

**Sea Bright, New Jersey
Unified Planning Board Minutes
June 10, 2014
7:30 p.m.**

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 11, 2014 filed it with the Clerk, and posted a notice on the bulletin board in the Borough Office.

3. ROLL CALL:

PRESENT: Cashmore, Cunningham, Desio, Leckstein, McBride, Nott,
Beer (Alt.#2), Marrone (Alt. 3)

ABSENT: Davis, Long, Smith, Isoldi-Jany(Alt.#1)

4. Chairman Cunningham introduced a motion approving the May 13 & 27, 2014 minutes. Seconded by Boardmember McBride and approved by unanimous voice vote.

5. MEMORIALIZATION OF RESOLUTION:

Councilman Leckstein introduced a motion approving the following application.

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

**RE: Ray Lena
Angelica's Restaurant
1070 Ocean Avenue
Block 16 Lot 3
Sea Bright, New Jersey**

WHEREAS, Ray Lena (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 16, Lot 3 on the Tax Map of the Borough of Sea Bright, also known as 1070 Ocean Avenue, "Angelica's Restaurant" for variances to add a sign attached at right angles to the building front; and

WHEREAS, the Applicant seeks bulk variances for a sign to be attached to the building front at right angles to the building where only one identification sign per business is permitted and this will constitute the second sign for the business; and where signs are not permitted to be attached at right angles to a building; 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 N.J.S.A. 40:55D-1 et seq. and, therefore, this Board has accepted jurisdiction of the application and has conducted public hearing on the matter at meeting on May 27, 2014, 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:** Sign plan prepared by Murdoch Engineering dated 11-7-13
- A-3:** Photo of subject premises with proposed sign superimposed
- A-4:** Photo of original Barrymore's sign

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

1. The Applicant wishes to add a sign attached at right angles to the building front. No mechanicals will be located in any setback. The sign will protrude out 80" from the building and shall be attached to the second floor, approximately 14' from grade.

3. Ray Lena testified that he had an opportunity to purchase the sign from the original Barrymore's Restaurant in New York City and thought it would complement his business and be an asset to his business and the town.

4. The sign will be approximately 14' above grade and will not interfere with pedestrian or vehicular traffic. It will be internally illuminated and the frame and lettering will

match the building color.

5. The Applicant **STIPULATED** that the bottom panel of the sign as depicted in A-2 will be empty. The Applicant further **STIPULATED** that there will be no flashing lights on the sign.

6. The Board found that the proposed sign was in keeping with the building. It is an iconic sign and would be asset.

7. Board members noted that while driving on Ocean Avenue, it can be difficult to read the flush mounted signs on the businesses. The Board noted that the sign would not interfere with the view of any other business.

8. The Board found that elevating the new house, removing it from flood danger led, in part, to the need for the deck to provide access and better use and enjoyment of the newly raised home.

9. The Board found that the location of the proposed sign on the second floor would not detract from the any other business and would be aesthetically pleasing on this building. The proposed sign would enhance this particular building.

12. The Board found that the variances could be granted without any negative impact on the zoning ordinance or zone plan. The proposed sign is the not obtrusive and improves existing conditions.

14. The Board found that the granting of the variances will have no substantial detrimental impact on surrounding properties nor will it substantially impair the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that the Application with the bulk sign variances set forth above is approved in accordance with the plans submitted and marked into evidence, 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, including but not limited to CAFRA, except those specifically waived or modified in this Resolution.

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. No writing or symbol shall be located in the bottom panel of the sign as depicted in A-
2. The bottom panel will be empty.

2. There will be no flashing lights in or on the sign.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of May 27, 2014; 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 the Applicant's expense.

I certify the foregoing to be a true copy of a Resolution by the Sea Bright Planning/Zoning Board memorialized on June 10, 2014.

Kathy Morris, Secretary
Sea Bright Planning/Zoning Board

Adopted on a roll call on a motion by _____
and
Seconded by _____

Lance Cunningham, Chairman
Sea Bright Planning/Zoning Board

Seconded by Boardmember Marrone and adopted on the following roll call vote:

Ayes: Cunningham, DeSio, Leckstein, McBride, Beer, Marrone

Nays: None

Abstain: Cashmore, Long

Absent: Davis, Nott, Smith, Isoldi-Jany

**6. JAMES LoBIONDO
24 NEW STREET
BLOCK 12 LOT 12
PB-14-015**

Applicant is seeking to demolish a single family home severely damaged by Superstorm Sandy and to construct a new single family home. Applicant seeks variances for lot area, rear yard and front yard setbacks and maximum building coverage.

Boardmembers DeSio and Beer were recused from hearing this application. Attorney Higgins stated that present Boardmembers hearing this application were not within 200 feet of the property. Tony Condouris, Architect represented the applicant, James LoBiondo. Chairman Cunningham stated for the record that the applicant James LoBiondo is a sitting Councilman for the Borough.

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

- A-1:** Jurisdictional Packet
- A-2:** Architectural plans prepared by Anthony Condouris dated 4-28-14
- A-3:** Photo depicting rear deck of existing home which extended up to the sidewalk
- A-4:** Photo of adjacent rear yards
- A-5:** Photo showing rear yard of neighboring property with improvements up to the sidewalk
- A-6:** Photo of rear yards across the street with no setback
- A-7:** Photo of front yards across the street with no setback
- A-8:** Photo of side yard of subject

Councilman LoBiondo testified that after superstorm Sandy and with the significant damage to his home that it would be more cost effective to demolish the home and rebuild. He is looking to build a three bedroom one family house. He believes the new house will bring a positive impact to the neighborhood and further increase his property value along with his neighbors.

Anthony Condouris testified that the applicant wishes to demolish his existing home that was severely damaged by Superstorm Sandy and construct a new home adding a second floor and to be elevated on pilings to be above the original ABFE for the site. The property is located in the R-3 zone. The applicant seeks bulk variances for side yard setbacks where 7' is required and 3.75 on each side are proposed. Rear set back where 15' is required and 6' is existing and proposed front setback where 5-12' is required and 0 is proposed, maximum building coverage where 50% maximum is permitted and 64% is existing. The new home will be raised and allow for the parking of two cars. The new home will be centered in the lot giving a much better appearance and be an improvement to the property.

Chairman Cunningham asked if the front steps would block the sidewalk. Mr. Condouris answered no.

The Board found that the bulk variances are consistent with the neighborhood. The new design will add to the safety of the property and be a more aesthetically pleasing home. The board found that the variances could be granted without any negative impact on the neighborhood.

Chairman Cunningham Open the meeting to the public there were no public comments. Chairman Cunningham closed the public portion of the meeting.

Boardmember McBride stated that the application is a benefit to the town.

Boardmember McBride introduced a motion approving the LoBiondo application. Seconded by Councilman Leckstein and approved on the following roll call vote.

Ayes: Cunningham, Leckstein, McBride, Nott, Beer , Marrone

Nays: None

Abstain: Cashmore, DeSio, Long

Absent: Davis,, Smith, Isoldi-Jany

ADJOURNMENT:

There being no further business before the Planning Board Boardmember McBride made a motion to Adjourn the meeting at 8:35 pm. Seconded by Councilman Leckstein and approved on a unanimous vote.

Respectfully Submitted

Kathy Morris
Board Secretary

