

**Sea Bright, New Jersey
Unified Planning Board Minutes
August 12, 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(Late 8:55), Cunningham, Desio, Leckstein, Long, McBride, Nott, Smith, Isoldi-Jany(Alt.#1) Beer (Alt.#2) Marrone (Alt. 3)

ABSENT: Davis,

4. Chairman Cunningham introduced a motion approving the July 8, 2014 minutes. Seconded by Boardmember McBride and approved by unanimous voice vote.

5. MEMORIALIZATION OF RESOLUTION:

Boardmember McBride introduced a motion approving the following application.

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

**RE: Constantine Pappas
34 Beach Street
Block 14 Lot 11
Sea Bright, New Jersey**

WHEREAS, John Duffy (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 10, Lot 18 on the Tax Map of the Borough of Sea Bright, also known as 34 Beach Street for bulk variances to add a new deck and stairs to an existing single family residence which was raised after Superstorm Sandy and a

rear wall “bump out” to match the second floor; and

WHEREAS, the Applicant seeks bulk variances for minimum lot area where 1,800 s.f. is required and 1689.5 is pre-existing; side yard setback where 3’ is required and .5’/5’ is existing and will be extended down to the first floor’ with the addition of the rear “bump out”; total side yard setback where 6’ total is required and approximately 2.5’ is proposed; front setback where 5-12” is required and 4’ is existing and 0’ is proposed; 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 July 8, 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: drawing of plans

A-3: Survey prepared by Widdis dated 7-15-99 with hand written depictions of the proposed improvements

A-4: 2 Photos of rear of subject premises

A-5: 1 photo of front of subject premises

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 deck to the front of the raised house which will be the same width as the house (16’). Due to the garage below, the stairs must wrap around to the side of the house.

2. The Applicant wishes to “bump out” the first floor rear wall to match the wall dimensions of the second floor. This will result in extending the existing side yard nonconformity to include the first floor. The rear bump out will square off the house.

3. No mechanicals will be located in any setback.

4. The Applicant seeks bulk variances for minimum lot area where 1,800 s.f. is required and 1689.5 is pre-existing; side yard setback where 3’ is required and .5’/5’ is existing and will be extended down to the first floor’ with the addition of the rear “bump out”; total side yard setback where 6’ total is required and approximately 2.5’ is proposed; front setback where 5-12” is required and 4’ is existing and 0’ is proposed

5. The subject property has been subject to flooding and was heavily damaged by the storm. The house has been raised to take it out of the flood dangers.

6. The new deck will allow for better use and enjoyment of the property in its raised condition and will give access to the home.

7. The Board found that the proposed deck is the same width as the existing house and will extend to the front property line. The Board found that because it is above the garage, it will not appear as intrusive to the front line. The line of the front wall of the structure of the home will not change. The Board noted that many of the houses on the street are built to the front property line.

8. Due to the garage underneath, the stairs must extend down to the side. The Board makes no findings as to whether the placement of the stairs will meet building code requirements. It is a **CONDITION OF APPROVAL** that the Applicant meets all building code requirements.

9. Board members noted that the side yard deficiencies have been existence for many years with no problems or issues and this proposal will not exacerbate the situation with the addition of the first floor bump out to match the second floor.

8. The Board found that elevating the new house, removing it from flood danger led, in

part, to the need for the deck and the stairs to provide access and better use and enjoyment of the newly raised home.

9. The Board found that the bulk variances are consistent with the neighborhood and the pre-existing dwelling. The proposed design and layout of the deck will add to the safety of the property and make for a better and more aesthetically pleasing home. The rear bump out will match the conditions on the second floor and not cause any detriment.

12. The Board found that the variances could be granted without any negative impact on the zoning ordinance or zone plan. The proposal is the least 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 variances set forth above described 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.

10. No mechanicals will be located within any setback.

11. The Applicant must meet all building codes, particularly for the placement of the stairs in the side yard.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of July 8, 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 August 12, 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 Cashmore and adopted on the following roll call vote:
Ayes: Cashmore, Davis, Desio, Nott, Smith, Isoldi-Jany, Beer,
Nays: None
Abstain: Cunningham, Leckstein, Marrone.
Absent: Long, McBride.

Ordinance #12- 2014 amending and supplementing chapter 130 Design Standards, Section 130-59 Land Use, Article IX. Planning Board to review and make recommendations to the governing body.

Chairman Cunningham announced that **Ordinance #12-2014** will be pulled off Planning Board agenda as the Governing Body is in the process of making changes to Ordinance **#12-2014**. The Planning Board will review and make recommendations when completed by the Governing Body.

**ROONEY PLAZA, LLC
1136 OCEAN AVENUE
4 & 6 SURF STREET
BLOCK 11 LOTS 21, 22, 23**

The applicant proposes to combine three properties for the development/construction of a new mixed-use building containing approximately 3, 378 sq. ft. of retail space on the first floor and seven residential units above.

The applicant has provided due notice to the public and all surrounding property owners within the 200ft.

The applicant appeared and marked into evidence certain documents including the following.

- A-1** Jurisdictional Packet
- A-2** Architectural plans by Monteforte dated 4-19-14
- A-3** Major Site Plan prepared by Kennedy Consulting Engineers dated
- A-4** Color rendering
- A-5** Aerial photo
- A-6** Revised sheet A104 of architectural plans revised to 8-11-14
- A-7** Small version of A-5
- A-8** Small color rendering of A-3, 3-27-14
- A-9** Large color rendering of A-3, 3-27-14
- A-10** T&M Review letter 8-11-14

Boardmembers Leckstein, Long were recused from this hearing as it is a use D” variance. Boardmembers Beer was within 200ft of this application. Boardmember Cashmore was late and did not attend full hearing.

Charles Kelly Esq. testified on behalf of the applicants Lou Raffetto, Fran Raffetto and Francis Rooney as principal owners of Rooney Plaza LLC. The applicant seeks to demolish existing structures on 4 & 6 Surf Street and 1136 Ocean Avenue is currently a gravel lot with a hot dog stand. The applicant proposes to construct a 3.5 story mixed use building, including a 3,378 square feet of retail space and seven garden apartments with associated parking, lighting and pedestrian circulation improvements.

Lou Raffetto Jr. Stated his mother in law Francis Rooney has been a property owner in Sea

Bright for over 50 years. Lou Raffetto and his wife Fran Raffetto also own property on Surf Street for the past 10 years.

James Monteforte, Architect testified describing the new building. The first floor will contain up to 3, 378" feet for retail uses. The second floor will contain three 2 bedroom residential units and the third floor will contain four residential units with a half stop elevator. Signs will be in recessed panels and will meet the sign ordinance. The median height of the building, as measured in accordance with the Borough ordinance is 43.5'. The peak will be approximately 50.05' there will be a 3 foot parapet wall to screen the mechanicals on the roof.

James Kennedy P.E. described the site plan. He stated that there would be 1 parking stall for each residential unit (7) on the west side parking area and (4) parking stalls on the east side for the commercial uses. One handicapped stall will also be on the east side for a total of (12) parking stalls where (31) are required. He noted that by filling in the existing depressed curb cut on Surf Street they will likely open up additional 1-2 spaces of on street parking. Mr. Kennedy explained the proposed garbage storage pick up. Neighbor Will Cherry expressed concern over the frequency of pick up and storage capacity. Mr. Kennedy stipulated that they would increase the frequency of pick up if needed.

Gary Dean P.E. testified as Transportation Engineer and Planner. He spoke about the removal of the driveway on West Ocean Avenue is a positive improvement that it removes a potential traffic conflict and provides a safer ingress and egress. Mr. Dean testified that that the parking was adequate in this situation.

Christine Nazzaro Cofone, Profesional Planner testified on behalf of the Applicant. She noted that the property is located in the B-1 and R-3 zones and that Application requires "d" variance relief to retail use in the R-3 zone. Ms. Cofone also noted the "bulk" variances described above, including front yard setback where 3' is required in the R-3 zone and 0' in the B-1 Zone and the proposed is 0' to Ocean Avenue and Surf Street; maximum building coverage where 50% is permitted and 51.1% is permitted; maximum lot coverage where 70% is permitted in the R-3 zone and 75% in the B-1 zone and 91.9% is proposed; 2 ½ stories is permitted in the R-3 zone and 3 stories is permitted in the B-1 zone and 3 ½ stories is proposed; variance from the requirement for a 15' buffer along the lot line abutting residential properties where 6.3' to 3.5' is proposed; variance for 6' board fence along the residential property line 4' is proposed; parking within the front setback; parking variance where 31 spaces are required and 12 spaces are proposed and variance for accessory parking in the R-3 zone. As to the "d" use variance, the Planner testified that the property has frontage on Ocean Avenue, the major thoroughfare through the Borough. The proposed retail use on the first floor and residential on the second floor is consistent with the character of the downtown area. The use variance is due to a portion of the parking lot and access aisle located within the R-3 Zone District. The structure is located on Ocean Avenue within the B-1 District. She stated that the Application is consistent with

many of the stated purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-70, including sections:

To encourage municipal action to guide the appropriate use or development of all lands in this State. Ms. Confone stated the applicant will activate a property that is partially vacant which enhances the interest of improving the downtown area. Ms. Confine stated "This project is major benefit to the public good as it is an investment in Sea Brights future"

The Board agreed that this project clearly meets the intent and purpose of the Ordinance for the business District. The Board concurred with the Planners testimony that in the "Borough of Sea Bright Downtown & Oceanfront Smart Growth Plan," March 2007, the Borough indicates that it is seeking to both retain and "spur more [commercial] vitality" along Ocean Avenue. Currently the front portion of the property is a gravel lot with a hot dog stand. The Board agreed that the proposal will contribute to the commercial vitality along Ocean Avenue.

The Board found that the variances could be granted without any negative impact on the zoning ordinance or zone plan. The proposal is aesthetically pleasing, will enhance the Ocean Avenue vista, improves existing conditions and will further protect the property and its critical services from danger of flooding. The new building will be FEMA and building code compliant. 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.

Boardmember Desio introduced a motion approving the Rooney Plaza application. Seconded by Boardmember McBride and approved on the following roll call vote.

Ayes: Cunningham, Desio, McBride, Nott, Smith, Isoldi-Jany, Marrone
Nays: None
Abstain: None
Absent: Davis.

ADJOURNMENT:

There being no further business before the Planning Board Boardmember McBride made a motion to Adjourn the meeting at 9:15 pm. Seconded by Councilman Leckstein and approved on a unanimous voice vote.

Respectfully Submitted

Kathy Morris
Board Secretary

