

**Sea Bright, New Jersey
Unified Planning Board Minutes
October 28, 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, Leckstein, McBride, Smith, Isoldi-Jany(Alt.#1) Marrone (Alt.3)

ABSENT: Beer (Alt 2), Davis, Desio, Long, (Alt#3), Nott

4. Chairman Cunningham introduced a motion approving the August 12, 2014 and September 9, 2014 minutes. Seconded by Boardmember McBride and approved by unanimous voice vote.

5. MEMORIALIZATION OF RESOLUTION:

Boardmember Smith introduced a motion approving the following application.

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

RE:

**Donald Macdonald
25 Village Road
Block 4.04 Lot 62
Sea Bright, New Jersey**

WHEREAS, Donald Macdonald (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 4.04, Lot 62 on the Tax Map of the Borough of Sea Bright, also known as 25 Village Road for revised site plan approval to correct a discrepancy in the previously approved plans concerning the height of the

fire wall as indicated on the approved plans and the actual height of same; 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 a meetings on September 9, 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: Letter dated 8-21-13 from Sea Bright Village Condominium Association

A-3: Site Plan prepared by Michael Savarese dated 6-19-13 , revised to 7-24-14

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

1. On or about October 22, 2013, Applicant received approval for the demolition of the existing Superstorm Sandy damaged townhouse and construction of a new townhouse unit within the same footprint. During construction an apparent discrepancy was discovered concerning the height of the fire wall as indicated on the approved plans and the actual height of same.

2. The property is in the R-1 zone.

3. As a result of the discrepancy, the Applicant proposed modifications to the structure including removal of the mansard roof and rebuilding same so that the top of the mansard roof is below the existing fire wall. The new parapet height will be 6" below the fire wall.

4. There will also be a modification to the slope of the mansard roof on both the north

and south facing elevations so as to adhere to an 8 inch projections past the party wall.

5. At the request of the Condominium Association, the color of the party wall has been changed.

6. The tower will be at 35' height. The Applicant **STIPULATED** that it will submit revised plans to reflect the tower door and access steps.

7. The Borough Construction Official, Edward Wheeler explained the history of the project and the height discrepancy and recommended approval of the revised plans.

8. The condominium association submitted a letter advising that it approved of the proposal.

9. The Board found that the proposed plan needed no bulk variances and is consistent with the neighborhood and the pre-existing dwelling. The proposed modified design of the roof is aesthetically pleasing and will not extend over the fire wall.

11. The Board found that site plan approval was warranted.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that the Site Plan Application 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.

SPECIFIC CONDITIONS.

1. Applicant will submit revised plans to reflect the tower door and access steps.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of September 9, 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 _____, 2013.

Kathy Morris, Secretary
Sea Bright Planning/Zoning Board

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

Lance Cunningham, Chairman

Seconded by Boardmember Jany and adopted on the following roll call vote:
Ayes: Cashmore, Smith, Isoldi-Jany,
Nays: None
Abstain: None Cunningham, Marrone
Absent: Davis, Desio, Leckstein, Long, McBride.

6. MEMORIALIZATION OF RESOLUTION:

**JON & HOLLY SCHWARTZ
24 LONGVIEW WAY
BLOCK 2 LOT 24**

Boardmember McBride introduced a motion approving the following application.

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

**RE: Jon and Holly Schwartz
24 Longview Way
Block 2 Lot 24
Sea Bright, New Jersey**

WHEREAS, Jon and Holly Schwartz (the “Applicant”) made application to the Planning/Zoning Board of Sea Bright (the “Board”) for property known as Block 2, Lot 24 on the Tax Map of the Borough of Sea Bright, also known as 24 Longview Way for bulk variances to add stairs to the new rear deck and stairs to the front of an existing single family residence which was renovated after Superstorm Sandy; and

WHEREAS, the Applicant seeks bulk variances for front setback where 25’ is required and 19.5’ is proposed; and rear setback where 15’ is required and 11’ 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 October 14, 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: Architectural plans prepared by Anthony Condouris dated 3-10-14

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 originally planned for the front stairs to be in a zigzag formation to comply with the front setback. However, this was not aesthetically pleasing and not the best layout for the stairs. The proposed modification is more aesthetically

pleasing and simple. The proposed front setback to the stairs is in keeping with other homes in the neighborhood.

2. The setback to the house complies with the requirements. The design of the house contains much relief so that it is only the stairs that are non-compliant, without much bulk to the appearance.

3. The rear deck plans originally had no stairs. However, for fire and safety reasons, the Applicant felt that it would be beneficial to have two means of ingress and egress to the home, both from the front and the rear.

4. The Applicant seeks bulk variances for front setback where 25' is required and 19.5' is proposed; and rear setback where 15' is required and 11' is proposed.

5. The rear deck complies with the setback; it is only the stairs that encroach into the setback.

6. The rear deck stairs 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 shape of the lot and the layout of the house warrant the minor variances.

8. The Board felt that the house was an improvement to the neighborhood and that eliminating the zigzag front stairs was an improvement both aesthetically and for convenience and safety.

9. Board members noted that having two means of ingress and egress was an important safety feature in case of fire or other crisis.

10. The Board found that the bulk variances are consistent with the neighborhood and the pre-existing dwelling. The proposed design and layout of the stairs will add to the safety of the property and make for a better and more aesthetically pleasing home.

11. 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.

12. 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 October 14, 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 _____, 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 Smith and adopted on the following roll call vote:

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

NEW BUSINESS

**JOHN DUFFY
18 SHREWSBURY WAY
BLOCK 26 LOT 7**

Applicant is seeking variance relief approval for addition of a room above the existing garage which will be attached to the house via a covered breezeway.

The applicant did not reveal on his plans that he was adding a bathroom and did not state that the proposed breezeway would not be covered. The Board found that the applicant would need to submit new plans reflecting a bathroom and a covered breezeway and to re-notice his application.

ADJOURNMENT:

There being no further business before the Planning Board Boardmember McBride made a motion to Adjourn the meeting at 8:40 pm. Seconded by Boardmember Smith and approved on a unanimous vote.

Respectfully Submitted

Kathy Morris
Board Secretary

