

Chairman Cunningham called the meeting to order and requested those present to join him in the salute to the Flag.

Chairman Cunningham read the following statement:

**2. OPENING 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 Asbury Park Press* on January 20, 2012 filed it with the Clerk, and posted a notice on the bulletin board in the Borough Office.

**3. MOMENT OF SILENCE:** *Maria D. Fernandes*

**4. ROLL CALL:**

**PRESENT:** Beer, Cashmore, Cunningham, DeSio, Leckstein, McBride, Nott, Torcivia, Smith (Alt. #1), Janey (Alt. #3).

**ABSENT:** Long

**5. MINUTES:**

**A.** Boardmember Leckstein offered a motion approving the December 13, 2011 Unified Board Meeting Minutes. Second by Boardmember Smith and adopted upon the following roll call vote:  
Ayes: Beer, Cunningham, DeSio, Leckstein, Torcivia, Smith, Janey.

Nays: None

Abstain: None

Absent: None

**B.** Boardmember DeSio offered a motion approving the January 10, 2012 Reorganization Meeting Minutes.

Second by Boardmember Smith and adopted upon the following roll call vote:

Ayes: Beer, Cunningham, DeSio, Leckstein, Long, McBride, Nott, Torcivia, Smith, Janey.

Nays: None

Abstain: None

Absent: Long

Attorney Higgins instructed the applicant to submit amended plans showing the rear setback to the deck at 36' as per the condition of their resolution. Also, existing structures need to be removed prior to final plat approval.

**6. MEMORIALIZATION OF RESOLUTION:**

**A.** Boardmember DeSio introduced a motion approving the following application

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD  
GRANTING BULK VARIANCE APPROVAL  
RE: Heather Hansen and Danon Robinson  
1 Atlantic Way  
Block 29 Lot 9  
R-2 Zone**

**WHEREAS**, Heather Hansen and Danon Robinson, owners of premises commonly known as 1 Atlantic Way, Block 29, Lot 9, Sea Bright, New Jersey have applied to the Planning/Zoning Board for bulk variances and a "D" variance for height in order to permit the applicant to add a third floor to the existing residence; 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 December 13, 2011, 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 Narrative dated November 1, 2011
- A-3 Survey prepared by Richard Stockton, dated October 14, 2011
- A-4 Floor plans elevation prepared by Salvatore La Ferlita, R.A. dated October 10, 2011
- A-4(a) Photograph of subject property facing west to the river
- (b) Photograph of north side of subject property

- (c) Photograph of southeast side of subject property
- (d) Photograph of southside of subject property
- (e) Photograph of eastside of subject property
- (f) Photograph of house on Lot 10
- (g) Photograph of eastside of house on Lot 10
- (h) Photograph of subject property and house on Lot 10 facing the west
- (i) Photograph of subject property and house on Lot 10 facing the west

**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 is proposing to add a third floor to the existing home to provide more living space. They will add two full baths, a master bedroom, office space and two new decks, an additional 1129 s.f. To the first floor will be added 109 s.f. for a new mud room and coat closet. To the second floor will be added 170 s.f. for a new laundry room and ½ bath. Two new decks will be added to the third floor and one new deck on the second floor.

2. The lot is an undersized lot where 50 feet in width is required and 37.5' is existing. Due to the undersized width, the maximum allowable height is 30' and Applicants propose a height of 35', triggering a "D" use variance.

3. Kenneth Ruby from Hillard Construction testified that the ceiling heights are 8' and lowering the ceiling height would have a negative impact on the aesthetics and living space and

would still not bring the overall height into compliance.

4. The existing non-conformities of side yard setback (1.6' where 7' is required) and both side yards (13.2' where 15' is required) and front set back (20.07' where 25' is required) will be extended by the addition of the third floor.

5. Board members discussed that the design was a good one and consistent with the neighborhood. They noted that the proposed home would not be out of place. Board members felt that the proposed home did not overpower the lot and was in keeping with the character of the neighborhood.

6. Board members requested and made it a **CONDITION** of approval that the plans be amended to show the rear setback to the deck at 36'. The mechanicals must also be included on the plans and must not be in the setbacks. This is a **CONDITION** of approval.

7. Other lots in the neighborhood are similarly undersized and the proposal will not be out of character.

8. The Board found that the proposed setbacks were consistent with the neighborhood.

9. The Board found that the site was particularly suited for this type and size of home.

10. The Board finds that the existing bulk variances that will be extended by the addition and the "D" height variance can be granted without substantially impairing the Zone Plan and Zoning Ordinance in that the side yard variances currently exist

and the extension of those variance by adding the 3<sup>rd</sup> floor will not be significant and are consistent with the neighborhood.

11. The Board found that the proposed height and overall size of the home is not too large for the lot, is consistent with the homes in the neighborhood, and enhanced the aesthetic value of the neighborhood.

12. The Board found that the proposal promotes the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons and the neighborhood. The improvements will promote a desirable visual environment through a creative design and will add to the overall comfort and safety of the residents therein.

13. The variances can be granted due to the nature of the development in the neighborhood, location, 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 variance requested for the enclosure of the deck to expand the kitchen as set forth on the proposed plans marked into evidence, and the conversion of the garage to a playroom 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 Unified Planning Board as set forth in the minutes of the hearings on the dates referred to above.

6. No mechanicals shall be placed within any setback and the plans shall be amended to show the location of the mechanicals.

7. The plans shall be amended to show the location and setback distance of 36' for the rear deck.

**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 McBride and adopted upon the following roll call vote:

Ayes: Beer, Cashmore, Cunningham, DeSio, Leckstein, McBride, Nott, Torcivia

Nays: None

Abstain: None

Absent: Long

**8. NEW BUSINESS:**

**A.**

**KENNETH L. SHAW/K. SHAW CONSTRUCTION  
4 Imbrie Place  
Block 2, Lot 7, R-2 Zone  
SUBDIVISION APPROVAL**

No member of the board was within 200' of the application. Attorney Higgins marked into evidence the following:

Robert L. Witek, II represented the applicant, Kenneth L. Shaw.

**A-1** Minor Subdivision plan prepared by Jason L. Fletcher of Insite Engineering dated November 21, 2011.

Robert L. Witek, II, Esq. represented the applicant, Kenneth L. Shaw.

The Applicant offered sworn testimony by the following:  
Jason L. Fletcher, engineer and planner of Insite Engineering.

Boardmember DeSio said that there was a JCPL easement running under the powerlines on the westside property but it is not shown on the plan. Engineer Witek said that there was no restriction for building there. Boardmember DeSio said that there is restrictions for building a permanent structure within an easement and does not affect the side setbacks. It should be depicted on the plans so that the construction officials are familiar with the fact that there is an existing easement. Attorney Witek said that the plans would be amended to show the

easement. Attorney Higgins said that the resolution would include a condition for revised plans to reflect and delineate the extent and location of the adjacent JCPL easement.

**9. MEMORIALIZATION OF RESOLUTION:**

Boardmember Leckstein introduced a motion memorializing the resolution on March 13, 2012.

**RESOLUTION OF THE SEA BRIGHT PLANNING BOARD/ZONING BOARD  
GRANTING MINOR SUBDIVISION  
TO K.SHAW CONSTRUCTION, INC.  
BLOCK 2, LOT 7  
4 IMBRIE PLACE**

**WHEREAS**, the applicant, K. Shaw Construction, Inc., is the owner of certain real property designated as Block 2, Lot 7 on the Borough of Sea Bright Tax Map; and

**WHEREAS**, the Applicant has applied to the Planning/Zoning Board of the Borough of Sea Bright for minor subdivision approval of Block 2, lot 7 into two new fully conforming lots; and

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

A-1 Minor Subdivision Plan prepared by Jason L. Fletcher, P.E., P.P., of Insite Engineering, dated November 21, 2011.

**WHEREAS**, no notice is required under the Municipal Land Use for this fully conforming minor subdivision; and

**WHEREAS**, the Planning Board/Zoning Board of the Borough of Sea Bright held a hearing on March 13, 2012, at which time it made the following findings:

1. The land to be subdivided is as shown on the Minor Subdivision Plan prepared by Jason L. Fletcher, P.E., P.P., of Insite Engineering, dated November 21, 2011,



wherein Block 2, Lot 7 shall be subdivided creating Lot 7.02 measuring 50.05' wide by 140' deep, and Lot 7.01 measuring 81.89' wide by 140' deep.

2. There are existing structures on the property for which the Applicant has obtained demolition permits. The structures must be removed prior to the map being signed as the structure(s) would straddle the new lot line and result in nonconformity.
3. The request for minor subdivision approval is fully conforming.

**NOW, THEREFORE, BE IT RESOLVED** by the Sea Bright Planning Board/Zoning Board of the Borough of Sea Bright, County of Monmouth, State of New Jersey, as follows:

1. The Minor Subdivision of Block 2, Lot 7 to create 2 fully conforming lots as set forth above and on the Minor Subdivision Plan prepared by Jason L. Fletcher, P.E., P.P., of Insite Engineering, dated November 21, 2011, and incorporated by reference herein, be and is hereby approved by the Borough of Sea Bright Planning/Zoning Board.

2. Said approval is conditional upon completion of the following items:

- (a) The existing structures on the subject property shall be removed prior to final plat approval. If the existing buildings are not removed and the subdivision perfected within one year, this approval shall lapse.

(b) The applicant shall comply with all Borough Ordinances relative to construction of any improvements on the lots.

(c) The driveways, curbs, curb cuts and drainage shall be shown on the plans submitted to the Borough building department and shall meet the engineer's approval.

(d) The construction of any dwellings on the lots is conditioned upon obtaining all CAFRA and other necessary permits.

(e) The construction of any dwellings on the lots is conditioned upon all new utilities and utility connections identified on the plans with associated pavement repairs.

(f) The applicant obtaining the approval of all necessary and appropriate governmental agencies.

(g) 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.

(h) The Board will not look favorably on any future requests for bulk variances on the subdivided lots as any hardships would be self created by the subdivision.

(i) The applicant shall be bound by all representations made in testimony before the Board as set forth in the minutes of the hearings on the dates referred to above.

(j) The applicant shall meet the requirements set forth in

the Borough Engineer's letters, if any.

(k) The accuracy and completeness of the submissions, 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 upon by the Board in granting this approval. This condition shall be a continuing condition subsequent which shall be deemed satisfied unless and until the Board determines (on notice to applicant) that breach hereof has occurred.

(l) Applicant shall perfect the subdivision according to law. The metes and bounds description or final subdivision map shall be reviewed and approved by the Borough engineer.

(m) New lot 7.02 will contain two front yards. The construction of any dwellings on the lots shall be constructed within the required setback.

(n) The existing driveways as shown on the map shall be removed. Any new driveway will comply with Borough ordinances.

(o) The plans shall be amended to reflect and delineate the extent and location of the JCP&L or any other easement.

**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 Tax Assessor and to make same available to all other interested parties and that the Board Secretary shall cause same to be published in the official newspaper at the

Applicant's expense.

I hereby certify the foregoing is a true copy of a Resolution of the Sea Bright Zoning Board memorialized on March 13, 2012.

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

Ayes: Beer, Cashmore, Cunningham, DeSio, McBride, Nott, Torcivia

Nays: None

Abstain: None

Absent: None

**10. ADJOURNMENT:**

There being no further business before the Planning Board Boardmember Leckstein made a motion to adjourn the meeting at 7:59 P.M. Second by Boardmember Nott and approved upon unanimous voice vote.

Respectfully Submitted,

Suzanne Branagan  
Board Secretary