5 for the applicant, and he was not available tonight  
6 and Mr. Pape is stepping in, so we appreciate that.

7                   And so, Karen, if anyone has any  
8 specific questions or comments regarding the notice  
9 they can either raise their raise hand icon or  
10 contact you.

11                   Give your e-mail. One more point.

12                   CHAIRMAN HALL: For questions and  
13 answers too. Sorry.

14                   MEMBER BRISBEN: It's K Brisben,  
15 B-R-I-S-B-E-N at Sea Girt Boro, B-O-R-O, dot com.  
16 (Kbrisben@seagirtboro.com).

17                   ATTORNEY KENNEDY: All right. And  
18 while I just officially mark some things into the  
19 record, and we'll see if anyone then had any  
20 comments.

21                   So, what we'll do is, I would like, Mr.  
22 Chairman, with the board's consent, enter into the  
23 record what we as a board have before us. So we're  
24 going to mark A-1 is the application.

25                   And we'll mark as A-2 site plan

1 consisting of 15 sheets prepared by Dynamic  
2 Engineering, and that's dated November 24, 2021,  
3 last revised April 8, 2022.

4 A-3 we're going to mark as the  
5 architectural plans consisting of four sheets, and  
6 that's prepared by Thomas J. Brennan Architects,  
7 dated December 12, 2021, last revised April 8th,  
8 2022.

9 And A-4 is the boundary and topographic  
10 survey, consisting of one sheet, prepared by Dynamic  
11 Survey, LLC. That's dated September 3, 2021.

12 A-5 is the Stormwater Management,  
13 Groundwater Recharge and Water Quality Analysis,  
14 prepared by Dynamic Engineering, dated November,  
15 2021.

16 A-6 is the traffic impact and parking  
17 assessment, six sheets, prepared by Dynamic Traffic.  
18 And that's dated December 3, 2021.

19 And then we're going to mark as A-7 is  
20 a review letter from Leon S. Avakian, Inc, and  
21 that's dated March 11, 2022.

22 And we're going to mark as A-8 the  
23 supplemental review letter from Leon S. Avakian,  
24 Inc., dated April 19, 2022.

25 And we'll mark as A-9, there was a

1 communication from the Monmouth County Planning  
2 Board reflecting action taken on January 24, 2022.  
3 And I think there was a request for more  
4 information, but we'll hear some information on that  
5 momentarily.

6 A-10 is the fire prevention/fire chief  
7 memorandum prepared by Sea Girt Fire Prevention  
8 Office, dated March 9, 2022.

9 And A-11 is the police department memo  
10 from our police department and that was undated.

11 And, Karen, has anyone asked to be  
12 heard on the issue of notice?

13 MEMBER BRISBEN: No.

14 ATTORNEY KENNEDY: Okay. So I'm going  
15 to state for the record that my office, in  
16 consultation with Chris Willms, reviewed the notice  
17 and found everything to be in order. So, Mr.  
18 Chairman, it would be my humble opinion that we have  
19 jurisdiction to proceed tonight.

20 And what I would like to do is we'll  
21 swear in Peter Avakian, our board engineer and  
22 Jen --

23 CHAIRMAN HALL: Ken, could I just  
24 -- I'm going to say Ken and Jared because I can't  
25 say "Mr. Pape" and have both of you answer.



1                   So, Ken, is there any additional  
2 exhibits that you wanted to produce tonight?

3                   ATTORNEY PAPE: No, Mr. Chairman.  
4 That's acceptable.

5                   CHAIRMAN HALL: Thank you.

6                   ATTORNEY PAPE: We have -- there are  
7 exhibit boards that were forwarded on Monday,  
8 48 hours or more before the hearing. They're  
9 colored versions that the applicant is going to be  
10 using during the presentation.

11                   Perhaps, as the witnesses introduce  
12 them, we could so label them. Would that be an  
13 acceptable process?

14                   CHAIRMAN HALL: And we can share  
15 screens if any one of those witnesses want to  
16 present that --

17                   ATTORNEY PAPE: Very well --

18                   CHAIRMAN HALL: -- if they have it on  
19 their screen, or your screen, or I should say  
20 Jared's screen.

21                   ATTORNEY PAPE: Surely. Mr. Hanley  
22 and Mr. Ledbetter are ready to screen share.

23                   CHAIRMAN HALL: Okay. So proceed.

24                   ATTORNEY KENNEDY: So, Peter Avakian,  
25 we're going to swear you in.

1                   CHAIRMAN HALL: I'm sorry to interrupt  
2 you.

3                   ATTORNEY KENNEDY: Are we swearing in  
4 Jen Beahm, or no?

5                   BOARD PLANNER: Sure.

6                   ATTORNEY KENNEDY: Okay. So good  
7 evening. And, Peter Avakian, you are the borough  
8 engineer and the board engineer. And, Jennifer  
9 Beahm, you are the borough planner and board  
10 planner. Good evening and welcome to you both.

11                   If you could just raise your right  
12 hands. Do you swear that the information and  
13 testimony you are about to provide, to the extent  
14 you provide any, will be the truth to the best of  
15 your knowledge, so help you God.

16                   BOARD ENGINEER: I do.

17                   BOARD PLANNER: I do.

18                   ATTORNEY KENNEDY: All right. Let the  
19 record reflect that both witnesses have been sworn,  
20 Peter as the engineer and Jen Beahm as planner.

21                   And, Mr. Chairman, I promise the last  
22 procedural thing we're going to do, is we're going  
23 to have Ken Pape announce and identify who the  
24 principals are of the various companies here. I  
25 know we have Sea Girt or Sitco Sea Girt, LLC. As is

1 always our case, we like to hear who the principals  
2 are so that we can, for members of the public, we  
3 can know if there's any type of conflict that we  
4 need to announce or disclose or recuse ourselves.

5 So Ken, good evening to you. And if  
6 you could just state the various companies involved  
7 and/or the various principals so we can do an  
8 internal conflict check.

9 ATTORNEY PAPE: Surely. Your  
10 applicant is Sitco Sea Girt, LLC. And the  
11 properties are owned by 501 Washington Boulevard,  
12 LLC, 503 Washington Boulevard, LLC, Sea Girt Fifth  
13 Avenue, LLC, Sitco Sea Girt, LLC -- I misspoke, the  
14 last one is your applicant.

15 All of these companies are owned by  
16 Mr. William Sitar. Mr. Sitar owns them with  
17 73 percent in his name directly and 27 percent in a  
18 trust that he has formed where he is the sole  
19 trustee and has sole control. The trust is the  
20 William Sitar Holdings. So Mr. William Sitar  
21 controls 100 percent of all of the companies that I  
22 just shared with you.

23 CHAIRMAN HALL: Perfect. Thank you  
24 for that disclosure.

25 So, Mr. Chairman, is there anyone on

1 the Board hearing Mr. Sitar's name that has any  
2 conflicts or questions about conflicts or concerns  
3 about conflicts?

4           Okay, seeing none. And so that, Mr.  
5 Pape, we'll turn it over to you. And I think that  
6 the Chair wants us to just get everyone sworn in at  
7 once. So you can let me know and we'll swear in  
8 your witnesses.

9           ATTORNEY PAPE: Fine. Thank you. If  
10 the three witnesses that we intend to call, three  
11 professional witnesses that we intend to call:  
12 Douglas Hanley is the professional engineer  
13 responsible for the plans and will present them;  
14 Justin Taylor, professional engineer, is a traffic  
15 expert; and Thomas Brennan is an architect.

16           Those are the three witnesses we intend  
17 to call. Others who are here are here for  
18 assistance, technical assistance, and will not be  
19 testifying.

20           ATTORNEY KENNEDY: Okay. So let me  
21 just -- Doug Hanley, good evening. If you could  
22 state your name and business address for the record.

23           DOUGLAS HANLEY: Sure. Douglas  
24 Hanley, H-A-N-L-E-Y Dynamic Engineering, 1904 Main  
25 Street, Lake Como, C-O-M-O.

1                   ATTORNEY KENNEDY:  And you're  
2   testifying tonight in your capacity as a  
3   professional engineer?

4                   DOUGLAS HANLEY:  That's correct.

5                   ATTORNEY KENNEDY:  Okay.  And Justin  
6   Taylor, your name and business address?

7                   JUSTIN TAYLOR:  Sure.  Justin Taylor,  
8   T-A-Y-L-O-R.  Principal in the firm of Dynamic  
9   Traffic, and the business address is 1904 Main  
10  Street, Lake Como, New Jersey.

11                  ATTORNEY KENNEDY:  And you're  
12  testifying tonight in your capacity as a licensed  
13  traffic engineer?

14                  JUSTIN TAYLOR:  That is correct.

15                  ATTORNEY KENNEDY:  Okay.  And Thomas  
16  Brennan, your name and business address.

17                  THOMAS BRENNAN:  Yeah.  My name is  
18  Thomas Brennan, and I'm president of Thomas Brennan  
19  Architects.  The address is 1333 West McDermott  
20  Drive, Suite 200 in Allen, Texas 75013.  And --

21                  ATTORNEY KENNEDY:  Okay --

22                  THOMAS BRENNAN:  -- I'm a licensed  
23  architect in the State of New Jersey.

24                  ATTORNEY KENNEDY:  Thank you.  If all  
25  of you three gentlemen could raise your right hands.

1 Do you swear that the information and testimony you  
2 are about to provide will be the truth to the best  
3 of your knowledge, so help you God?

4 THOMAS BRENNAN: I do.

5 DOUGLAS HANLEY: I do.

6 JUSTIN TAYLOR: I do.

7 ATTORNEY KENNEDY: Okay. So let the  
8 record reflect that Doug Hanley, Justin Taylor and  
9 Thomas Brennan have all been sworn.

10 CHAIRMAN HALL: Mr. Kennedy?

11 ATTORNEY KENNEDY: Yes?

12 CHAIRMAN HALL: Do we have to qualify --

13 ATTORNEY KENNEDY: Yes --

14 CHAIRMAN HALL: -- these witnesses as  
15 well?

16 ATTORNEY KENNEDY: We will do that  
17 right now. Good point.

18 Doug, just for the record, why don't  
19 you just state the licenses and certifications that  
20 you have and just confirm that your licenses and  
21 certifications are current and up to date.

22 DOUGLAS HANLEY: Sure. I'm a licensed  
23 professional engineer in the State of New Jersey.  
24 My license is current. I have a bachelors of  
25 science in civil engineering from the New Jersey

1 Institute of Technology.

2 ATTORNEY KENNEDY: And have you  
3 testified before other boards before?

4 DOUGLAS HANLEY: Yes, I have.

5 ATTORNEY KENNEDY: And your  
6 credentials have been accepted?

7 DOUGLAS HANLEY: Yes, they have.

8 ATTORNEY KENNEDY: Okay. Mr.  
9 Chairman, any comments from you or board members as  
10 to the qualifications?

11 CHAIRMAN HALL: I accept those.

12 ATTORNEY KENNEDY: Okay. Justin  
13 Taylor, can you do the same thing, confirm your  
14 license and certifications?

15 JUSTIN TAYLOR: Absolutely. I'm a  
16 licensed engineer in the State of New Jersey as well  
17 as Pennsylvania, Delaware and Texas. I'm also a  
18 certified professional traffic operations engineer  
19 through the Institute of Transportation Engineers.

20 Practicing traffic planning for a  
21 little over 20 years now and have testified at  
22 hundreds of boards throughout the State of New  
23 Jersey, although I haven't had the privilege to be  
24 here before Sea Girt.

25 ATTORNEY KENNEDY: And licenses and

1       certifications are current?

2                   JUSTIN TAYLOR:   Yes, they are.

3                   ATTORNEY KENNEDY:   Okay.   Mr.  
4   Chairman, will the board accept his qualifications?

5                   CHAIRMAN HALL:   Yes, they would.

6                   ATTORNEY KENNEDY:   Okay.   And last but  
7   not least, Tom Brennan, same thing, if you could  
8   state your licenses and certifications.

9                   THOMAS BRENNAN:   Sure.   I have a  
10   master's degree from New York Institute of  
11   Technology.   And I have been a licensed architect  
12   for over 35 years in the State of New Jersey.   My  
13   license is in good standing.   I also hold licenses  
14   in New York, Connecticut and Pennsylvania, as well  
15   as Texas.

16                   And I've been in front of many boards  
17   throughout the State of New Jersey.   However, I've  
18   never had the pleasure of being here in Sea Girt.  
19   So this is a first for me.

20                   ATTORNEY KENNEDY:   Okay.   And your  
21   qualifications have been accepted in those other  
22   jurisdictions in New Jersey?

23                   THOMAS BRENNAN:   Yes.

24                   ATTORNEY KENNEDY:   Okay.   Mr.  
25   Chairman, any questions or concerns about the



1 qualifications?

2 CHAIRMAN HALL: I know Mr. Brennan is  
3 a well-qualified person in his field.

4 ATTORNEY KENNEDY: Okay. So now,  
5 against that backdrop we turn it over to Ken Pape.  
6 Thank you, Ken.

7 ATTORNEY PAPE: I thank you. For  
8 purposes of clarity, Craig Gianetti was lead council  
9 in the litigation. Craig Gianetti and I have been  
10 co-counsel on this matter representing Mr. Sitar for  
11 a number of years. I have the privilege of making  
12 the presentation this evening. Mr. Gianetti, was  
13 not available, so I'm very comfortable making the  
14 presentation to the board.

15 The court reporter is here this  
16 evening. I wanted to point that out, Mr. Chair, and  
17 to ask, if it is acceptable to the board, we will  
18 provide the transcript to the board, board  
19 secretary, and to your attorney to assist in the  
20 preparation of a resolution. And if you wish for  
21 that transcript to be the official transcript of the  
22 hearing, we're prepared to bear that burden. We  
23 will have the transcript delivered to the board on  
24 an expedited basis after the conclusion of the  
25 hearing.

1                   CHAIRMAN HALL:  It's not only accepted  
2 but appreciated.

3                   ATTORNEY PAPE:  You're welcome.

4                   Our intention this evening is to be  
5 thorough but to be efficient in our presentation.  
6 The three witnesses have gone -- have spent  
7 considerable time working together and reviewing  
8 materials that were generated by your professionals.  
9 Significantly, your professionals have been  
10 available to our professionals for comment.  We've  
11 had Zoom conferences.

12                   And we have had an opportunity to be  
13 responsive to their comments.  And I believe, you  
14 will hear from Mr. Avakian, that a second set of  
15 plans was filed not too long ago that resulted in a  
16 new report.  That report was the one that was  
17 entered as the April 19th report, A-8.

18                   The first witness is Douglas Hanley.  
19 Douglas Hanley has -- he has been sworn and his  
20 credentials placed before the board as a  
21 professional engineer.  And I have asked that he  
22 introduce the exhibits that he has prepared this  
23 evening, that -- we'll introduce them one by one,  
24 and he has permission to start labeling them A-12,  
25 sequentially.

1                   And then I've asked that he present to  
2 you existing conditions and the executive summary of  
3 the proposed development. And then together he and  
4 I will go through the site plan elements that you  
5 had -- that Mr. Kennedy had outlined just a few  
6 moments ago.

7                   Mr. Taylor is the traffic expert. I'm  
8 going to ask Mr. Taylor to comment on parking. I'm  
9 going to ask that he comment on the adequacy and  
10 safety of the driveway design and I'm going to ask  
11 that he comment on the intersection of the driveway  
12 with the roadway.

13                   And Thomas Brennan is, as, Mr. Chair,  
14 you have acknowledged, is a very well-known and  
15 well-respected architect. [Zoom distortion] for the  
16 design of the boards and its featured stories, one  
17 has a retail and office element on the first floor  
18 and the other does not.

19                   That is the summary of the testimony of  
20 the experts. I appreciate that we'll be allowed to  
21 go through the witnesses and the three witnesses  
22 then remain at the end for your examination. With  
23 permission, Mr. Chair, I would ask if we could begin  
24 the substantive presentation with Mr. Hanley.

25                   CHAIRMAN HALL: Please do. And let us

1 know if you need to share screen.

2 ATTORNEY PAPE: Thank you. Mr. Hanley  
3 will need to share screen. He has three exhibits  
4 that we will introduce to you, all of which were  
5 properly filed with the borough a full 48 hours in  
6 advance as required for Zoom hearings.

7 CHAIRMAN HALL: I'm assuming that's  
8 him. Okay, yeah, your screen is shared.

9 ATTORNEY PAPE: Okay.

10 ATTORNEY KENNEDY: And you can see it.

11 D O U G L A S H A N L E Y, P.E.,  
12 having been previously sworn, testifies as follows:

13

14 E X A M I N A T I O N

15

16 BY ATTORNEY PAPE:

17 Q. I'm going to ask that you -- as you  
18 introduce these you read the title block and its  
19 date, and then we'll award it, with Mr. Kennedy's  
20 permission, we'll award it a number.

21 A. Absolutely. Good evening, board.  
22 I'll get started with the exhibits.

23 The first one is the Aerial Map Exhibit  
24 prepared by Dynamic Engineering, and it is dated  
25 April 18, 2022.

1 ATTORNEY PAPE: Mr. Kennedy --

2 ATTORNEY KENNEDY: That would be A-12.

3 ATTORNEY PAPE: Thank you.

4 (Exhibit A-12, Aerial Map Exhibit,  
5 prepared by Dynamic Engineering, dated  
6 4/18/22, is marked.)

7 THE WITNESS: The next exhibit is the  
8 site plan rendering, also prepared by Dynamic  
9 Engineering and also dated April 18, 2022.

10 ATTORNEY KENNEDY: That will be A-13.  
11 Thank you.

12 ATTORNEY PAPE: Thank you.

13 (Exhibit A-13, Site Plan Rendering,  
14 prepared by Dynamic Engineering, dated  
15 4/18/22, is marked.)

16 THE WITNESS: And then the last  
17 exhibit for me will be a plan entitled "Aerial  
18 Overlay," prepared by Dynamic Engineering, and also  
19 dated April 18, 2022.

20 ATTORNEY KENNEDY: Thank you. A-14.

21 ATTORNEY PAPE: Thank you.

22 (Exhibit A-14, Aerial Overlay,  
23 prepared by Dynamic Engineering, dated  
24 4/18/22, is marked.)

25 BY ATTORNEY PAPE:

1           Q.       Mr. Hanley, I'm going to ask that you  
2 introduce the exhibits with your testimony as you  
3 see fit. Please begin with a description of  
4 existing conditions.

5           A.       Absolutely. So, I'm going to start  
6 with the aerial map exhibit. I believe that was  
7 A-12 that was just introduced. This is essentially  
8 the aerial map that was submitted as part of our  
9 site plan set with some colors added to the lines  
10 for -- for ease of viewing for the board and the  
11 public.

12                    You could see the subject property in  
13 the center of the sheet and I will zoom in a little.  
14 They are outlined in yellow, we are here tonight to  
15 discuss Block 77, Lot 16 and 17. That will be  
16 referred to often as the south lot. And 76 -- Block  
17 76, Lots 1 and 2 will be referred to as the north  
18 lot. For purposes of this exhibit, we'll consider  
19 north to the right of the screen, so the north lot  
20 is on the right and the south lot would be on the  
21 left. The properties are on the corners of  
22 Washington Boulevard which is County Route 49 and  
23 Fifth Avenue. They're separated by Washington  
24 Boulevard. That bisects them. The south lot is  
25 approximately 16,000 square feet in size. The north

1 lot approximately 16,500 square feet. Just to put  
2 that into scale each lot is just under four-tenths  
3 of an acre.

4 Both lots are currently developed. On  
5 the south lot you have the Surfside ice cream shop  
6 with outdoor seating. And the north lot you have  
7 The Girt, a retail use, Sitar Realty, an office use,  
8 and a residential dwelling. You currently have one  
9 existing driveway on Fifth Avenue for the northern  
10 lot.

11 The subject properties are within the  
12 Affordable Housing Zoning District. And to look at  
13 the surrounding zones very quickly, to the west or  
14 to the top of the sheet you have the 2E Zone and  
15 then essentially to all other sides you have the 1E  
16 Zone, so that's the north, east and south. And to  
17 the east of each property is Fifth Avenue.

18 So that -- that concludes my review of  
19 the existing conditions. And I would like to move  
20 to the aerial overlay. I believe that was A-14.  
21 And as Mr. Pape had mentioned, I will give you a  
22 quick executive summary of the development that we  
23 are proposing tonight.

24 We are seeking preliminary and final  
25 major site plan approval for proposing a mixed-use

1 development on the subject properties. The south  
2 lot we're looking to develop a three-story  
3 residential apartment building with ten dwelling  
4 units. And on the north lot is a three-story  
5 mixed-use building with nine dwelling units and  
6 2,276 square feet of office and retail on the first  
7 floor which is currently Sitar Realty's office.

8 Apartments and mixed-use developments  
9 are permitted within the A1 -- AH1 Zone and we are  
10 compliant with all the requirements of the AH1 Zone.

11 Q. I think that's an excellent executive  
12 summary. I'm going to add just one sentence and ask  
13 you to confirm that of the 19 apartments three, by  
14 the court order settlement and ordinance, are  
15 affordable housing apartments?

16 A. That is correct.

17 Q. If you could, take us to the rendered  
18 site plan and then I'm going to ask if you could  
19 help take us through the statutory elements of the  
20 site plan. Knowing that the board's professionals  
21 have spent considerable time on these plans I'm  
22 going to ask that you, in executive summary style,  
23 you address the following topics:

24 First is the grading of the property.  
25 What is necessary in the way of grading for you to



1 achieve this design?

2 A. Sure. So, both lots are generally  
3 flat in nature. In existing and proposed conditions  
4 it generally slopes towards Fifth Avenue but there  
5 are no proposed retaining walls or anything to  
6 achieve the proposed grading.

7 Q. I think hand-in-hand with grading is  
8 drainage. Begin by pointing out that in the reports  
9 generated by the professionals, and in particular  
10 the March 11th report of Peter Avakian, there are  
11 statements that you are fully compliant with all  
12 requirements, but if you could just give us an  
13 executive summary of how the stormwater system is  
14 designed.

15 A. Absolutely. So the stormwater  
16 management design is compliant with the borough and  
17 state stormwater regulations. It will be privately  
18 owned by the property owner. And we worked with the  
19 board engineer's office to put the design together.

20 ATTORNEY PAPE: And, Mr. Chair, I trust  
21 that later in the evening when Mr. Avakian speaks,  
22 he can speak for himself as to his written  
23 conclusions that are in his report with regard to  
24 the stormwater design.

25 BY ATTORNEY PAPE:

1           Q.       Next, I'm going to ask you if you  
2 would, Mr. Hanley, lighting, if you could describe  
3 the type of lighting and the care that went into the  
4 lighting design and if you could confirm knowledge  
5 of the requirements of Mr. Avakian and how they're  
6 addressed?

7           A.       Absolutely. So, again, the lighting  
8 design is compliant with the borough's ordinance.  
9 All proposed lighting fixtures will be LED fixtures.  
10 They are downward focused with house-side shields on  
11 the pole-mounted lights. There's a total of eight  
12 light fixtures throughout the parking area. There  
13 are two pole-mounted and two wall-mounted area  
14 lights on each lot. There is zero-foot-candle  
15 spillover to the neighboring properties and the  
16 lights will be on from dusk to dawn.

17          Q.       You're familiar with the comments of  
18 Mr. Avakian and I'm going to ask you if you can  
19 confirm that you can and will comply with those  
20 comments?

21          A.       Yes.

22          Q.       Landscaping is the next element.  
23 Landscaping is the next element.

24          A.       Absolutely. So taking a look at the  
25 landscaping, and you can see this very well on the

1 site plan rendering. Essentially it's the site plan  
2 sheet with all of the landscaping colorized so you  
3 can see it throughout the development, but we are  
4 proposing a total of 501 plantings on the two lots.  
5 That's a combination of 15 shade and ornamental  
6 trees.

7 ATTORNEY KENNEDY: Sorry, what was  
8 that number?

9 THE WITNESS: 501 total plantings.

10 ATTORNEY KENNEDY: Thank you.

11 THE WITNESS: Absolutely. So that's  
12 15 shade and ornamental trees, 265 evergreen and  
13 deciduous shrubs, 58 ground covers, 105 perennials,  
14 58 ornamental grasses. And an irrigation system  
15 will be provided.

16 BY ATTORNEY PAPE:

17 Q. I thank you on that. The next is --  
18 knowing that Mr. Taylor is here to assist I'm going  
19 to ask that you give us an overview of the parking  
20 and on-site circulation knowing that more detail  
21 will come from Justin.

22 A. Absolutely. So again, parking is  
23 compliant with the borough's ordinance. The  
24 ordinance requires 1.7 parking spaces per dwelling  
25 unit in the AH1 Zone. The south lot requires 17

1 parking spaces, and 17 are proposed. The north lot  
2 requires 16 parking spaces and again 17 are  
3 proposed. The parking stall size is compliant with  
4 the Residential Site Improvement Standards at  
5 9 feet by 18 feet in length and width.

6 We are proposing two EV charging  
7 stations on each lot for compliance with the current  
8 state statute.

9 Each parking lot proposes one  
10 full-movement driveway. Both driveways are safe and  
11 fully compliant with the ordinance.

12 And lastly access to each parking lot  
13 will be gate-controlled for residents only.

14 Q. I think that as part of that  
15 circulation, if you could confirm trash  
16 storage -- trash and recyclable storage locations,  
17 and if you could speak to the adequacy of the  
18 location for the Sea Girt typical trash collection  
19 program.

20 A. Yes, absolutely. We are proposing  
21 trash enclosures on each lot. On the southern lot,  
22 it's in the let's call it the southwest corner of  
23 the property to the rear of the parking. And then  
24 on the north lot, we'll call it the western side,  
25 I'm circling it with my mouse. They're kind of

1 shaded as a light tan or gray color.

2 For the development we anticipate Sea  
3 Girt's typical trash collection procedures will be  
4 accommodated. And we are comfortable with the size  
5 of the facilities based on the collection that Sea  
6 Girt offers.

7 Q. If you could go to the signage, not the  
8 building signage but the site signage. I know that  
9 there were some revisions to achieve compliance with  
10 the ordinance. If you could identify the signage  
11 and confirm the size, location and compliance?

12 A. Absolutely. So, again, the monument  
13 signs we are proposing are compliant with the  
14 ordinance. I'll zoom in a little on the exhibit.  
15 You can see them near the corner of each property in  
16 a dark blue color. But each sign is approximately 3  
17 and a half high by 4 feet wide for a total of  
18 28 square feet when you account for both sides of  
19 the sign, which is compliant with the ordinance  
20 requirement of no greater than 30 square feet for  
21 each lot.

22 Q. Before we conclude your testimony and I  
23 ask that you confirm compliance with Mr. Avakian's  
24 requirements, if you could take us through the  
25 outside agency approvals, the outline. And if you

1 could share with the board and the board's  
2 professionals where you are in working with those  
3 agencies?

4 A. So we have a pending application with  
5 the Monmouth County Planning Board. We are still  
6 working with the county to address their comments.  
7 But at this time it is expected that the county will  
8 request easements to address their requirements.

9 We do not anticipate any significant  
10 impacts to the design as presented tonight as a  
11 result of the county application.

12 Q. Okay --

13 A. We also have --

14 Q. So that application is filed. And when  
15 you say that you do not anticipate, if you could  
16 just confirm, you didn't make that up; that's based  
17 on your communications with the professionals at the  
18 County Planning Board --

19 A. That's correct.

20 Q. -- if you could make that part of the  
21 record?

22 Okay. And if you could then take us to  
23 the additional agencies?

24 A. Sure. So the Freehold Soil  
25 Conservation District we have a pending application.

1 We have not received technical comments but again, I  
2 do not anticipate any changes to the site plan as  
3 presented tonight.

4 As far as utility permits go,  
5 applications will follow pending the board's  
6 decision.

7 ATTORNEY PAPE: And as this board and  
8 your professionals are aware, we recognize that the  
9 relief -- any relief granted by this board remains  
10 subject to securing those outside agency approvals  
11 in a manner that does not require any revision to  
12 these plans or we're back here with those revisions.

13 Mr. Chair and board members, that  
14 concludes Mr. Hanley's direct presentation. I am  
15 going to ask that he confirm familiarity with the  
16 March 11th and April 19th review letters issued by  
17 Mr. Avakian.

18 BY ATTORNEY PAPE:

19 Q. And to confirm that to the extent that  
20 there are any technical or note requirements that  
21 remain outstanding, that you can and you will  
22 address them to the satisfaction of the borough?

23 A. Yes, I am familiar with the letters  
24 and I agree with that statement.

25 ATTORNEY PAPE: Mr. Chair, I have

1 nothing further of Mr. Hanley on direct. And I look  
2 to you for permission to move forward.

3 CHAIRMAN HALL: Please.

4 ATTORNEY PAPE: Thank you.

5 Mr. Hanley, remain with us please,  
6 examination to follow.

7 Mr. Justin Taylor is a traffic expert.  
8 His credentials were placed on the record a few  
9 moments ago. I'm going to ask that he -- and he has  
10 been sworn. So I'm going to ask that Mr. Taylor be  
11 prepared to go directly into the substantive  
12 presentation.

13 J U S T I N T A Y L O R, P.E.,  
14 previously sworn, testifies as follows:

15  
16 E X A M I N A T I O N

17  
18 BY ATTORNEY PAPE:

19 Q. Mr. Taylor, while Mr. Hanley is  
20 controlling the screen, is there any particular  
21 exhibit, A-12, 13 or 14, that you would prefer be  
22 before the board during your testimony?

23 A. I think what we do is leave this up,  
24 leave A-13 up on the screen. This is really what I  
25 need to talk to.



1           Q.       Very good. Then as I indicated in the  
2 opening statement, if you could speak to the  
3 adequacy of the parking, the adequacy of on-site  
4 circulation and the adequacy and safety of the entry  
5 driveway designs?

6           A.       Sure. I would love to.

7                   As part of this project it was my  
8 responsibility to work hand-in-hand with both Mr.  
9 Hanley and the architect to ensure that the design  
10 not only met the criteria of the ordinance of Sea  
11 Girt but also that it meets state and national  
12 standards for safety from a traffic perspective.

13                   So we had the ability to really work  
14 with Doug in locating the driveways and the layout  
15 of the proposed parking area and parking supply. So  
16 to start with that we looked to locate the driveways  
17 for the proposed project. And we have designed them  
18 to provide adequate sight distances for vehicles  
19 both entering and exiting the site from Fifth Avenue  
20 to ensure that there will be safe and efficient  
21 movements for the proposed parking lots.

22                   We also worked with Mr. Hanley on the  
23 actual geometric layout of them. It is proposed to  
24 provide 24-foot aisle widths, which meets not only  
25 national design standards but also the Residential

1 Site Improvement Standards set forth by the  
2 Department of Community Affairs of New Jersey.

3 The parking spaces are also designed in  
4 accordance with the Residential Site Improvement  
5 Standards at a dimension of 9 feet by 18 feet to  
6 ensure that the vehicles and the residents can  
7 adequately maneuver to and from these parking  
8 spaces.

9 The final thing we worked hand-in-hand  
10 with was the actual parking being provided for the  
11 site. Now, Mr. Hanley has done a great job  
12 summarizing it. Your ordinance requirement does set  
13 forth a requirement of 1.7 parking spaces per unit  
14 and we are in full compliance with that with the  
15 proposed 17 parking spaces on both the northern and  
16 southern lots in this project.

17 So in conclusion we really had a good  
18 chance to influence the layout as the project  
19 developed in order to ensure that there will be  
20 sufficient parking and that there will be safe and  
21 efficient movements to and from the site and the  
22 adjacent roadways.

23 Q. Mr. Taylor, thank you for the  
24 efficiency of delivering that information to the  
25 board.

1                   ATTORNEY PAPE: Mr. Chair, I have  
2 nothing further of Mr. Taylor. I again, ask for  
3 permission to proceed.

4                   CHAIRMAN HALL: Absolutely.

5                   ATTORNEY PAPE: Thank you. Board  
6 members, the third and final professional witness is  
7 Thomas Brennan, our architect, who is responsible  
8 for the plans.

9                   Doug, if you could release the controls  
10 so that Mr. Ben Ledbetter has the control. And then  
11 I'm going to ask Mr. Ledbetter to introduce Mr.  
12 Brennan's exhibits.

13                   And, Mr. Brennan, if you can take us  
14 through them. And I think we're starting with A-15  
15 for labeling, before you go into your substantive  
16 testimony.

17                   CHAIRMAN HALL: May I interrupt for  
18 just a moment, please, for the record. Can you see  
19 that Carla Abrahamson is now in attendance.

20                   MEMBER BRISBEN: Yes. I noted that  
21 she came on at 7:48.

22                   CHAIRMAN HALL: Okay. Thank you.

23                   MEMBER ABRAHAMSON: Yeah, I was here  
24 for most of it. My video wasn't working. Sorry.

25                   CHAIRMAN HALL: No, I'm sorry. I just

1 noticed. I wanted to make sure for the record.

2 MEMBER BRISBEN: She has been noted as  
3 coming on.

4 CHAIRMAN HALL: Thank you.

5 ATTORNEY KENNEDY: All right. Ken,  
6 you're at A-15, I think.

7 ATTORNEY PAPE: A-15.

8 Mr. Ledbetter, if you could  
9 introduce...

10 (Exhibit A-15, Rendering of North  
11 building, dated 12/20/21 is marked.)

12 T H O M A S B R E N N A N, AIA,  
13 previously sworn, testifies as follows:

14

15 E X A M I N A T I O N

16

17 BY ATTORNEY PAPE:

18 Q. And, Mr. Brennan, if you could read the  
19 title block, tell us what it is. We'll label it as  
20 A-15. And then move forward.

21 A. Yes, this is -- the title block is  
22 dated the 12th of '21 -- 12/20/21. It is a  
23 rendering of the north side of the building.

24 We have two renderings that we  
25 prepared. One is the north side, which is the one

1 that you are currently looking at now. That is  
2 Exhibit Number 15. That is R1 in our rendering  
3 format.

4 And primarily I will -- let me explain  
5 through it. The brick part that you see there right  
6 now is Mr. Sitar's current commercial building that  
7 exists. Everything that was there to Fifth Avenue  
8 from there on to Fifth Avenue has -- would be  
9 vacated and removed.

10 So this is showing how we were creating  
11 an interesting facade along Washington street  
12 incorporating the existing building. We were able  
13 to build on top of the commercial space. And then  
14 we also have an entrance there into the residential  
15 part of the building which I'll -- in further  
16 exhibits I'll go into the floor plan.

17 But the side -- basically the elevation  
18 character is very similar to what you would, you  
19 know, see in Sea Girt here. Something that has got  
20 a lot of movement to it, a lot of design. It has a  
21 combination of clapboard siding. It has Cedar  
22 impression, Cedar shakes. There's shutters.  
23 There's detail up at the roofline, the soffit line  
24 with brackets. Some metal roof, you know, designs  
25 and details. So we feel that we are creating an

1 enhancement to this corner that is currently there.

2 Now the next exhibit -- oh, go ahead.

3 Q. So this would be A-16. If you could  
4 tell us what this is before testifying from it.

5 (Exhibit A-16, Rendering of South  
6 Building, dated 12/20/21, is marked.)

7 THE WITNESS: Sure. A-16 is the south  
8 building. And this is the one that is also facing  
9 Washington Avenue.

10 Again, it has the same materials. We  
11 want the project to read as a cohesive project, so  
12 the same colors, the same materials, the same  
13 detailing will be on the south building as would be  
14 on the north building.

15 ATTORNEY KENNEDY: Just for record,  
16 A-16 prepared by your office, is that dated  
17 12/20/21?

18 THE WITNESS: That is correct, yes.

19 ATTORNEY KENNEDY: Thank you.

20 BY ATTORNEY PAPE:

21 Q. Mr. Brennan, further exhibits?

22 A. Okay, so this is the south building  
23 which is dated 4/8 of '22. And the south building  
24 was the one that is on the south side of Washington  
25 Avenue, obviously. It's just a description of the

1 floor plans basically that there are four units --

2 CHAIRMAN HALL: Mr. Brennan, could you  
3 possibly zoom that up a little bit and scroll as you  
4 go into detail? Thank you.

5 THE WITNESS: There we go.

6 So on the first floor you have two  
7 entryways, one coming in on the right from  
8 Washington Avenue and one coming in from the left  
9 which is coming in from the parking lot.

10 There is an elevator that is in the  
11 middle and that will serve all the units in this  
12 particular building. And then there's a stairway  
13 that also adds vertical transportation should  
14 somebody not want, you know, to use the elevator.

15 The units are, you know, these are the  
16 market-rate. The south building is all market-rate  
17 and these units are in the 1,100 range, 1,100 square  
18 feet. They basically are all two-bedrooms. They  
19 have, you know, when you come in they're light and  
20 airy. They have a kitchen, some have island  
21 kitchens, living, dining room. There's a balcony,  
22 large oversized windows bringing natural light in.  
23 The bedrooms each have their own bathroom. There's  
24 a shared bath for Bedroom Number 2. But there also  
25 is a storage unit that is in the hallway that is

1 attached to each particular unit -- would be  
2 assigned, I shouldn't say "attached," they're  
3 assigned to it. So that would be storage for the  
4 tenant as well.

5 The second and third floors are  
6 basically a repeat of this. And primarily there's  
7 nothing too much more to say about it except that,  
8 you know, the third floor only has the two units and  
9 that is a much larger unit so.

10 But that's the south building. The  
11 north building --

12 Q. That was A-17, correct?

13 A. A-17.

14 ATTORNEY KENNEDY: Yes.

15 ATTORNEY PAPE: Thank you.

16 (Exhibit A-17, South Building Floor  
17 Plans, dated 4/8/22 is marked.)

18 THE WITNESS: A-17, is also -- if we  
19 slide it over a little bit we can read the date --  
20 is also 4/8/22.

21 And this is where, on the left side of  
22 the building here, is the commercial space that is  
23 existing, that particular --

24 BY ATTORNEY PAPE:

25 Q. Mr. Brennan, I believe this is the A-18



1 now.

2 A. A-18? Okay.

3 ATTORNEY KENNEDY: That is A-18.

4 ATTORNEY PAPE: Floor plan for the  
5 northern building.

6 ATTORNEY KENNEDY: Thank you.

7 (Exhibit A-18, North Building Floor  
8 Plan, dated 4/8/22, is marked.)

9 THE WITNESS: And the office space that  
10 is currently there will be utilized as commercial  
11 office space. The front of the building here faces  
12 out toward Washington Avenue, the commercial part.

13 And then this is the entry that we're  
14 creating for the residential portion. So from  
15 Washington Avenue, you come into a foyer, you have a  
16 lobby area there, you have an elevator that takes  
17 you up to the larger -- up to the floors above.

18 There's two units on this floor which  
19 again consists of a large kitchen, living, dining  
20 space, the balcony and two bedrooms and two baths  
21 and closet space and storage.

22 And then there's, from the rear of the  
23 building, you come in from the rear and that is  
24 where the parking lot is, and you would come in and  
25 go to the elevator and go on up. And that's that

1 particular floor.

2           And then on the floor above there is,  
3 you know, two more market-rate units. I should say  
4 there's three more market-rate units. The two B's  
5 are the market-rate units. The two B3 is a  
6 market-rate unit. And anything with an A after it  
7 is the affordable unit.

8           So on this particular floor there is a  
9 two-bedroom affordable, which is at that location.  
10 And then primarily if we go to the next floor we  
11 will be able to see two more affordable units; a  
12 one-bedroom affordable in the front and a  
13 two-bedroom affordable in the back.

14           And again, the affordable units are  
15 all-inclusive into the design. That's what we  
16 wanted to incorporate so.

17           Q.       I'm going to ask you if you could just  
18 go to the northern building, first floor, I did not  
19 want to correct you but I do want to make certain  
20 that the language of the ordinance and the  
21 settlement are made part of the record.

22           The two areas that are shown as office.  
23 In the settlement documents and in the ordinance,  
24 those can be office or retail. Office or retail is  
25 the language, so those, either or both are

1 permitted.

2 ATTORNEY PAPE: And I would ask -- and  
3 I'll actually place on the record, that the  
4 affordable units we were asked to locate them in Mr.  
5 Brennan's testimony and he has.

6 The affordable units will be fully  
7 compliant with UHACT, the Uniform Housing Act, as to  
8 the moderate income, low-income and very-low-income  
9 designations. The record should reflect that. That  
10 is also part of the settlement and the ordinance and  
11 is part of Fair Share's requirements.

12 BY ATTORNEY PAPE:

13 Q. Mr. Brennan, I have no further  
14 examination of you. Do you have anything further to  
15 share with the board on either the floor plan design  
16 or the building design?

17 A. No. We worked very hard with the  
18 owner, the other professionals, and I think we have  
19 a very creative solution here. So, we were very  
20 pleased with this whole experience.

21 ATTORNEY PAPE: Mr. Chair and board  
22 members, that concludes the direct presentation of  
23 the applicant.

24 At this point we would look to you to  
25 either examine, through the board's professionals or

1 the board members to examine the professionals, or  
2 as you direct.

3 CHAIRMAN HALL: Thank you very much.  
4 And I also applaud you for keeping your presentation  
5 under an hour, for the record. In fact, you had two  
6 more minutes to talk if you wanted to.

7 I actually -- at this point, we would  
8 like to ask any of the board members -- I want to be  
9 specific, it should be in the form of a question,  
10 not a comment. And I actually would -- i have a  
11 couple of questions. I would like to take the  
12 privilege of possibly asking them first.

13 The one thing is I would like to -- the  
14 person that was doing the traffic, I'm particularly  
15 talking about the foliage that is now in the area  
16 that kind of butts out a little bit onto Washington  
17 Boulevard. And I'm particularly concerned with  
18 driving northbound on Fifth Avenue -- the type of  
19 foliage that is going to be there, so it doesn't  
20 deter people coming out of that stop sign and  
21 traffic that is moving east along Washington  
22 Boulevard.

23 So that's, you know, are you going to  
24 be considerate that that kind of foliage is going to  
25 be higher elevation so it's not going be in the form

1 of a bush but probably in the form of a tree? I'm  
2 hoping.

3 JUSTIN TAYLOR: Mr. Chairman, that is  
4 a great question and you are correct. Those that  
5 are shown on A-13 with the larger canopies are  
6 intended to be trees. And they will be limbed so as  
7 that the branches will not impact the sight  
8 triangles and sight lines for either Fifth Avenue or  
9 for our proposed driveways.

10 CHAIRMAN HALL: Mr. Brennan, I would  
11 like to ask you a question. Actually, Ken, the  
12 testimony by Mr. Brennan was not obligated by any  
13 point of this presentation but it was only as a  
14 courtesy for the people of town to see what the  
15 architectural renderings were.

16 And the only thing that we're really  
17 addressing tonight, if I'm correct -- and please  
18 correct me if I'm wrong -- is really to address the  
19 site plan.

20 ATTORNEY PAPE: Mr. Chair, that's  
21 correct. There are two parts of this testimony that  
22 were required; we did have an obligation to identify  
23 the mixed-use element and we did have an obligation  
24 to identify where the affordable units would be in  
25 the building. But the rest was for the benefit of

1 this board and general community and it was intended  
2 as a courtesy.

3 CHAIRMAN HALL: Thank you. And the  
4 last question I have is on the irrigation system  
5 that you've presented that all this nice landscaping  
6 would be -- would be irrigated, are we going to be  
7 using town water or are we going to be using a  
8 well-driven system?

9 ATTORNEY PAPE: I think you stumped  
10 us. Mr. Sitar has not been sworn but it appears  
11 he's prepared to answer if we swear him in. May we?

12 ATTORNEY KENNEDY: State your name,  
13 please.

14 WILLIAM SITAR: William Joseph Sitar.

15 ATTORNEY KENNEDY: And address please?

16 WILLIAM SITAR: 1 Philadelphia  
17 Boulevard, Sea Girt, New Jersey.

18 ATTORNEY KENNEDY: If you would just  
19 raise your right hand. Do you swear that the  
20 information and testimony you are about to provide  
21 will be the truth, to the best of your knowledge, so  
22 help you God?

23 WILLIAM SITAR: I do.

24 ATTORNEY KENNEDY: Thank you.

25 ATTORNEY PAPE: Mr. Sitar, before you

1 testify, for the record, Mr. Sitar is the owner of  
2 the companies that are before you both as owners and  
3 applicants and the gentleman that I made reference  
4 to earlier. I know that all of you know that, but  
5 now the record reflects it.

6 And, Mr. Sitar, the question that is  
7 posed is, is your irrigation water going to be from  
8 a municipal source or from a private well?

9 WILLIAM SITAR: Mr. Hall, what would  
10 you prefer?

11 CHAIRMAN HALL: Well, I think, you  
12 know, we are having some extra -- not burden, but  
13 pressure on our water system itself, particularly in  
14 the summer months, and I just wanted to see what  
15 your plans are. It probably would be in your best  
16 interest if you had a driven well.

17 WILLIAM SITAR: Then that's what we  
18 will do.

19 CHAIRMAN HALL: Thank you. That's my  
20 last question. I beg your forgiveness for kind of  
21 going first, but I had some pretty specific  
22 questions.

23 Anybody else on the board have any  
24 question that they can actually even address to the  
25 people, the witnesses, but also I would say any of

1 our professionals that are here on our behalf, which  
2 would be Mr. Willms, Jen Beahm or Peter Avakian. So  
3 if there are any questions, please just speak up.

4 MEMBER BRISBEN: I would just like to  
5 hear from one of the presenters about the report  
6 from the police department and fire department, fire  
7 prevention.

8 ATTORNEY PAPE: Mr. Chair, I regret to  
9 report we have not received those reports prior to  
10 the hearing. If they could be shared with us we can  
11 respond to them.

12 MEMBER BRISBEN: I was under the  
13 impression I sent them to either Amanda Kronemeyer  
14 or Mr. Gianetti. However, maybe Mr. Willms can go  
15 over the fire prevention report.

16 ATTORNEY PAPE: Sure.

17 MEMBER BRISBEN: Chris, are you there?  
18 I don't see him. There he is.

19 CHRIS WILLMS: Yes, I am here.

20 ATTORNEY KENNEDY: Chris, why don't we  
21 swear you in, if that makes sense?

22 CHRIS WILLMS: If it's okay with you.

23 ATTORNEY KENNEDY: State your name and  
24 business address.

25 CHRIS WILLMS: Sure. Chris Willms,



1 business address, 321 Baltimore Boulevard, Sea Girt,  
2 New Jersey.

3 ATTORNEY KENNEDY: All right. And if  
4 you would just raise your right hand. Do you swear  
5 that the information or testimony you are about to  
6 provide, to the extent you provide any, will be the  
7 truth, to the best of your knowledge, so help you  
8 God?

9 CHRIS WILLMS: Yes, sir.

10 ATTORNEY KENNEDY: Just for the  
11 record, because I was here earlier tonight so I know  
12 you're acting board secretary when the board  
13 secretary is away. But just for the record, you're  
14 testifying tonight, what are the positions you hold  
15 with the Borough of Sea Girt?

16 CHRIS WILLMS: I'll just go down the  
17 list. I'll start with fire prevention officer/fire  
18 marshal. Also, the code enforcement officer and  
19 zoning officer for the borough.

20 ATTORNEY KENNEDY: Thank you. And,  
21 I'm sorry, I cut you off. You can answer. Karen  
22 had a question for you.

23 ATTORNEY PAPE: The applicant and the  
24 applicant's professionals would benefit from a  
25 summary of your written comments, Mr. Willms.

1                   CHRIS WILLMS: Sure. In reference to  
2 the application, there were -- I believe they were  
3 very minimal. One of them was in reference to the  
4 fire department connection for fire department  
5 access. The request was to have the fire department  
6 connections on the east side of each structure for  
7 fire department use.

8                   The second one was requesting the Knox  
9 Boxes be installed on the Washington Boulevard side  
10 of each residential entrance with the keys to be  
11 required as per municipal ordinance.

12                   Another request was access or providing  
13 the fire department access for -- or access codes  
14 for the vehicle gates for the rear parking areas.

15                   Let's see, we also had a request, if it  
16 was able, I'm looking to have a Class 1 fire  
17 department standpipe for the second floor of each  
18 structure.

19                   And then the last one was referencing  
20 training for the fire department, you know, that  
21 when the structures are being demolished, the fire  
22 department would like to use the existing structures  
23 for training evolutions before they're completely  
24 demolished.

25                   ATTORNEY PAPE: Mr. Willms, I can

1 speak to two of those and then I'm going to ask Mr.  
2 Brennan to help on others.

3 As far as the Knox Box, no issues at  
4 all. We also contemplated that there would be a  
5 Knox Box on the gate to the parking lot.

6 Would that procedure be acceptable to  
7 you?

8 WILLIAM SITAR: Sure.

9 ATTORNEY PAPE: Knox Box on the  
10 buildings, as well as the gates?

11 WILLIAM SITAR: Perfect.

12 ATTORNEY PAPE: Okay. Then I would  
13 turn to Mr. Brennan as to the FDC locations and also  
14 the standpipe on the second floor. Can that be  
15 accommodated with the design of your building?

16 THOMAS BRENNAN: Yes. The building  
17 would be fully compliant with NFPA 13R for the  
18 residential portion and the NFPA 13 for the  
19 commercial portion. So they would be fully  
20 compliant based on the building code for -- for  
21 that.

22 They would also have the -- you  
23 mentioned a standpipe. Typically standpipes are  
24 only required -- from my knowledge, only required  
25 for four stories, but if that was a code issue then

1 that is what, obviously, we would have to provide  
2 so.

3 CHRIS WILLMS: Yeah, it's not a code  
4 issue. It was more a fire department operational  
5 request.

6 THOMAS BRENNAN: Okay. But it's in  
7 the stairways you're saying, the stairway area?

8 CHRIS WILLMS: Correct. Yes, sir.

9 THOMAS BRENNAN: I'm sure we can  
10 accommodate that.

11 ATTORNEY PAPE: I think the last is  
12 for Mr. Sitar.

13 Mr. Sitar, there was a -- Mr. Willms is  
14 asking if the razing, demolition of the structures,  
15 can be incorporated into the fire department -- the  
16 fire official's training of their firefighters?

17 WILLIAM SITAR: Gladly.

18 CHRIS WILLMS: Thank you, sir.

19 WILLIAM SITAR: Yes.

20 ATTORNEY PAPE: Mr. Willms, have we  
21 addressed your comments?

22 CHRIS WILLMS: Yes, sir.

23 ATTORNEY PAPE: Thank you.

24 CHAIRMAN HALL: Do we have any other  
25 questions now or is there anyone that has a

1 question?

2 MEMBER BRISBEN: I just wanted to  
3 know, Chris -- Chris, is it possible, being that  
4 they have not addressed the police department  
5 report, can you -- are you able to go over that as  
6 well, Chris?

7 CHRIS WILLMS: Yes.

8 MEMBER BRISBEN: Thank you.

9 CHRIS WILLMS: The police department  
10 report?

11 MEMBER BRISBEN: Yes.

12 CHRIS WILLMS: There was one comment  
13 from Chief Macko. And it is in conjunction with,  
14 you know, with my request, is that upon approval the  
15 police department will be requesting and notifying  
16 the mayor and council that they're going to be  
17 looking for a no parking on the street area along  
18 the south property -- sorry, the south building, the  
19 western side of Fifth Avenue from Washington  
20 Boulevard south along the property line of Mr.  
21 Sitar's property there.

22 So about, you know, just from that area  
23 immediately adjacent to the structure we're going to  
24 be requesting a no parking zone right there, similar  
25 to what is already in place on the north property.

1           ATTORNEY PAPE:  If I may, on behalf of  
2 your applicant, that appears to be in direction or  
3 request of the fire official to the governing body  
4 to so designate road --

5           CHRIS WILLMS:  Yes, it was more of a  
6 statement that we were making that.

7           ATTORNEY PAPE:  No objection is our  
8 response.  No objection.

9           CHRIS WILLMS:  Thank you, sir.

10          ATTORNEY PAPE:  Thank you.

11          CHAIRMAN HALL:  Any other members of  
12 the planning board have a question of any of the  
13 testimony that has been brought in front of us?

14          MAYOR FETZER:  Mr. Chairman, I do.

15          CHAIRMAN HALL:  Mr. Fetzer?

16          MAYOR FETZER:  I have a question about  
17 the lighting.  At the height of the poles and are  
18 you expecting any spillover into some of the  
19 adjacent properties?

20          ATTORNEY PAPE:  Mr. Hanley, if you  
21 could return to your testimony on that.

22                         And two very specific questions of the  
23 Mayor; would you address the height of those  
24 fixtures?  And would you address the manner that you  
25 control spillage, and also a statement as to whether

1 there is any spillage?

2 DOUGLAS HANLEY: Absolutely. So as  
3 mentioned earlier there are two pole-mounted and two  
4 wall-mounted fixtures on each parking area. The  
5 pole-mounted lights will be mounted at 10 feet with  
6 house-side shields on the rear to protect spillover  
7 and glare.

8 And the wall-mounted lights will be  
9 12 feet high from the ground level, also  
10 downward-facing, approximately 60 or more feet from  
11 the property line.

12 So, no, there's no spillover  
13 anticipated from the lighting design.

14 MAYOR FETZER: Thank you, Mr. Hanley.  
15 I don't know who to address this to but could  
16 somebody go through the stormwater management and  
17 how it -- how it's proposed to function as far as  
18 infiltration?

19 DOUGLAS HANLEY: Yeah, absolutely. I  
20 can address that one as well.

21 Both sites, they're designed to  
22 function with porous pavement systems to address the  
23 stormwater quality measures. And that addresses  
24 your water quantity, your water quality, your  
25 groundwater recharge and your green infrastructure

1 requirements of the borough ordinance, as well as  
2 the state requirements.

3 One of the sites is designed to  
4 infiltrate the ground into -- or the water into the  
5 ground, based on the -- the soils testing and the  
6 groundwater levels that are out there today. And  
7 the other is designed to -- with an under drain.  
8 And both systems are directing the water ultimately  
9 to the stormwater conveyance system within  
10 Washington Boulevard.

11 ATTORNEY PAPE: If I may also indicate,  
12 in the March 11th report of Mr. Avakian, beginning  
13 on Page 6 and continuing for pages, there's a fairly  
14 thorough review and analysis of the work product of  
15 Mr. Hanley.

16 MAYOR FETZER: Thank you.

17 CHAIRMAN HALL: Peter, would you  
18 confirm that that has met all of your thoughts on --  
19 on whether the groundwater and runoff --

20 BOARD ENGINEER: I do appreciate Mayor  
21 Fetzer's comments. I was going to ask a similar  
22 question on testimony for stormwater management.

23 There are water quality standards that  
24 are required, suspended solids removal, both by our  
25 ordinance and by state standard, and the removal



1 rate of a minimum of 80 percent is satisfied for  
2 both parking lot areas.

3           There is a runoff quantity standard  
4 required, again, by both our ordinance and the state  
5 standards. And the design storm events that we  
6 analyze for are the two-year, the ten-year and the  
7 100-year storm, and we can substantiate for both the  
8 northerly lots and the southerly lots the proposed  
9 flow is reduced adequately below the existing flow.

10           So both sides of the -- it's hard to  
11 envision this but when you have a land that's a  
12 percentage vacant, what the standards require now is  
13 that you reduce the post-construction runoff to  
14 rates significantly lower than the pre-construction  
15 runoff rates. And the applicant has done that on  
16 both of those properties.

17           And finally, our newer standards  
18 require green infrastructure compliance and the  
19 utilization of the pervious paving system qualifies  
20 as a green infrastructure improvement under the  
21 state standards.

22           And also, I don't know if you recall,  
23 but maybe about a year ago we readopted our  
24 stormwater management regulations in the borough to  
25 comply with the new state standards and that is

1 complied with for the green infrastructure  
2 improvement.

3 The one other item I'll add, Mr.  
4 Chairman, is that we have requested that as a  
5 condition of approval a maintenance manual for  
6 annual maintenance of stormwater management  
7 facilities be provided to the borough.

8 ATTORNEY PAPE: Mr. Hanley, would you  
9 respond on the record to your willingness to prepare  
10 that O&M to Mr. Avakian?

11 DOUGLAS HANLEY: Yes. Thank you for  
12 the summary, Mr. Avakian. And no problem on the  
13 operations and maintenance manual, that will be  
14 submitted.

15 ATTORNEY PAPE: Thank you.

16 CHAIRMAN HALL: Okay. Mayor, are you  
17 satisfied?

18 MAYOR FETZER: Yes, the responses, I  
19 appreciate it. But I do have a few more questions  
20 if I may, Mr. Chairman.

21 The stockpile as shown on your site  
22 plan, are you envisioning that being as high as you  
23 are saying? And, if so, it might have to be wider?  
24 I'm not sure, I know what your detail said it could  
25 be as high as 39 feet.

1                   DOUGLAS HANLEY: Absolutely. Excellent  
2 question. The 30 feet is the maximum that is  
3 allowed by the Freehold Soil Conservation District  
4 as well as the other conservation districts  
5 throughout the state. We don't anticipate that it  
6 will be stacked 30 feet high, but should it be, it  
7 would exceed the requirements of the SED and we  
8 would be in violation.

9                   MAYOR FETZER: Thank you. The other  
10 one is, do you have a demo and a construction  
11 schedule or are both going to be done at the same  
12 time, going to be constructed at the same time?

13                             Is there a phasing plan? I don't know  
14 what is proposed.

15                   WILLIAM SITAR: No. They will be  
16 built one at a time. The north building would be  
17 built first.

18                   MAYOR FETZER: Thank you. Thank you  
19 very much for the responses. I appreciate it.

20                   CHAIRMAN HALL: Anyone else on the  
21 board have a question?

22                   MEMBER CASEY: I have a question, Mr.  
23 Chairman.

24                   CHAIRMAN HALL: Sure.

25                   MEMBER CASEY: Back to the stormwater

1 issue, there's a paragraph on Page 10 of this book  
2 that was supplied and it says, "The proposed  
3 development is exempt from the groundwater recharge  
4 requirements set forth by NGAC 7.8 due to the fact  
5 that the project is located within an urban  
6 development area."

7 How does that impact what you designed  
8 here?

9 CHAIRMAN HALL: Who will answer?

10 DOUGLAS HANLEY: Sure. So I can  
11 answer that for you. Excellent questions again.

12 So within the stormwater regulations,  
13 certain properties in New Jersey are exempted. The  
14 one that this falls under is two-pronged. One, that  
15 it's an urban redevelopment, meaning that it's  
16 previously developed and it has to fall within the  
17 Metropolitan state Planning Area, which these  
18 properties do qualify for since they are previously  
19 developed and they're in that planning area.

20 So what that statement means is that we  
21 are exempt from providing the calculations to prove  
22 we are recharging the amount of stormwater that is  
23 required. However, since one of the lots will  
24 provide infiltration we will be  
25 contributing -- contributing to the groundwater

1 recharge of the area even though -- and just to  
2 button that all up -- even though technically we are  
3 not required to do so.

4 MEMBER CASEY: Okay, great. Thank  
5 you. Could you just confirm the heights of each  
6 building, please?

7 ATTORNEY PAPE: Mr. Brennan, if you  
8 could?

9 THOMAS BRENNAN: There we go. Okay.  
10 Yes, the -- the south building has a building height  
11 of 37 feet to the peak. That is from grade to the  
12 peak. And the north building has a height of  
13 42 feet from grade to the peak of the roof.

14 ATTORNEY PAPE: And for the record,  
15 the ordinance permits the building height to exceed  
16 those heights. I'm looking for it. I believe it's  
17 45 feet was the actual number that was in the final  
18 version of the ordinance.

19 MEMBER CASEY: Yeah, I should mention  
20 that, Peter, I really appreciate that grid that you  
21 put together on variances and waivers for the  
22 affordable housing component because absent having  
23 that I would have been spending a whole lot of time  
24 looking up all of these measurements. So thank you  
25 very much for providing that.

1           Could somebody describe the fencing  
2 that is proposed, heights of the fencing and where  
3 they're going to be located on the property in  
4 relationship to the property boundaries?

5           ATTORNEY PAPE: Mr. Hanley, are you  
6 confirm with the fencing and particularly around the  
7 trash receptacles, please.

8           DOUGLAS HANLEY: Yes, absolutely. And  
9 I think it would probably be best if I share my  
10 screen again. I think that will give everybody the  
11 visual to answer this question.

12           So starting on the north lots here,  
13 there is currently an existing vinyl fence for a  
14 portion of this, the property line on the lower side  
15 along Lot 17, and then at some point along the  
16 property the fence ends. And I think there's a  
17 stockade fence and a chain-link fence along the side  
18 of the property. We will be proposing a 6-foot  
19 vinyl fence to connect the two areas between the  
20 existing vinyl fence along the property line to  
21 shield the parking, in addition to the landscaping.

22           There will also be --

23           MEMBER CASEY: The existing fencing is  
24 owned by this property?

25           DOUGLAS HANLEY: I believe the fence

1 is owned by the Lot 17 property owner.

2 MEMBER CASEY: And Lot 17 is the Sitar  
3 property?

4 DOUGLAS HANLEY: On this side, this  
5 is -- Lot 17 is not owned by Sitar on the north side  
6 of the intersection.

7 And then both trash enclosures will be  
8 enclosed by a board-on-board fence to shield the  
9 trash receptacles from the development.

10 And then moving to the south --

11 MEMBER CASEY: The height?

12 ATTORNEY PAPE: If you could, Mr.  
13 Hanley, the height?

14 DOUGLAS HANLEY: Six feet on that  
15 fence as well.

16 ATTORNEY PAPE: Thank you.

17 DOUGLAS HANLEY: And then lastly, I do  
18 not believe we currently show fencing on the  
19 southern lots. We are proposing landscaping  
20 buffering along the rear and side, but if it were  
21 requested by the board I think the applicant would  
22 be open to a similar 6-foot vinyl fence along those  
23 property lines.

24 MEMBER CASEY: Okay. And the question  
25 I have about the 6-foot fence, for some reason I

1 thought -- and I don't know about the affordable  
2 housing zoning -- but I thought if there was a  
3 6-foot fence, it would have to be 5 feet off the  
4 property line. So I guess I would have to defer to  
5 Peter for that.

6 BOARD ENGINEER: I would have to  
7 review the overlay zone regulations unless Jen is  
8 familiar with that section of it, if it actually  
9 does identify fencing height and setback. I don't  
10 think it did.

11 BOARD PLANNER: I don't think it did  
12 either.

13 DOUGLAS HANLEY: Yeah, within Section  
14 H of the redevelopment ordinance it says,  
15 "Notwithstanding the setback requirements for other  
16 accessory uses, fencing is permitted along the rear  
17 yard or western side property line. Such fencing  
18 may be up to 6 feet in height and of solid  
19 construction. Fencing may be provided in lieu of  
20 landscaping."

21 So I believe that section allows -- I  
22 believe that supersedes the setback within the other  
23 section of the ordinance.

24 MEMBER CASEY: And that's in the  
25 affordable housing component that you guys --



1 DOUGLAS HANLEY: Correct, Section H.

2 MEMBER CASEY: Okay. Got it. Thank  
3 you. That's the extent of my questions.

4 By the way, Peter, the 6 foot around  
5 the -- is fine also?

6 BOARD ENGINEER: Yes, it is.

7 MEMBER CASEY: Okay. Thank you.  
8 Appreciate it.

9 CHAIRMAN HALL: Anybody? Diane, go  
10 ahead.

11 COUNCILWOMAN ANTHONY: Thank you. Mr.  
12 Hanley, can you just please clarify what you just  
13 mentioned with regard to the setback and the fence  
14 along the property border, presuming that it was in  
15 accordance with -- can you just reiterate what you  
16 just had mentioned with regard to the setback and  
17 the fence and landscaping?

18 DOUGLAS HANLEY: Absolutely.

19 COUNCILWOMAN ANTHONY: I'm  
20 concerned -- I'm concerned about the setback there  
21 as well because that would certainly affect the  
22 parking.

23 DOUGLAS HANLEY: Yes. So the  
24 redevelopment ordinance allows fencing to be placed  
25 along the rear or western yard property line. And

1 it's allowed to be up to 6 feet in height and of  
2 solid construction. And can be -- and there's  
3 another statement that fencing can be provided in  
4 lieu of landscaping, where we're providing a  
5 landscaping -- overall of landscaping shrubs.

6 COUNCILWOMAN ANTHONY: So my question  
7 is, it can be right on the property line; there's no  
8 need for a setback?

9 DOUGLAS HANLEY: My interpretation of  
10 this section is that it can be along the property  
11 line, yes.

12 COUNCILWOMAN ANTHONY: Can I confer  
13 that with our engineer and Jen Beahm, please?

14 BOARD PLANNER: Yes.

15 BOARD ENGINEER: I absolutely will,  
16 yeah. I absolutely will. It's included in the  
17 accessory structure section of the area and yard  
18 requirements. And what was testified to by Mr.  
19 Hanley is exactly correct, up to 6 feet in height of  
20 solid construction along the rear yard or westerly  
21 side yard property line, and may be provided in lieu  
22 of landscaping.

23 What the applicant is testifying to, is  
24 that in addition to the landscaping they're  
25 providing, they would, if the board so required,

1 provide a solid fence in that area as well.

2 COUNCILWOMAN ANTHONY: Thank you.  
3 Would there be any consideration of, being that it  
4 is a parking lot and also garbage receptacle --  
5 large garbage receptacle there, any consideration of  
6 a noise-reducing fencing in that area? For the  
7 betterment -- for the betterment of the residences  
8 that are bordering those properties and that parking  
9 lot and those large recycling and garbage  
10 recyclables.

11 DOUGLAS HANLEY: Yep. Great question.  
12 I don't believe a sound-attenuating fence was  
13 analyzed for this property. Both the parking and  
14 the trash receptacles are within the appropriate  
15 setbacks based on the affordable housing zoning  
16 regulations. So I think with the -- the landscaping  
17 and the trash enclosure, I don't anticipate a noise  
18 nuisance based on this parking lot.

19 CHAIRMAN HALL: Mr. Hanley, if I'm not  
20 mistaken is this not solid board-on-board?

21 DOUGLAS HANLEY: It's a board-on-board  
22 fence. I will leave that up to the --

23 CHAIRMAN HALL: That in itself  
24 would -- that in itself would add a buffer to the  
25 noise, the fact that it's not an open spiral or

1 spindles where noise would be able to escape.

2           Would that be correct, that it is  
3 better as far as noise reduction, if it is a  
4 solid-type fence versus an open-spindle fence?

5           BOARD PLANNER: That's correct, Mr.  
6 Chair. And to that point I would then suggest that  
7 the applicant provide fencing along the rear  
8 property line on the southern side as well for the  
9 same reason, to attenuate any noise associated with  
10 the garbage and any parking on that property.

11           CHAIRMAN HALL: I know the answer --

12           COUNCILWOMAN ANTHONY: Thank you very  
13 much for that consideration.

14           ATTORNEY PAPE: Ms. Beahm, and I know  
15 the answer, but let's have Mr. Sitar answer the  
16 question.

17           Mr. Sitar, do we have your permission  
18 to add that additional fencing?

19           WILLIAM SITAR: You do.

20           CHAIRMAN HALL: Thank you.

21           Mr. Willms, could you add any  
22 information you might have about any borough  
23 ordinances as far as it goes with fencing?

24           CHRIS WILLMS: Sure. Sorry, let me  
25 put my video on to prove that I'm here.

1 Chapter 17, Section 5.11e. Allows a  
2 6-foot solid fence -- solid-construction fence along  
3 property lines where you have commercial adjoining a  
4 residential property.

5 So we do permit it within our current  
6 ordinances for residential to commercial, a 6-foot  
7 solid fence right on the property line.

8 CHAIRMAN HALL: Diane, does that kind  
9 of clarify your --

10 COUNCILWOMAN ANTHONY: Yes, it does.  
11 Thank you. Thank you very much. Thank you, Chris.

12 MEMBER CASEY: Chris, doesn't it say  
13 that it allows a resident to do that to the  
14 commercial, side, not the commercial side to the  
15 residential side?

16 CHRIS WILLMS: So the owner of a  
17 residential use. So this is -- this is a  
18 residential use on one building and it's mixed-use  
19 on the other so.

20 But we do permit it. So even if Mr.  
21 Sitar decides not to put it up, if one of the  
22 adjacent neighbors wants to put up a 6-foot fence  
23 they are well permitted to do so.

24 CHAIRMAN HALL: Any other questions  
25 from members of the board?

1 COUNCILWOMAN ANTHONY: I still have a  
2 few questions if you don't mind, Chairman.

3 I have a question regarding on the --  
4 the flooding in Sea Girt, and the fact that all of  
5 the studies have been done on the existing property  
6 as it stands right now. And my question, I guess,  
7 would be to the -- our borough engineer or possibly  
8 even Chris Willms.

9 Have there been any complaints of  
10 flooding in a five -- four or five-block radius of  
11 the properties that we're discussing today? Any  
12 complaints of flooding in those regions at all?

13 CHRIS WILLMS: I have not -- I'm  
14 sorry, Peter, I will go first. I have not received  
15 any concerns of flooding in this immediate area.

16 BOARD ENGINEER: Well, Councilwoman  
17 Anthony, I can address a little history on not  
18 necessarily the property, but the area.

19 Washington Boulevard previously had a  
20 crown to the road. And the crown created a swale  
21 where if you were to drive into a parking space on  
22 either the south or north side of the road, you  
23 would be going back up hill. So the roadway -- the  
24 travel way was crowned a swale along the back edge  
25 of the parking spaces, and then on both sides the

1 roadway graded back up toward the curb line. I  
2 can't tell you how long ago it was, but I believe  
3 Bill McGinnis was the Mayor, so you can image how  
4 long ago it was. We received funding grants and  
5 reconstructed the roadway. When we did that, we  
6 crowned the road from curb-to-curb, which is the way  
7 it's configured today. So that the drainage from  
8 the road goes across to cross, slopes up the roadway  
9 to the curb line. That allowed us to collect the  
10 water and discharge it into a drainage system.

11           So subsequent to that improvement on  
12 Washington Boulevard, which was improved by the  
13 County of Monmouth, I don't believe there have been  
14 any -- I'll call them flooding issues.

15           Occasionally we have drainage issues  
16 all over town. Occasionally we have more rainfall  
17 than some of our drainage systems can accommodate.  
18 But as far as flooding, I don't believe this area  
19 floods as it did previous to that improvement.

20           COUNCILWOMAN ANTHONY: Okay. Thank  
21 you. And my last question on --

22           BOARD ENGINEER: You're welcome.

23           CHAIRMAN HALL: Diane, I just want to  
24 interject, because you did four -- say four or  
25 five blocks away, and over here we do have the

1 predominant flooding at the railroad tracks and 71,  
2 which would be within that five-block area. As you  
3 talked about that, that is -- that is not anything  
4 that we created or any improvement on the property I  
5 believe would create it.

6 COUNCILWOMAN ANTHONY: Ok. Thank you  
7 for the clarification.

8 And my last concern obviously is the  
9 parking. And I see here that the 1.7 ratio is  
10 complied.

11 Now is that based on an area that is  
12 not a summer resort area, where there would not be  
13 additional driveway parking or, you know, to that  
14 effect?

15 CHAIRMAN HALL: Who'd address that  
16 question, please?

17 JUSTIN TAYLOR: So I can briefly speak  
18 to this. I wasn't directly involved with the  
19 writing of the ordinance for this section. I would  
20 note that the ordinance requirement is 1.7  
21 specifically for the affordable housing area that  
22 these properties fall within.

23 But it is in general conformance with  
24 what we would see throughout the state, both in  
25 seasonal areas and in -- and in on another areas.



1 COUNCILWOMAN ANTHONY: Ok. Thank you.

2 CHAIRMAN HALL: Any other questions?  
3 Because I want to try and let the -- we're running a  
4 little late here, but the applicant has complied to  
5 the one hour and I do want to allow the audience to  
6 have questions, if there's not any more questions  
7 from the board.

8 So if anybody from the -- would like  
9 to -- I see Alan --

10 BOARD ENGINEER: Mr. Chair, if you --  
11 if you don't mind, could I just briefly review the  
12 supplemental memo so everybody understands the  
13 variance compliance with the applications before you  
14 go to resident questions or audience questions?

15 CHAIRMAN HALL: That is absolutely  
16 fine.

17 BOARD ENGINEER: Thanks. I'll do it  
18 quickly.

19 The applicant has testified adequately  
20 to the site development plans. I'd ask for just two  
21 clarifications before we leave tonight. One would  
22 be on utilities, existing and proposed utility  
23 services to the property. And the second would be  
24 on mechanical equipment.

25 But I briefly wanted to touch on the

1 supplemental memo. We prepared this so there would  
2 be clarification to primarily the board members but  
3 also the public, on variances which were required  
4 with the initial submission and revised by the  
5 applicant so they no -- are no longer required. And  
6 there are five in total. I'll go through the report  
7 in the order that we addressed them.

8           On the northerly lots the parking space  
9 size required by ordinance is 10-by-20 feet. It  
10 really doesn't require a variance, but we were  
11 indicating it as such because the proposed parking  
12 space size is 9-by-18 feet. That parking space size  
13 complies with the Residential Site Improvement  
14 Standards promulgated by the DCA and the State of  
15 New Jersey, and the parking space size does not  
16 require a variance for residential development in  
17 the State of New Jersey -- in any municipality in  
18 the State of New Jersey. The DCA did it so that  
19 there would be uniformity in the regulations  
20 governing residential site development.

21           The second variance was required with  
22 the initial submission, and that was the setback  
23 from Fifth Avenue to the parking lot. It was closer  
24 than 5 feet. And the applicant has revised the  
25 plans to make it 5 feet from Fifth Avenue to the

1 parking lot which now conforms and a variance is not  
2 required.

3 And as was clearly testified to by Mr.  
4 Hanley, the signage that is proposed is a monument  
5 sign which is double-sided and the total proposed  
6 sign area is 28 square feet, 14 square feet on each  
7 side which conforms with our ordinance regulation.  
8 So a variance is not required for the proposed  
9 signage. Those three issues are on the north side.

10 On the south side it's the same issue  
11 regarding the parking space size where Residential  
12 Site Improvement Standards apply.

13 And for the signage, the same exact  
14 square foot areas of the monument sign on the south  
15 side are proposed, a variance is no longer required.

16 And in accordance with our supplemental  
17 memorandum, dated April 19th, entered as exhibit, I  
18 believe, A-8, no variances are required by this  
19 application.

20 ATTORNEY PAPE: Mr. Chair, may we have  
21 just a moment to have Mr. Hanley speak to the  
22 utilities and Mr. Brennan speak to the mechanicals?

23 CHAIRMAN HALL: Absolutely. Let's try  
24 to make it a little bit quick, though, because I  
25 really want to get some people to be able to make

1 questions.

2 ATTORNEY PAPE: Mr. Hanley, if  
3 you would just confirm, you're bringing all the  
4 utilities to the site and they are all underground?

5 DOUGLAS HANLEY: Correct. Bringing all  
6 utilities to the site, they will all be underground.

7 We reached out to the water and sewer  
8 department and were directed to hold our application  
9 until after the board's decision.

10 ATTORNEY PAPE: Thank you.

11 And Mr. Brennan, if you could identify  
12 how you're handling the mechanicals for the  
13 building?

14 THOMA BRENNAN: Yes. Can you -- hold  
15 on. There we go. Okay.

16 Yes, the mechanicals, the HVAC units  
17 are located on the roof. And so, therefore, there's  
18 a flat roof section which has a parapet of about  
19 three -- one building -- the south building has 3  
20 feet, the north building has 4 feet parapet. So the  
21 flat roof section would accommodate the AC  
22 condensing units that would be for all the  
23 residential units -- apartments.

24 However in the rear of the -- the north  
25 building where the commercial space would be, we

1 allocated two ground-floor units that would be on  
2 the -- back by the trash compactor or -- not  
3 compactor, excuse me, by the trash area, that would  
4 be for those two commercial areas so.

5 ATTORNEY PAPE: Mr. Avakian, is that  
6 the information that you wanted on the record?

7 BOARD ENGINEER: Yes, it is. I really  
8 appreciate that, that testimony. Thank you.

9 ATTORNEY PAPE: Thank you for the  
10 opportunity.

11 CHAIRMAN HALL: All right. Mr. Zakin,  
12 could you please identify yourself? And this has to  
13 be a question, this can't be a comment. We have to  
14 swear you in.

15 ALAN ZAKIN: Thank you, Mr. Chairman.  
16 I do have a question. Alan Zakin, 316 Baltimore  
17 Boulevard. I just want to thank the board for their  
18 volunteering and thank Mr. Sitar for his interest in  
19 investing in our community.

20 I just had a quick question. I  
21 understand it's not a condition but, Mr. Sitar, do  
22 you plan on -- on keeping a real estate office here?

23 And have you talked to your other  
24 tenants to see if they're interested in staying in  
25 the downtown area as well?

1 WILLIAM SITAR: Yes, we intend to keep  
2 our real estate office in that -- at that location.

3 And yes, one of the tenants, I forgot  
4 the name of the tenant, but it's located on the  
5 northern corner that has a little retail store  
6 there, would certainly like to stay here in Sea  
7 Girt. However, we have no more room for that  
8 tenant.

9 The ice cream store would love to stay  
10 in Sea Girt and we have no room for that tenant.  
11 The ice cream tenant will probably be able to stay  
12 for certainly this summer and next summer, because I  
13 don't anticipate the first building being completed  
14 until sometime next summer. Not the coming summer,  
15 the summer of 2023, I believe.

16 ALAN ZAKIN: Is it The Girt; is that  
17 the other one you're referring to on the northern  
18 site?

19 WILLIAM SITAR: Yes, it is.

20 ALAN ZAKIN: Ok. Thank you very much.

21 CHAIRMAN HALL: Anybody else have a  
22 question? Or, Alan, are you all done?

23 ALAN ZAKIN: All set. Thank you.

24 CHAIRMAN HALL: Ok. You can put your  
25 hand down now.

1                   Anybody else?

2                   I don't see hands up. Does anybody see  
3 any other hands up?

4                   Pat Raffetto, please. I'm going to  
5 allow you to talk. You're on. You should be on  
6 now. You have to unmute yourself. You're unmuted,  
7 I think.

8                   PAT RAFFETTO: I think I'm good. Do I  
9 need -- you need my address?

10                  CHAIRMAN HALL: Please. You know, well  
11 it's question period. Yeah, we all know where you  
12 live.

13                  PAT RAFFETTO: 417 Trenton Boulevard.  
14 My concern is the parking on Fifth Avenue. When you  
15 exit Fifth Avenue to Washington Boulevard and you  
16 look east and west, it's very difficult particularly  
17 in the summer to get out of that corner safely.

18                  With the increased parking that's been  
19 going on in town with allowing one-car garage with  
20 these big houses, I am noticing more and more cars  
21 parking on Washington Boulevard. Even in the  
22 morning, when I was working up at the boardwalk it  
23 was treacherous because then people were on bicycles  
24 also.

25                  And I'd also like to just point out, I

1 don't think a lot of people are --

2 CHAIRMAN HALL: Ms. Raffetto, we  
3 really need to keep this to questioning. If it's  
4 going to be comments we are going to have to swear  
5 you in and ask you to please wait until we have a  
6 comment period.

7 PAT RAFFETTO: Oh, this is a question?

8 CHAIRMAN HALL: Yes, ma'am.

9 PAT RAFFETTO: Oh, I'm sorry. I  
10 didn't know --

11 CHAIRMAN HALL: You will have a chance  
12 to be able to make a comment in due time, ma'am.  
13 Thank you. We appreciate your understanding.

14 PAT RAFFETTO: Thank you.

15 CHAIRMAN HALL: Anybody else have a  
16 hand up with a question, please?

17 Sean Fresco, your question please? And  
18 please unmute yourself. There we go.

19 SEAN FRESCO: Yeah. Sean Fresco, 416  
20 Crescent Parkway. My question is with regard to the  
21 parking lot, the project seems to be referred to as  
22 low income at 1.7 spaces per complex. If it were  
23 not a low income, so only a percentage of it is low  
24 income, does that parking lot rule change?

25 And how do the EV stations and the



1 handicap spot equate in the total?

2 CHAIRMAN HALL: Who would answer that  
3 please?

4 ATTORNEY PAPE: I think that I can  
5 answer a portion, but just for clarification. Of  
6 the 19 residential units, there are three that would  
7 be qualified as low or moderate income. The balance  
8 of 16 are unrestricted market units.

9 But, Mr. Taylor, could you address the  
10 question as to whether 1.7 units would be applicable  
11 whether it was market rate or income restricted or a  
12 combination; is there any distinction?

13 JUSTIN TAYLOR: There is no distinction  
14 between market rate and/or affordable when it comes  
15 to the parking rate. The 1.7 is applicable to both  
16 types of units.

17 ATTORNEY PAPE: Thank you.

18 SEAN FRESCO: Thank you. And how does  
19 the EV stations and handicap spots fall into that  
20 equation?

21 ATTORNEY PAPE: Let me do the statute  
22 then do you the other portion.

23 The EV spots by statute count as two  
24 parking spaces. On July 9th, last summer, when our  
25 legislature passed the statute to require EV

1 stations, to encourage people they were calling each  
2 one two. We did not take any credit for those.  
3 They are just part of the parking program.

4 And, Mr. Taylor, can take it further.

5 JUSTIN TAYLOR: That's exactly what I  
6 was going to say, Ken, the fact that we did not take  
7 any credit for the -- the two for one that the EV  
8 does allow.

9 We do provide on the, let's see, on the  
10 southern side we provide 12 standard spaces, one  
11 handicap space, and four make-ready spaces in  
12 compliance with both the statute and -- and the  
13 ordinance requirements, as well as ADA regulations.

14 And on the north side we have similar  
15 numbers. There are 13 standard parking spaces, one  
16 handicap space, and three make-ready electrical  
17 vehicle spaces for the total 17.

18 BOARD PLANNER: I think the short  
19 answer is that those spaces are included in the 1.7.

20 JUSTIN TAYLOR: That is correct.

21 BOARD PLANNER: So just to cut through  
22 this, the 1.7 is -- is based upon the number of  
23 residential units. The EV and the ADA spaces are  
24 part of the 1.7.

25 ATTORNEY PAPE: Thank you.

1 JUSTIN TAYLOR: Yes, that's correct.

2 SEAN FRESCO: But they would fall into  
3 a specific tenant?

4 BOARD PLANNER: No. They're part of  
5 the overall parking count.

6 SEAN FRESCO: Ok. Thank you.

7 CHAIRMAN HALL: Any other questions  
8 from the audience? I've got 587654. Ok.

9 At this point, Ken --

10 MAYOR FETZER: Excuse me, Mr.  
11 Chairman, I have a follow-up question to Mr.  
12 Fresco's question. If I might, I guess to Mr.  
13 Taylor, if that --

14 CHAIRMAN HALL: Absolutely.

15 MAYOR FETZER: Thank you. If the 1.7  
16 spaces, when they were -- if they were converted to  
17 charging stations, are those spots restricted to  
18 only electric vehicles?

19 JUSTIN TAYLOR: The answer is no.  
20 There is no intention to restrict them to just  
21 electrical vehicles.

22 MAYOR FETZER: Okay. Thank you very  
23 much.

24 BOARD MEMBER: Mr. Chairman, I had one  
25 brief question and we asked it the last time when we

1 were talking about this application a year or two  
2 ago, I just want to get the answer on record if you  
3 don't mind.

4           How will the trash areas be emptied?  
5 Is it going to be trucks backing up into the parking  
6 area to be emptied? And if so, what time of day or  
7 night do you intend for those to be serviced?

8           ATTORNEY PAPE: We anticipate that the  
9 program that exists in Sea Girt where collection of  
10 the trash from the property would take place by a  
11 small vehicle would be the method, but if that's not  
12 available then we would control the time of day.

13           There will be management for the  
14 apartment community. We would control the time of  
15 day that the hauler came onto the site.

16           CHAIRMAN HALL: That would be the same  
17 restrictions -- would it not be the same  
18 restrictions as if, for example, Rod's next door or  
19 Joe Leone's or anybody else who has commercial  
20 pickup, they would be the same restrictions,  
21 correct?

22           ATTORNEY PAPE: We would expect that.

23           CHAIRMAN HALL: At this point I would  
24 like to kind of change a little bit what the process  
25 is.

1                   Ken, we can give you a choice of doing  
2 summary now or do you want to hear comments from the  
3 audience?

4                   ATTORNEY PAPE: Mr. Hall, thank you  
5 for that courtesy. I promise that my summary is  
6 going be very brief, but I would like to do it at  
7 the conclusion of the hearing.

8                   CHAIRMAN HALL: Ok. So at this point  
9 I would like to offer the audience to make comments  
10 about the application for this site improvement  
11 here.

12                   And try to keep them -- not repetition  
13 of some of the other comments or questions that  
14 created comments, for the sake of time and also for  
15 efficiency. We want to give courtesy to as many  
16 people as possible, but just kind of keep in mind  
17 other people may want to speak, or maybe nobody  
18 wants to speak.

19                   But at this time I think, Pat, out of  
20 courtesy to you, you wanted to make a comment. And  
21 so I will allow you, if you still want to make a  
22 comment about the application. Pat Raffetto.

23                   PAT RAFFETTO: Yes. How do I unmute?

24                   CHAIRMAN HALL: You're done. You're  
25 good, keep going.

1 PAT RAFFETTO: I just wanted to mention  
2 that on Friday --

3 ATTORNEY KENNEDY: Pat, hi. This is  
4 Kevin. I'm just going to swear you in for the  
5 record.

6 Pat Raffetto, do you swear the  
7 information and testimony you are about to provide,  
8 to the extent you provide any, will be the truth to  
9 the best of your knowledge, so help you God?

10 PAT RAFFETTO: Yes, I do.

11 ATTORNEY KENNEDY: Thank you.

12 PAT RAFFETTO: I don't think most of  
13 the planning board is aware, but I'm aware because I  
14 live near the camp, that on Friday evenings every  
15 week there's a massive amount of cars coming out of  
16 the camp. They come up to Fifth Avenue. They come  
17 up to Fourth Avenue. They come up to Third Avenue  
18 to make a left onto Washington Boulevard to exit the  
19 town. And I think there should be some  
20 consideration of that in -- in terms of the traffic  
21 study.

22 And that's all I have to say.

23 CHAIRMAN HALL: Thank you. And I  
24 think that's something that the police department  
25 could address. And Councilwoman Anthony, or Don, if

1 you could, you know, keep that -- keep that comment.  
2 Because it really is not typically because of this  
3 application, it's because of another thing that  
4 might add to the problem of parking or of accidents.

5 Anybody else would like to have a  
6 comment from the audience? Please raise your hand.

7 Pat, you still have your hand up. Do  
8 you still want to make another comment? Or Sean?

9 PAT RAFFETTO: No. That was a mistake,  
10 I'm sorry.

11 CHAIRMAN HALL: Sean?

12 SEAN FRESCO: Yes. With regard to the  
13 overflow --

14 ATTORNEY KENNEDY: I'm sorry, Sean,  
15 this is the board attorney. Do you swear the  
16 information and testimony you are about to provide,  
17 to the extent you providing any, will be the truth  
18 to the best of your knowledge, so help you God?

19 SEAN FRESCO: Yes. I do.

20 ATTORNEY KENNEDY: Thank you.

21 SEAN FRESCO: With regard to the  
22 overflow parking, tenants that have two cars, guest  
23 parking, where are they expected to park?

24 CHAIRMAN HALL: Who will answer that  
25 question? Or make -- well that's actually a

1 question, but who would like to answer that?

2 ATTORNEY PAPE: The only answer that  
3 we can provide to you is that the standard for  
4 parking was part of the negotiated settlement and  
5 part of the ordinance. And your applicant has met  
6 the parking requirement that was imposed during  
7 those negotiations.

8 The parking that is offered was  
9 specifically the parking that was requested and it's  
10 the parking that we were directed to design to. And  
11 parking is fully compliant.

12 SEAN FRESCO: I understand. I just  
13 think with the businesses downtown and now this --  
14 this complex, there's going to be an overwhelming  
15 amount of -- of parking on the residents.

16 CHAIRMAN HALL: That's something I  
17 think that we addressed a little bit earlier about  
18 having no parking on one side of the street or the  
19 other which would be a council matter and police  
20 issue, not a planning board issue.

21 SEAN FRESCO: Thank you.

22 CHAIRMAN HALL: Anybody else?

23 Do you want to have your summary now,  
24 then we will have the board members do their  
25 comments?



1                   ATTORNEY PAPE: Surely, Mr. Chair. Is  
2 the public portion now concluded?

3                   CHAIRMAN HALL: Yes, sir.

4                   ATTORNEY PAPE: Okay. Mr. Chair,  
5 board members, your applicant, Mr. Sitar, has  
6 brought forth an application that is fully compliant  
7 with the settlement, fully compliant with the  
8 ordinance. It took some work. His professionals  
9 did that work working with your professionals to  
10 eliminate any relief, albeit small relief. And with  
11 the commitments that were made this evening, to add  
12 to the plan with the additional fencing, we would  
13 respectfully ask that the board be mindful that we  
14 are together working on this, we're both bound by  
15 the settlement, we're both bound by the ordinance,  
16 and we would ask that the board consider this  
17 application favorably this evening.

18                   Thank you.

19                   CHAIRMAN HALL: Okay. Karen, top  
20 left, do you have any comments on what we're --

21                   Mr. Kennedy, maybe you may want to  
22 summarize what we are actually going to be deciding  
23 tonight to be specific, so that the planning board  
24 members are aware that we're really just looking at  
25 the site plan and that's basically all we have

1 any -- not any, well we have to -- we have to  
2 either address it or have our concerns when we're  
3 addressing it.

4 ATTORNEY KENNEDY: All right. I mean,  
5 Mr. Chairman, based upon the testimony and  
6 information presented and based upon Peter's  
7 analysis, it appears that the applicant is  
8 submitting a site plan application which conforms,  
9 and it's a variance-free conforming application.

10 Peter, my understanding is correct?

11 BOARD ENGINEER: Yes.

12 ATTORNEY KENNEDY: Yeah. So it's a  
13 site plan. There are a number of potential  
14 conditions of approval I've written down throughout  
15 the hearing process, if the board sees fit. But you  
16 are voting on a compliant site plan application.

17 CHAIRMAN HALL: This would also mean  
18 Ken would have his ability to say if he -- if he's  
19 approving those conditions, if you want to really  
20 call them that.

21 ATTORNEY KENNEDY: Agreed. Correct.

22 CHAIRMAN HALL: Karen, with that could  
23 you kind of make any comments if you wish?

24 ATTORNEY PAPE: I had -- that's  
25 "Karen"? I thought you said Ken. Nothing.

1                   CHAIRMAN HALL:  Yeah, Karen.  Karen,  
2  Ms. -- Ms. Brisben, most commonly know as the mom of  
3  the planning board.

4                   MEMBER BRISBEN:  Yes, sir.  Is it my  
5  turn to make a comment?

6                   CHAIRMAN HALL:  Yes, ma'am.

7                   MEMBER BRISBEN:  Okay.  I think this  
8  plan is -- I was on the board back 10 years ago,  
9  secretary, and that one I believe -- I believe  
10  correctly, Mr. Sitar, that was for two brick  
11  buildings -- and this is a much nicer, the clapboard  
12  and all that, it's a much nicer construction.  And I  
13  think it will fit in much better with everything.  
14  And I like the landscaping as it hides some of the  
15  parking.  And I -- I think you've done a very fine  
16  job.

17                   And being we really have to approve it  
18  anyway, I'm glad that you re-did it because this is  
19  a much better design.  And I would be voting for  
20  approval.

21                   WILLIAM SITAR:  Thank you very much.  
22  And I made sure that I satisfied Norman Hall by --  
23  by putting balconies on the building as well.

24                   CHAIRMAN HALL:  Robert Walker?

25                   MEMBER WALKER:  Yeah.  No, I think

1 it's a very nice plan. And with the new Rod's next  
2 door I think it's going to be a nice part of -- of  
3 Sea Girt. So I have no problem with the -- with the  
4 submission.

5 CHAIRMAN HALL: Tom Britt?

6 MEMBER BRITT: Yeah, I think it was  
7 very well presented, very well laid out. No further  
8 comments.

9 CHAIRMAN HALL: Jake?

10 MEMBER CASEY: I'm supportive of the  
11 application. And I agree, it was well presented.  
12 And I appreciate Mr. Sitar's willingness to work  
13 with the town for the last few little things that  
14 were asked today. So, thank you.

15 CHAIRMAN HALL: Eileen?

16 MEMBER LASZLO: It's been a long road.  
17 I appreciate the experts' testimony and the design  
18 changes. And I also appreciate the compromise on  
19 some downtown commercial space. And I will vote in  
20 favor.

21 CHAIRMAN HALL: Diane?

22 COUNCILWOMAN ANTHONY: Thank you.  
23 Yes, the concerns that I had, had been addressed.  
24 And I, too, appreciate the rendering and know that  
25 it is just a rendering, but I know that Mr. Sitar

1 will certainly accommodate the architectural design  
2 as presented. And I, too, approve this application.

3 CHAIRMAN HALL: Stan?

4 MEMBER KOREYVA: Great presentation  
5 tonight from all the professionals, especially I'm a  
6 big fan of Mr. Brennan's architecture. I think it's  
7 going to lay out wonderfully compared to what we  
8 have seen today.

9 I'm in full favor of the application.

10 CHAIRMAN HALL: Carla? There we go.

11 MEMBER ABRAHAMSON: Yeah, I mimic  
12 everything everybody else said. And I do feel that  
13 it fits in with the look of Sea Girt and much better  
14 than what is there presently.

15 CHAIRMAN HALL: Last but not least,  
16 except I have to talk too. Don, you probably have  
17 some comments on it?

18 MAYOR FETZER: Thank you, Mr.  
19 Chairman. I just want to commend everybody. I  
20 think this has been a long road. I think it was  
21 said just earlier and I appreciate the cooperation  
22 from both sides.

23 I think we have worked out something  
24 that is going to be a big benefit to the borough. I  
25 appreciate the work that -- cooperation of Mr. Sitar

1 and I certainly applaud all the professionals who've  
2 worked hard to make something come to fruition, and  
3 I appreciate all of their testimony. And I'm  
4 looking forward to having the construction take  
5 place and be completed.

6 So, Mr. Sitar, thank you.

7 WILLIAM SITAR: Thank you.

8 CHAIRMAN HALL: I have no more comment  
9 on it besides -- because I just I have a definite  
10 harmony with everything else that we said tonight.  
11 And actually, what could have been a four-hour night  
12 really turned into a nice efficient presentation to  
13 all.

14 I want to -- I have done some thinking  
15 about the source of water for irrigation system, Mr.  
16 Sitar, and I would suggest you probably talk to  
17 somebody that is smarter than me on what would be  
18 more efficient use, borough water or maybe just  
19 address the public works or somebody that knows, you  
20 know, more than me, which is most, about whether  
21 you're going to go well driven or whether do public  
22 water. That's the only comment I would ask.

23 I believe we have got all the  
24 board -- I'm totally in favor. I think it has come  
25 a long way. I really like the new rendering of the

1 building. Tom -- Tom, you did a very nice job. And  
2 I think it's -- it's going to be -- it's going to be  
3 nice.

4 So, Mr. Kennedy, could you summarize  
5 what the thing that we're going to be voting on --

6 ATTORNEY KENNEDY: Sure.

7 CHAIRMAN HALL: -- the type of  
8 conditions. And actually, Ken, I want you to  
9 approve any conditions that Kevin is going to be  
10 presenting.

11 ATTORNEY PAPE: Thank you.

12 ATTORNEY KENNEDY: All right. So I  
13 have taken the liberty of writing down a couple of  
14 notes along the way.

15 So I would assume that, if the  
16 application is approved, we would have our normal  
17 standard conditions of compliance with all the  
18 promises, commitments and representations the  
19 applicant's team made tonight.

20 Compliance with the review memorandum  
21 from Leon S. Avakian, Inc.

22 We typically say execution of a  
23 Developer's Agreement if the town requires it. And  
24 that Developer's Agreement would be reviewed and  
25 approved by the Borough Council and borough attorney

1 and the borough engineer.

2 Peter, I don't think that -- there's no  
3 need -- we don't need anything about Title 39  
4 jurisdiction or anything like that, right?

5 BOARD ENGINEER: I don't believe so.  
6 This is a gated access with a card access kind of  
7 residence.

8 ATTORNEY KENNEDY: Yes. Then I'll say  
9 unless requested by -- by the borough.

10 One of the things that Ken Pape  
11 referenced was outside approvals, and if any of  
12 these situations, plan details change as a result of  
13 those plan approvals, Ken indicated that they'd have  
14 to come back;

15 Compliance with the affordable housing  
16 rules and regulations;

17 Compliance with the settlement  
18 agreement;

19 Obviously, in conjunction with that,  
20 ultimately the dismissal of the litigation case;

21 We have compliance with the review  
22 memorandum from the fire official, dated March 9th,  
23 2022;

24 And the compliance with the police  
25 review memorandum.



1 I remember we have -- just, Ken, for  
2 the record I just -- I think the affordable housing  
3 units are going to be rental units, correct?

4 ATTORNEY PAPE: They are rental units.

5 ATTORNEY KENNEDY: Ok. And then we  
6 have any sight triangle easements that are necessary  
7 and those easements need to be reviewed and approved  
8 by the board attorney and board engineer.

9 And then we had a couple of things  
10 and -- and just, Ken, just so I know for the  
11 resolution, the nonmarket -- so the affordable units  
12 are rental. What about the other, the market-rate;  
13 are those owner-occupied or are they going to be  
14 rental?

15 WILLIAM SITAR: Those are all  
16 privately rented.

17 ATTORNEY PAPE: Mr. Sitar, if you  
18 could place that answer on the record?

19 WILLIAM SITAR: All rentals. All  
20 rental.

21 ATTORNEY KENNEDY: Thank you. And  
22 then we have no light spillover.

23 We had -- typically we didn't say this  
24 per se but, Mr. Chairman, we typically --  
25 particularly since you all commented on the nice

1 landscaping and the fact that it hides some of the  
2 parking, we typically, Ken, have a condition that  
3 says that that landscaping has to be perpetually  
4 maintained and replaced and replanted as necessary  
5 so that the benefits of that landscaping are always  
6 there.

7 Compliance with the electrical vehicle  
8 station requirements.

9 And I think, Ken, you indicated or  
10 someone indicated it is going to be a management  
11 company?

12 ATTORNEY PAPE: The property will be  
13 professionally managed, yes.

14 ATTORNEY KENNEDY: And I think, Peter,  
15 was there a comment about garbage collection would  
16 occur in accordance with prevailing borough policy,  
17 or is that anything I have to worry about?

18 BOARD ENGINEER: I think -- well we  
19 may have asked for testimony on that in our report  
20 so I think that would be appropriate to state that.

21 ATTORNEY KENNEDY: Ok. And we have  
22 underground utilities;

23 Compliance with any tree preservation  
24 ordinances in effect.

25 Obtaining any necessary demolition

1 permits, compliance with any applicable ADA  
2 requirements.

3 And, let's see.

4 Ken, you indicated that it's going to  
5 be office or retail, just to clarify that, per the  
6 settlement agreement?

7 ATTORNEY PAPE: Yes.

8 ATTORNEY KENNEDY: The affordable units  
9 will comply with the prevailing UHACT requirements.

10 And I think we said on that A-13  
11 exhibit, there's going to be a higher elevation for  
12 the trees but -- there will be trees but they will  
13 not interfere with the sight triangle easement.

14 Norm, we talked about that irrigation  
15 system. And we'll just say that the details of that  
16 the applicant will review and get back to us with --  
17 on that information.

18 CHAIRMAN HALL: I wouldn't even make  
19 that a condition, only just an understanding of  
20 what's best.

21 ATTORNEY KENNEDY: Ok. Thank you.

22 And then I just referenced all those  
23 fire department items: With the connection and the  
24 fire access on the east side;

25 We also have the Knox Box on the

1 Washington Boulevard;

2 We also had to provide the fire  
3 department with access codes for the gate;

4 The Class 1 pipes -- the standing pipes  
5 on the second floor. And I think that was per the  
6 fire department memorandum that was going to be in  
7 the stairwell area.

8 We also had the very nice gesture, the  
9 condition of working with the fire department for  
10 fire training purposes in conjunction with the  
11 demolition;

12 Knox Box on the building and gates as  
13 well;

14 And with that FDC I think the architect  
15 testified there's going to be NFPA 13R and 13  
16 compliance.

17 And comply with the police department  
18 report, which was most likely upon approval. And  
19 through the police department request to the city --  
20 to the borough for that no parking zone. And the  
21 applicant has no objections to that.

22 No light spillover.

23 Peter, do we have anything that we  
24 have to do any type of lot consolidation?

25 BOARD ENGINEER: That will occur, yes.

1 ATTORNEY KENNEDY: Ok.

2 BOARD ENGINEER: Perhaps you can  
3 indicate that wording, "as necessary," to create one  
4 lot for each of the proposed developments.

5 ATTORNEY KENNEDY: Ok. And then we  
6 have standard performance guarantees that are  
7 required.

8 We have the -- Peter indicated and I  
9 don't even know if anything is necessary for this --  
10 but if not, or if necessary, the green  
11 infrastructure compliance per ordinance;

12 And statutory requirements providing  
13 the operations and maintenance manual for the  
14 stormwater management facilities.

15 I think we sort of talked about that  
16 stockpile height. You know, Mayor, it's not going  
17 to exceed Freehold Soil Conservation District  
18 guidelines.

19 And now, Peter, I'm just going to need  
20 your help on this. There's going to be a 6 foot  
21 vinyl fence placed along the rear property line of  
22 the south lot. And is it the rear property line  
23 along the north lot or where is that?

24 BOARD ENGINEER: They proposed fencing  
25 on the north side now. And the testimony was solid

1 fence along the westerly and rear property line of  
2 the southerly building.

3 ATTORNEY KENNEDY: Along western  
4 and --

5 BOARD ENGINEER: Western and rear  
6 property lines of the southerly building.

7 ATTORNEY KENNEDY: Of southerly  
8 building. And I think you said --

9 BOARD ENGINEER: 6-foot-high solid  
10 fence.

11 ATTORNEY KENNEDY: Excuse me?

12 BOARD ENGINEER: 6-foot-high solid  
13 fence.

14 ATTORNEY KENNEDY: 6 foot high --

15 BOARD ENGINEER: You can say in  
16 accordance with the ordinance requirements.

17 ATTORNEY KENNEDY: Okay. And I think  
18 we said --

19 CHAIRMAN HALL: We also addressed the  
20 north property for that fencing too.

21 BOARD ENGINEER: Yes.

22 ATTORNEY KENNEDY: Okay. So we're  
23 going to say, "and north property."

24 And I think we also said that the --  
25 Peter, do I have to do anything with

1 regard to water/sewer capacity hookups; anything  
2 like that?

3 BOARD ENGINEER: We indicate in our  
4 letter requirements for compliance --

5 ATTORNEY KENNEDY: Ok.

6 BOARD ENGINEER: -- and the applicant  
7 testified that subsequent to any potential approval  
8 they will pursue that.

9 ATTORNEY KENNEDY: Got that. So  
10 incorporating your memo, I get that.

11 And then we had -- I think that was it,  
12 Mr. Chairman. So obviously if I missed something, I  
13 will get it when I review the notes and I review the  
14 transcript, but as is always the case, if they said  
15 it tonight they have to mean it and it counts and it  
16 will be imposed as a condition.

17 And, Ken, I know I sort of just ran out  
18 those -- those conditions, were those generally  
19 acceptable to you?

20 ATTORNEY PAPE: Three that I would  
21 like to comment on. The first is the general COAH  
22 language and the general affordable language, I  
23 don't think that should be in there because the  
24 affordability elements have already been proscribed  
25 by the settlement and the ordinance and I think the

1 language should be specific and not --

2 ATTORNEY KENNEDY: So we'll clarify  
3 that to say, "per the settlement agreement"?

4 ATTORNEY PAPE: Yeah, and not the  
5 general.

6 ATTORNEY KENNEDY: Got it.

7 ATTORNEY PAPE: Second, is with regard  
8 to the police, we are not going to comply with the  
9 police report. We raise no objection to the  
10 implementation of that.

11 ATTORNEY KENNEDY: Got it.

12 ATTORNEY PAPE: And the third is, we've  
13 entered into a Settlement Agreement that has great  
14 detail to it and I would question the need for a  
15 further Developer's Agreement with a contract  
16 already in place between the borough, the planning  
17 board and the applicant. And I would ask --

18 ATTORNEY KENNEDY: What I would do,  
19 respectfully, I will defer that to the borough, just  
20 because I don't know if they're going to have  
21 construction details, construction time frames or  
22 things like that. So I'll -- I'll leave that to the  
23 borough and the borough attorney where you can work  
24 out with your settlement language --

25 ATTORNEY PAPE: Sure. Kevin, in your



1 resolution that specifically defers to the borough  
2 governing body attorney would be sufficient.

3 ATTORNEY KENNEDY: Ok.

4 ATTORNEY PAPE: And those are the only  
5 comments. But I will tell you, you go -- you talk  
6 faster than I can listen, but I think that's all  
7 that I got.

8 CHAIRMAN HALL: He's good at that.  
9 He's good at that.

10 Kevin, I have one comment, we have Mr.  
11 Ward's on with us tonight -- well, he's here but  
12 he's not speaking. But our standard if the plans  
13 change that they need to come in front of us.

14 ATTORNEY KENNEDY: Yes.

15 So, Ken, we have, which we sort of  
16 learned through hard experience, that sometimes  
17 applicants get approval to do X and then when they  
18 start the construction they sort of change to Y.  
19 And as you know, we're approving X so you have to  
20 build X. And if circumstances change please don't  
21 unilaterally change the plans on your own, come back  
22 to us.

23 ATTORNEY PAPE: That's a subsection of  
24 the lawyer's full employment act --

25 ATTORNEY KENNEDY: Yes.

1                   MEMBER BRISBEN: Kevin, I have a  
2 question for Peter. May I?

3                   ATTORNEY KENNEDY: Sure.

4                   MEMBER BRISBEN: Peter, it was  
5 mentioned about bonding. Are there going to be  
6 performance bonds needed for this?

7                   BOARD ENGINEER: Most likely we would  
8 pursue that for this application, yes.

9                   MEMBER BRISBEN: Ok. I just needed to  
10 know that. Thank you.

11                   BOARD ENGINEER: And, Kevin, I have  
12 one other question. You raised the issue -- I  
13 wasn't really thinking about it when you said it,  
14 but Title 39 allows, in general, borough police  
15 department to access the property if there's any  
16 issue created by vehicular parking or the like; is  
17 that correct?

18                   ATTORNEY KENNEDY: Yes.

19                   BOARD ENGINEER: Maybe we want to  
20 defer to the police department for that rather  
21 than --

22                   ATTORNEY KENNEDY: Sure.

23                   BOARD ENGINEER: You know, I'm thinking  
24 of the people living here, if a vehicle were parked  
25 there of none of the residential owners or

1 occupants, that assists the borough in getting that  
2 vehicle removed from the property.

3 ATTORNEY KENNEDY: And tying this into  
4 what Ken was earlier referencing, with the  
5 Developer's Agreement, if there is one, we would  
6 defer that to the police department and borough  
7 Council and that could be something in the  
8 Developer's Agreement, if it had to be.

9 BOARD ENGINEER: Right.

10 ATTORNEY PAPE: No objection.

11 ATTORNEY KENNEDY: Ok. I'm sorry?

12 CHAIRMAN HALL: I would like to say --

13 ATTORNEY KENNEDY: I was just saying  
14 that that, I think, is the gist of all of the  
15 proposed conditions. And if that's acceptable I  
16 would certainly defer to the board members as to if  
17 they want to move this application for approval.

18 CHAIRMAN HALL: One last comment, I  
19 would like to say that I really appreciate Peter and  
20 Jen's and Chris Willms' contributions tonight. It  
21 helps not only to make the board members a little  
22 bit more aware of what we're actually doing here,  
23 but as importantly, the people, the public, to  
24 understand that it's been through years of whatever  
25 you want to call it, but I feel that we're -- we're

1 all in a win-win situation at this point.

2 MAYOR FETZER: Mr. Chairman, I have a  
3 question about the reso for Mr. Kennedy, about the  
4 Developer's Agreement.

5 If I understood you right, you're  
6 punting that to the borough to make a decision but  
7 it seems -- which is fine, I mean, but I don't see  
8 why one would -- there's a settlement agreement we  
9 would be preceded from having a Developer's  
10 Agreement.

11 ATTORNEY KENNEDY: Yeah, I mean -- and  
12 Mayor, that's an excellent point. And to that point  
13 we may not even need one at all. Sometimes it  
14 addresses other things like, you know, are they  
15 going to pay a police officer to, you know, direct  
16 traffic while the road is closed and they're doing  
17 construction, so things like that.

18 But I will defer that to the borough  
19 and if the borough wants it or needs it, they have  
20 it. And if we don't need it, we don't do it.

21 MAYOR FETZER: That's fine. Thank you  
22 very much.

23 CHAIRMAN HALL: Ok. At this point I  
24 would like to -- is there anyone who would like to  
25 offer the --

1 COUNCILWOMAN ANTHONY: I will offer.

2 CHAIRMAN HALL: Could we have a second?

3 MEMBER KOREYVA: I'll second.

4 CHAIRMAN HALL: Karen, roll-call.

5 MEMBER BRISBEN: Stan, was that you  
6 who seconded it?

7 MEMBER KOREYVA: Yes, Karen.

8 MEMBER BRISBEN: Ok. Thank you.

9 Kevin?

10 ATTORNEY KENNEDY: Yes?

11 MEMBER BRISBEN: Carla Abrahamson did  
12 not get on until a quarter to 8:00, so I do not  
13 think she's eligible to vote. But I will ask you  
14 that question.

15 ATTORNEY KENNEDY: I would,  
16 respectfully, agree to that. With all due respect  
17 to my good friend, Carla, she could make comments  
18 but she should probably not vote since she wasn't  
19 technically here.

20 MEMBER BRISBEN: Okay. Thank you.

21 ATTORNEY KENNEDY: Sorry, Carla.

22 MEMBER ABRAHAMSON: No problem.

23 MEMBER BRISBEN: All right.

24 Councilwoman Diane Anthony?

25 COUNCILWOMAN ANTHONY: Yes.

1 MEMBER BRISBEN: Karen Brisben, yes.

2 MEMBER BRISBEN: Jake Casey.

3 MEMBER CASEY: Yes.

4 MEMBER BRISBEN: Mayor Don Fetzler?

5 MAYOR FETZER: Yes.

6 MEMBER BRISBEN: Stan Koreyva.

7 MEMBER KOREYVA: Yes.

8 MEMBER BRISBEN: Eileen Laszlo?

9 MEMBER LASZLO: Yes.

10 MEMBER BRISBEN: Tom Britt.

11 MEMBER BRITT: Yes.

12 MEMBER BRISBEN: Robert Walker?

13 MEMBER WALKER: Yes.

14 MEMBER BRISBEN: Norman Hall?

15 CHAIRMAN HALL: Yes.

16 We look forward to seeing a nice  
17 building.

18 MEMBER LASZLO: Just if I could make  
19 quick comments, I would like to compliment the Chair  
20 for the excellent and efficient meeting; the  
21 attorneys who made this very understandable for both  
22 the planning board and all the attendees.

23 And two things, naturally going forward  
24 it is frequently asked of the planning board  
25 members, you know, how did we get here and it's a

1 very complex thing to explain but hopefully tonight  
2 helped us all to go out into the community and  
3 explain how we got from A to Z.

4           And, Mr. Sitar, I was pleased to hear  
5 that you are going to stage your construction. I  
6 was just wondering if you could shed some light on  
7 when you're planning to do your demolition on the  
8 north side and if you had any guesstimate as to how  
9 long the process was going to take?

10           WILLIAM SITAR: I really don't at the  
11 moment because I have to get through resolution  
12 compliance and get plans drawn now because this has  
13 been a very long haul and who knew how the board  
14 would react and so forth.

15           So I would roughly anticipate that by  
16 fall I would hopefully be able to start the north  
17 building. And I'm going to assume that would take  
18 nine months to a year. So a total guess, but  
19 perhaps by the Summer of '23 I might be starting the  
20 second building, or perhaps the Fall of 2023.

21           MEMBER LASZLO: Thank you.

22           CHAIRMAN HALL: Mr. Sitar, you were  
23 about to make another comment as well?

24           WILLIAM SITAR: Yes. I would  
25 certainly like to thank the board for their

1 consideration. I have lived in Sea Girt since 1973  
2 and I always say I only sleep here but -- because  
3 I'm gone most of the day -- but I love the town.  
4 And I will make sure that what I do will be the  
5 right thing and I think everyone will be proud of  
6 it.

7 I think also that it's the different  
8 type of housing and I believe Sea Girt needs  
9 something different because there are a lot of  
10 people in town who would like to sell their home,  
11 and they have a home in Florida and they'd like to  
12 live here for half of the year. And I believe I  
13 would have the type of high-quality apartment that  
14 those people would like to live in.

15 And there's also -- because of the many  
16 calls I receive -- from widows as well as members of  
17 the fire department and various churches in town  
18 that have said they don't want to leave Sea Girt,  
19 they would like to stay here, sell their home. And  
20 so I will have an apartment -- a complex or  
21 apartment project that they would be very proud to  
22 live in. And again, I will assure you it's going to  
23 be a very high quality product.

24 So thank you again.

25 CHAIRMAN HALL: Okay. Thank you. And



1 well, there's one more point of business that I  
2 would like to do tonight. It will only take a  
3 couple of minutes. Since we now have a -- I'm  
4 sorry?

5 ATTORNEY PAPE: Mr. Chair and board  
6 members, thank you all and goodnight.

7 CHAIRMAN HALL: Ok. Thank you.

8

9 (Application concluded at 9:37 p.m.)

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I, ANGELA C. BUONANTUONO, a Notary Public and Certified Court Reporter of the State of New Jersey and Registered Professional Reporter, do hereby certify that prior to the commencement, the witness was duly sworn to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the deposition as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative, nor employee, nor attorney, nor counsel of any of the parties to this action, and that I am neither a relative, nor employee of such attorney or counsel, and that I am not financially interested in the action.



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Angela C. Buonantuono, CCR, RPR, CLR  
NJ State Board of Court Reporting  
License No. 30XI00233100

Dated: May 13, 2022

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