

Chairman Cunningham called the meeting to order and requested those present to join in the Pledge of Allegiance to the flag:

Chairman Cunningham read the following statement:

The Borough of Sea Bright, in compliance with the "Open Public Meetings Act" has advertised the date, time and location of this meeting in the **Courier** on January 15, 2010 filed it with the Clerk, and posted a notice on the bulletin board in the Borough Office.

3. ROLL CALL:

PRESENT: Cashmore, Cunningham, DeSio, Fernandes, Murphy, Nott (arrived at 8:11 p..m), Torcivia, Leckstein, Janey
ABSENT: Beer, McBride, Smith

4. MINUTES:

- A.** Boardmember Leckstein introduced a motion approving the February 9, 2010 Planning Board Minutes. Second by Boardmember Murphy and approved upon unanimous voice vote.
- B.** Boardmember Leckstein introduced a motion approving the February 23, 2010 Planning Board Minutes Second by Boardmember Murphy and approved upon unanimous voice vote.
- 5.** Boardmember Torcivia introduced a motion that the Unified Planning Board has reviewed following ordinance and recommend it for final adoption.

ORDINANCE NO. 9-2010
ORDINANCE REVISING CHAPTER 178, SOLID WASTE,
ARTICLE II, RECYCLING, OF THE CODE
OF THE BOROUGH OF SEA BRIGHT

Second by Boardmember Leckstein and approved upon the following voice vote.

Ayes: Cashmore, Cunningham, DeSio, Fernandes, Murphy, Torcivia, Leckstein, Janey
Nays: None
Abstain: None
Absent: Beer, McBride, Nott, Smith

6. MEMORIALIZATION OF RESOLUTION:

Boardmember Leckstein introduced a motion memorializing this application.

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD
GRANTING SITE PLAN AND VARIANCE APPROVAL**

**RE: AMCK, LLC
1066 Ocean Avenue
Block 16 Lot 4
Sea Bright New Jersey**

WHEREAS, AMCK, LLC (the "Applicant"), made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 16, Lot 4 on the Tax Map of the Borough of Sea Bright, also known as 1066 Ocean Avenue for site plan and variance approval to demolish the existing building and construct a three-story masonry building consisting of 4,216 square feet of office, retail and residential space; and

WHEREAS, Applicant has provided due notice to the public and all surrounding property owners as required by law, has caused notice to be published in the official newspaper in accordance with NJSA 40:55D-1 et seq and, therefore, this Board has accepted jurisdiction of the application and has conducted public hearings on the matter at meetings on November 10, 2009, January 26, 2010 and February 23, 2010 at which time all persons having an interest in said application were given an opportunity to be heard; and

WHEREAS, the Applicant appeared and marked into evidence certain documents including the following:

- A-1 Jurisdictional Packet,
- A-2 Photo Board of existing structure
- A-3 Rendering of proposed structure prepared by Anthony Condouris
- A-4 Survey by Richard Stockton, PLS dated 8-19-06

A-5 Screening details

A-6 Letter from Mary Tangolics dated 11-19-09

A-7 Architecturals prepared by Anthony Condouris dated 1-26-10

A-8 Revised plans reducing proposal to 2 three bedroom apartments plus commercial dated 2-10-10.

WHEREAS, the Board introduced the following exhibits:

B-1 Maser Consulting P.A. letter dated 10-6-09

WHEREAS, the Applicant offered sworn testimony in support of the application by the following:

Anthony Condouris, Architect

WHEREAS, members of the public also presented testimony as follows:

Frank Panucci

Cona Trezza

WHEREAS, the Board considered the testimony and evidence presented and the Board makes the following findings of fact and conclusions of law:

1. Applicant initially proposed demolition of the existing structure and construction of a three-story masonry building with first floor containing office and retail use and the second floor containing a one-bedroom apartment and a two-bedroom apartment and the third floor containing a three-bedroom apartment.
2. In addition to bulk variances, the initial application required a use variance for the three residential uses and retail and office use on the first floor.
3. Applicant requests variances for minimum lot width where 50' is required and 32' is existing and proposed; maximum building coverage where 50% is permitted and 46.81% is existing and 60% is

proposed; parking where 22 spaces may be required and none are proposed.

4. After discussions with the Board, Applicant **STIPULATED** and agreed to amend the plans to show perforated pipe/drywell system to contain roof runoff running in the alleyway. Applicant further **STIPULATED** and agreed to run pavers the entire alleyway, on either side of the perforated pipe.
5. Applicant also **STIPULATED** and agreed to submit a grading plan and that same will reflect only normal residential lighting.
6. Applicant revised the plans to eliminate the office use on the first floor. With the elimination of the 2nd use on the first floor and the elimination of 1 proposed residential unit, no use variance is needed.
7. The Applicant requested that the Board grant a parking variance assuming the first floor use is a restaurant. The common area has decreased from 1500 sf to 1160 sf, so if the use is a restaurant, it would be smaller than the existing. It was estimated that the building could require 22 parking spaces. The new square footage is 1160 sf, with a possible 150 first floor common area under the stairwell for a total of 1310 sf, which would require 22 parking spaces. This square footage does not include rear stairwell and interior two stairwells. The Board recognized that there is no on site parking possible and that the Master Plan and ordinance have been amended to call for this type of mixed use project for the downtown area.

8. In the event the first floor use is a restaurant use, the applicant **STIPULATED** that it will comply with the greater sewer requirements that would be associated with the use.
9. The Applicant **STIPULATED** that the plans would be revised to remove the small sign from V1-V3 on A-8. The within approval is limited to the one large sign which appears on the plans marked as A-8, as the Applicant has withdrawn the request for the second smaller sign.
10. The Board agreed that the 3 HVAC units may be placed on the ground up to 4' within the setback with solid fencing 6" above the top of the units. The trash receptacle will contain the same fencing material as the HVAC units. This is a **CONDITION** of approval.
11. The Board finds that the proposed development, as revised, is consistent with the Master Plan and Zoning Ordinance and is the type of development contemplated for the downtown district.
12. Therefore, the Board finds that the approval of this application will result in substantial aesthetic improvements to include the shielding of all mechanicals, a new improved building consistent with the downtown business district.
13. The elimination of the office use and one residential unit, thereby eliminating the use variance, made the development more attractive and a permitted use. The bulk variances are a result of the size of the property and location in the downtown business district.

NOW, THEREFORE, BE IT FURTHER RESOLVED that applicants' application for preliminary and final site plan approval with bulk variances to permit

the demolition of the existing building and construction of a new three-story building as set forth on the plans prepared by Anthony Condouris, revised to 2-10-10 and marked as Exhibit A-8 is hereby granted subject to the following conditions:

GENERAL CONDITIONS

1. The applicant shall submit proof of payment of all real estate taxes applicable to the property and payment of all outstanding and future fees and escrow charges, posting of all performance guarantees, if any, in connection with the review of this application prior to and subsequent to the approval of this application.

2. The applicant must obtain the approval of all necessary and appropriate governmental agencies and compliance with all governmental regulations except those specifically waived or modified in this Resolution. Applicant has provided a letter from Peter Avakian, P.E. dated August 24, 2009 regarding CAFRA permit.

3. The applicant shall comply with all building, FEMA and fire codes including but not limited to, entrances and exits.

4. The accuracy and completeness of the submission statements, exhibits and other testimony filed with or offered to the Board in connection with this application, all of which are incorporated herein by reference and specifically relied by the Board in granting this approval. This condition shall be a continuing condition, which shall be deemed satisfied unless and until the Board determines (on Notice to the applicant) that a breach thereof.

5. All stipulations agreed to on the record, by the applicant.

6. In the event that any documents require execution in connection with the within approval, such documents shall not be released until all of the conditions of the approval have been satisfied unless otherwise expressly noted.

7. The Applicant shall pay to the municipality any and all sums outstanding for fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspections of improvements and other purposes authorized by the MLUL.

8. The Applicant shall furnish such Performance Guarantees and/or Maintenance Guarantee as may be required pursuant to the MLUL and the Sea Bright Ordinances.

9. No site work shall be commenced or plans signed or released or any work performed with respect to this approval until such time as all

conditions of the approval have been satisfied or otherwise waived by the Board.

Specific Conditions

1. Except for said waivers that have been granted as set forth herein, Applicant shall comply with the Board engineer's report of October 6, 2009.
2. Applicant **STIPULATED** and agreed to amend the plans to show perforated pipe/drywell system to contain roof runoff running in the alleyway. Applicant further **STIPULATED** and agreed to run pavers the entire alleyway, on either side of the perforated pipe.
3. Applicant **STIPULATED** and agreed to submit a grading plan and that same will reflect only normal residential lighting.
4. In the event the first floor use is a restaurant use, the applicant **STIPULATED** that it will comply with the greater sewer requirements that would be associated with the use.
5. The Applicant **STIPULATED** that the plans would be revised to remove the small sign from V1-V3 on A-8. . The within approval is limited to the one large sign which appears on the plans marked as A-8, as the Applicant has withdrawn the request for the second smaller sign.
6. The 3 HVAC units may be placed on the ground up to 4' within the setback with solid fencing 6" above the top of the units. The trash receptacle will contain the same fencing material as the HVAC units. This is a **CONDITION** of approval.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of February 23, 2010; and

BE IT FURTHER RESOLVED that the Chairman and Board Secretary are hereby authorized to sign any and all documents necessary to effectuate the purpose of this Resolution; and

BE IT FURTHER RESOLVED that the Board Secretary is hereby authorized and directed to cause a certified copy of this Resolution to be sent to the Applicant, the Borough Clerk, the engineer and the zoning officer and to make same available to all other interested parties and to cause notice of this Resolution to be published in the official newspaper, at Applicant's expense.

Second by Boardmember Desio and approved upon the following roll call vote:

Ayes: Cashmore, Cunningham, Desio, Fernandes, Leckstein, Torcivia, Leckstein, Janey

Nays: None

Abstain: None

Absent: Beer, Mc Bride, Nott

7. OLD BUSINESS:

Boardmember Cashmore introduced a motion approving a two year extension for the following applicant: .

**David DeScenza
502 Ocean Ave
Sea Bright NJ 07760
LOT 3 BLOCK 30
Request for an Extension**

Second by Boardmember Leckstein and approved upon the following roll call vote:

Ayes: Cashmore, Cunningham, DeSio, Fernandes, Murphy, Torcivia, Leckstein, Janey

Nays: None

Abstain: None

Absent: Beer, Mc Bride, Nott

8. NEW BUSINESS:

A. Boardmember Leckstein introduced a motion approving the following application:

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD
GRANTING VARIANCE APPROVAL
RE: Courtney Davis & Eric Lynn
24 Beach Street
Block 10, Lot 22**

WHEREAS, Courtney Davis & Eric Lynn, owners of premises commonly known as 24 Beach Street, Block 10, Lot 22, Sea Bright, New Jersey have applied to the Planning/Zoning Board for new bulk variances from the front yard setback and lot coverage and pre-existing variances for side yard, rear yard setbacks, lot area and maximum building coverage requirements in order to permit the applicants to construct a new entry and stairs to the front of the existing structure; and

WHEREAS, the applicant has provided due notice to the public and all surrounding properties as required by law, has caused notice to be published in the official newspaper in accordance with N.J.S.A. 40:55D-1 et seq., this Board gaining jurisdiction therein and a public hearing having been held on this matter at a regular planning/zoning board meeting of May 25, 2010 at which time all persons having an interest in said application were given an opportunity to be heard; and

WHEREAS, the applicant appeared and marked into evidence certain documents including the following:

A-1 Jurisdictional Packet;

A-2 Survey prepared by Landmark Surveying and Engineering dated 10-19-09

A-3 Architectural plan entitled "Renovation to Existing Building, 24 Beach Street" prepared by Salvatore W. Santoro dated 11-25-09;

A-4 Sheet of four photos;

WHEREAS, members of the public were given the opportunity to be heard regarding the application; and

WHEREAS, the Board having considered the evidence presented made the following findings:

1. The applicant seeks variances from the front, yard set back requirements and lot coverage in order to construct a new front entry and stairs to the existing single family residence. Pre-existing variances exist for side yard, rear yard maximum building coverage and minimum lot area.

2. The subject premises is located in R-3 Zone.

3. Applicant testified that the new front entry and stairs will be a better and safer design.

4. Applicant testified that much of the neighborhood contains front steps that extend to the sidewalk. Applicant presented A-4 in support of this.

5. There are pre-existing variances for minimum lot area of

1,689 s.f. where 1,800 s.f. is required; side yard of 1.06/.42 ft. where 3 feet is required; both side yards of 1.48 ft. where 6 ft. is required; maximum building coverage of 60% where 50% is permitted.

6. The following variances are required: lot coverage where 70% max. is required and 73% is proposed; front yard setback where 5-12 ft. is required and 4.61 is existing and 1' is proposed.

7. The proposed addition is aesthetically pleasing in appearance and presents a minimal impact on the neighborhood. Most of the surrounding area has front steps extending to the sidewalk.

8. The front entry and steps is a safer design as the foundation elevation was raised 3 ½ feet for flood purposes and the steps can no longer come off the side of the home. There is no room and they would be too steep.

9. The variances can be granted due to the nature of the development in the neighborhood, location, the new front steps are consistent with the other residences in the neighborhood and therefore can be granted without substantial detriment to the Zone Plan and Zoning Ordinance.

10. The Board finds that a variance can be granted without substantially impairing the Zone Plan and Zoning Ordinance in that the existing nonconformities are not being exacerbated and the front yard variance is consistent with the neighborhood.

11. The Board found that the proposed front steps are not too large, are consistent with the homes in the neighborhood, and enhanced the value and aesthetic value of the subject property.

13. The variances can be granted due to the nature of the development in the neighborhood, location, the existing nonconformities which would not be significantly increased by the addition and therefore can be granted without substantial detriment to the Zone Plan and Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, for the reasons set forth above, that the Planning/Zoning Board of the Borough of Sea Bright, based upon the findings of fact set forth herein that the variances requested for the addition of front steps as set forth on the proposed plans marked into evidence be granted subject to the following conditions:

1. The applicant shall obtain the approval of all necessary and appropriate governmental agencies and comply with all governmental regulations except those specifically waived or modified in this resolution.

2. The applicant shall submit proof of payment of all real estate taxes applicable to the property and payment of all outstanding and future fees and escrow charges, posting of all performance guarantees in connection with the review of this application prior to and subsequent to the approval of this application.

3. The applicant shall comply with all building, FEMA and fire code including, but not limited to, entrances and exits.

4. All of the terms and conditions set forth on the record and hereinabove.

5. The applicant shall be bound by all representations made in testimony before the Zoning Board as set forth in the minutes of the

hearings on the dates referred to above.

BE IT FURTHER RESOLVED that the Board Secretary is hereby authorized and directed to cause a certified copy of this Resolution to be sent to the applicant, the Borough Clerk, the Building inspector and the Tax Assessor and to make same available to all other interested parties.

BE IT FURTHER RESOLVED that the Board Secretary is hereby authorized and directed to cause a notice of this Resolution to be published in the official newspaper at the applicant's expense and to send the Affidavit of Publication to the Applicant and to make same available to all other interested parties.

Second by Boardmember Nott and approved upon the following roll call vote:
Ayes: Cashmore, Cunningham, Desio, Fernandes, Murphy, Nott, Torcivia, Leckstein, Janey
Nays: None
Abstain: None
Absent: Beer, McBride, Smith

Boardmember Leckstein introduced a motion memorializing this application. Second by Boardmember Desio and approved upon the following roll call vote:
Ayes: Cashmore, Cunningham, Desio, Fernandes, Murphy, Nott, Torcivia, Leckstein, Janey
Nays: None
Abstain: None
Absent: Beer, McBride, Smith

B. The Unified Planning Board did not accept jurisdiction of this application.

**Linda Hirsch
10 Tradewinds Lane
Block 4 Lot 7.23
Variance required for no front yard
to be deemed as back yard for a pool**

9. ADJOURNMENT:

There being no further business before the Planning Board Boardmember Leckstein made a motion to adjourn the meeting at 8:50 P.M. Second by Boardmember DeSio and approved upon unanimous voice vote.

Respectfully Submitted,

Suzanne Branagan
Board Secretary