

**MINUTES  
REGULAR MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD  
TUESDAY, January 8, 2019**

**ADMINISTRATIVE MATTERS**

**Call to Order**

Chairman Cunningham called the meeting to order at 7:35 p.m. and requested those present to join in the Pledge of Allegiance.

**Chairman's Opening Statement**

Chairman Cunningham read the following Compliance Statement:

The Borough of Sea Bright, in compliance with the Open Public Meetings Act, has provided the time, date and location of this meeting to at least two designated newspapers, published same in the Asbury Park Press, the official newspaper, on December 1, 2018, filed it with the Borough Clerk and posted notice on the bulletin board in the Borough Office.

**2019 Oath Appointments**

Attorney Higgins administered the following Oath Appointments.

**4 Year Term Class IV:**

**David DeSio            January 1, 2019-December 31, 2022**

**4 Year Term Class IV:**

**John Duffy            January 1, 2019-December 31, 2022**

**Attendance Roll Call**

**Present:** Cashmore, Cunningham, DeSio, Duffy, Leckstein, Long, Smith, Bills, Wray

**Not Present:** DeGiulio, Nott, McGinley

**Also in attendance:** Board Attorney Kerry E. Higgins, Esq.  
Board Secretary Candace B. Mitchell

**Election of 2019 Chairperson and Vice Chairperson**

**Chairperson**

Councilman Leckstein introduced a motion to elect C. Lance Cunningham as Chairperson of the Planning/Zoning Board. Second offered by Boardmember DeSio and adopted upon a unanimous voice vote.

**Vice Chairperson**

Chairman Cunningham introduced a motion to elect David DeSio as Vice Chairperson of the Planning/Zoning Board. Second offered by Boardmember Smith and adopted upon a unanimous voice vote.

**Selection of 2019 Board Secretary**

Councilman Leckstein introduced a motion to select Candace Mitchell as Secretary of the Planning/Zoning Board. Second offered by Mayor Long and adopted upon the following roll call vote:

**Ayes:**            Cashmore, Cunningham, DeSio, Duffy, Leckstein, Long, Smith, Bills, Wray

Nayes: None  
Abstain: None  
Absent: DeGiulio, Nott, McGinley

### **2019 Professional Board Appointments**

#### **Board Attorney**

An appointment made without competitive bidding under the provisions of the Local Public Contracts Law N.J.S.A. 40:11.1 et seq.

Chairman Cunningham introduced a motion to appoint Kerry E. Higgins, Esq. of McKenna, DuPont, Higgins & Stone as Attorney for the Planning/Zoning Board. Second offered by Vice Chairman DeSio and adopted upon the following roll call vote:

Ayes: Cashmore, Cunningham, DeSio, Duffy, Leckstein, Long, Smith, Bills, Wray  
Nayes: None  
Abstain: None  
Absent: DeGiulio, Nott, McGinley

#### **Board Engineer**

An appointment made without competitive bidding under the provisions of the Local Public Contracts Law N.J.S.A. 40:11.1 et seq.

Chairman Cunningham introduced a motion to appoint David E. Hoder of Hoder Associates as Engineer for the Planning/Zoning Board. Second offered by Vice Chairman DeSio and adopted upon the following roll call vote:

Ayes: Cashmore, Cunningham, DeSio, Duffy, Leckstein, Long, Smith, Bills, Wray  
Nayes: None  
Abstain: None  
Absent: DeGiulio, Nott, McGinley

#### **Conflict Engineer**

An appointment made without competitive bidding under the provisions of the Local Public Contracts Law N.J.S.A. 40:11.1 et seq.

Chairman Cunningham introduced a motion to appoint Jaclyn J. Flor of ENGenuity Infrastructure as Conflict Engineer for the Planning/Zoning Board. Second offered by Councilman Leckstein and adopted upon the following roll call vote:

Ayes: Cashmore, Cunningham, DeSio, Duffy, Leckstein, Long, Smith, Bills, Wray  
Nayes: None  
Abstain: None  
Absent: DeGiulio, Nott, McGinley

#### **Board Planner**

An appointment made without competitive bidding under the provisions of the Local Public Contracts Law N.J.S.A. 40:11.1 et seq.

Councilman Leckstein introduced a motion to appoint Christine A. Nazzaro-Cofone of Cofone Consulting Group, LLC as Planner for the Planning/Zoning Board. Second offered by Chairman Cunningham and adopted upon the following roll call vote:

Ayes: Cashmore, Cunningham, Desio, Duffy, Leckstein, Long, Smith, Bills, Wray  
Nays: None  
Abstain: None  
Absent: DeGiulio, Nott, McGinley

**Approval of 12/4/18 Minutes**

Boardmember Smith offered a motion to approve the minutes. Second offered by Boardmember Wray, and approved on the following roll call vote of eligible members:

Aye: Cashmore, Duffy, Smith, Bills, Wray  
Nay: none  
Absent: DeGiulio

**ITEMS OF BUSINESS**

**PBZB 2018-23** - New Application

Gaiter's Village, LLC

150 Ocean Avenue, Block 34, Lots 4 and 4.01

Request for Approval of Amended Preliminary and Final Site

Due to a conflict created by "D" variance approval sought in the original application, Mayor Long and Councilman Leckstein recused themselves from hearing this matter.

In attendance for the applicant was attorney Thomas J. Hirsch, Esq. The applicant, Victor Scudieri, owner of Gaiter's Village, LLC was also present.

Board Attorney Higgins verified the jurisdictional packet, dated 12/20/18, as complete and correct and entered it into evidence as Exhibit A-1.

Ms. Higgins offered a brief of the history of the application, beginning with the 2011 Board approval of the Site Plan and Use Variances and subsequent amendments to the plan, eventually approved and memorialized by resolution on 1/28/15. After submission of amended Preliminary and Final Site Plans to accommodate CAFRA requirements, the Board granted Amended Site Plan and Use Approval, memorialized by resolution on 6/23/15. The resolution stipulated that no parking would be allowed to take place on Block 23, lot 134, which is located on the east side of Ocean Avenue. Furthermore, the Master Deed contained a provision that Block 23, lot 134 would not be part of the common elements of the development. Ms. Higgins stated that the applicant is asking to amend the condition of not having the lot as part of the common elements of the development. The applicant is asking to have Block 23, lot 134 be made part of the common elements of the development, to be maintained by the Condominium/Homeowners Association, and to retain the no-parking component.

Mr. Hirsch reiterated that the applicant is asking for the removal of one condition, namely, that Block 23, lot 134 is not part of the common elements of the development. He explained

that the Master Deed will still include the stipulation of no parking on this lot located east of Ocean Avenue. The Condominium/Homeowners Association will own and maintain the lot, allowing residents and their guests to have beach access from the lot.

**Boardmember Questions and Comments:**

Boardmember Wray asked whether the beach access on the lot is currently public or private. Mr. Hirsch answered that the access is private.

Boardmember Bills asked whether anything can be built on the lot. Chairman Cunningham answered that only a set of steps may be built. No building structures are allowed. The property is part of the coastal protection zone. Attorney Higgins also stated that there can be no construction other than steps and that the Board is only removing the original condition and allowing access to the beach by residents of the property and their guests.

There were no members of the public wishing to speak.

**Determination:**

Vice Chairman DeSio offered a motion to approve the application for amended preliminary and final site plan and use variance approval, removing the condition in the Master Deed which states that Block 23, lot 134 is not part of the common elements of the development. The motion was seconded by Boardmember Smith and adopted upon the following roll call vote:

Ayes:	Cashmore, Cunningham, Desio, Duffy, Smith, Bills, Wray
Nays:	None
Abstain:	None
Absent:	DeGiulio, Nott, McGinley

Mayor Long and Councilman Leckstein rejoined the Board.

**PBZB 2018- 022 – New Application**

William E. Dixon

360 Ocean Avenue, Block 30, Lot 37

Bulk Variance Relief for garage to be located in front yard, for front yard setback, and for height

In attendance for the applicant was attorney Peter S. Falvo, Jr., Esq. The applicant, Mr. William E. Dixon, property owner, was also present.

Board Attorney Higgins verified the jurisdictional packet as complete and correct.

The following exhibits were entered into evidence:

**A-1** Jurisdictional Packet, received 1/4/19

**A-2** Property Survey/Final As-Built Plan, dated 11/13/15, prepared by Robert L. Vallee, Professional Land Surveyor, NJ State License No. 43276

**A-3** Plot Plan For Variance, dated 8-13-18, prepared by Matthew C. Hockenberry, P. E., NJ License No. GE49637

A-4 Architectural Garage Plans, dated 8/13/18, prepared by Matthew C. Hockenbury, P.E., NJ License No. GE49637, 8 sheets

A-5 2 Photographs of the property as it currently exists, received 11/7/18

Attorney Peter Falvo explained that the garage that had been on the property was destroyed in the 2012 storm. The applicant is asking for approval to build a new garage which will be very much in the same location as the previous garage. The new garage will be a bit wider and higher to accommodate a storage area. A condition of approval would include the stipulation that the garage may not be inhabited.

Attorney Higgins stated the variances needed. She added that the width of the garage is not to exceed 25 feet, and that the garage is meant to accommodate two cars and a set of stairs.

There were no members of the public wishing to speak.

Determination:

Councilman Leckstein offered a motion to approve the application. Second offered by Vice Chairman DeSio and adopted upon the following roll call vote:

Ayes: Cashmore, Cunningham, DeSio, Duffy, Leckstein, Long, Smith, Bills, Wray  
Nays: None  
Abstain: None  
Absent: DeGiulio, Nott, McGinley

#### **PUBLIC QUESTIONS AND COMMENTS**

As there was someone in the audience wishing to speak, the meeting was opened to members of the public for questions and comments.

Theresa Phan, 164 Ocean Avenue, inquired about the first application on this evening's agenda, having arrived at the meeting after the application had been approved. Her question was whether parking would be allowed on Block 23, lot 134. Attorney Higgins answered that no parking will be allowed on the lot.

#### **CLOSING MATTERS**

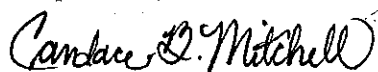
##### **Meeting Announcement**

There being no other business before the Board, the Secretary made an announcement of the next meeting date, which is January 22, 2019. The meeting will be held at the new municipal building located at 1097 Ocean Avenue.

##### **Adjournment**

The meeting was adjourned at 8:10 p.m. on a motion offered by Councilman Leckstein, seconded by Boardmember Bills, and approved upon a unanimous voice vote by the Board members.

Respectfully submitted,



Candace B. Mitchell, Board Secretary