

APPROVED MINUTES
REGULAR MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD
Tuesday, October 8, 2019

ADMINISTRATIVE MATTERS

Call to Order

Chairman Cunningham called the meeting to order at 7:34 p.m. and requested those present to join in the Pledge of Allegiance.

Opening Statement

The Chairman offered the following Compliance Statement:
The Borough of Sea Bright, in compliance with the Open Public Meetings Act, has provided the date, time, and location of this meeting to at least two designated newspapers, published same in the Asbury Park Press, the official newspaper, filed notice with the Borough Clerk, and posted notice on the bulletin board in the Borough office and on the Borough website.

Attendance Roll Call

Present: Cashmore, Cunningham, DeGiulio, Leckstein, McGinley, Bills

Not Present: DeSio, Long, Nott, Smith, Wray

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

Approval of the September 10th Minutes

Councilman Leckstein offered a motion to approve the minutes, with a second offered by Chairman Cunningham. The motion was adopted upon the following roll call vote:

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

ITEMS OF BUSINESS

Carried Application: PBZB 2019-011

MMJD Properties, LLC #2

26 Beach Street, Block 10, Lot 21

Application for major subdivision of property into 2 lots; variance relief for lot areas

A continuance of this application to the November 12, 2019 meeting was requested by the applicant's attorney, Kevin E. Kennedy, Esq.

Determination:

Councilman Leckstein offered a motion to grant the request to carry this matter to the November 12, 2019 meeting without further notice, which was seconded by Boardmember Bills, and carried upon the following roll call vote:

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

Memorialization of Resolution

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD
GRANTING BULK VARIANCE APPROVAL
RE: Fortunette Holdings, LLC
412 Ocean Avenue
Block 30 Lot 26
Sea Bright, New Jersey**

WHEREAS, Fortunette Holdings, LLC (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 30, Lot 26 on the Tax Map of the Borough of Sea Bright, also known as 412 Ocean Avenue for bulk variances to expand the existing rear porch and add a second story deck; and

WHEREAS, the Applicant seeks bulk variances for side yard setback where 10' is required, 4.5' is existing and 3.8' is proposed; combined side yard setbacks where 25' is required and 23.4' is existing and 22.7' 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 its meeting on September 10, 2019, 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 Site Plan prepared by Anthony M. Condouris, NJ STATE LIC##/AI13804, dated 2/21/17, consisting of three (3) sheets

A-3 Color Rendering of the home, depicting extended porch and new deck, prepared by Anthony M. Condouris, NJ STATE LIC##/AI13804

A-4 Photo of existing home provided by John Jaworski

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 is seeking to expand the existing rear porch and add a second story deck. Applicant seeks bulk variances for side yard setback where 10' is required, 4.5' is

existing and 3.8' is proposed; combined side yard setbacks where 25' is required and 23.4' is existing and 22.7' is proposed.

2. John Jaworski testified that he and his wife Jeannette are the sole members of Fortunette Holdings, LLC. He stated that that he and his wife purchased their home at 412 Ocean Avenue in July of 2012. The house sustained significant damage from Superstorm Sandy. Mr. Jaworski explained that he and his wife have invested heavily in the maintenance of the property. He noted that currently there is a lack of protection from the extreme afternoon sun shining upon the existing, west-facing uncovered porch. Mr. Jaworski explained that he is asking for variance relief to allow an extension of the existing porch, covering it with a roof, and constructing a deck directly above it. Adding a roof to the west-facing porch will help mitigate the effects of the strong afternoon sun. Mr. Jaworski stated that the expanded porch and second story deck will improve the property.

3. Architect Anthony Condouris testified that the property has a very small setback from the southwest corner of the house. The side yard setback required is 10 feet. The existing setback is 4.5 feet, and the proposed setback is 3.8 feet. The applicants are asking for side yard setback variance relief for one of two points which will square off the deck as depicted on the site plan and color rendering.

4. Neighbor Donald Pignataro of 414 Ocean Avenue spoke in favor of the application. He felt that the extended porch and second story deck would improve the property and neighborhood.

5. The Board found that the variances could be granted without any negative impact on the zoning ordinance or zone plan. The improvements will protect the home from the direct strong afternoon sun. The change in the setbacks is not excessive and will have little impact on the neighborhood. Board members noted that the improvements will be a good use of and a nice improvement to the property and further protect the home and its occupants.

6. The Board found that the side yard variance increase is minimal and necessary to provide protection from the intense afternoon sun which prohibits the use of that porch by the residents in the afternoon. Accordingly, the Board found that the granting of the variance will have no substantial detrimental impact on the surrounding neighborhood and will improve current conditions.

7. After evaluating all of the evidence and testimony the Board found that the bulk variances would have no negative impact on the zoning ordinance or zone plan and could be granted with no detriment to the neighborhood.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that the Application for bulk variances as 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.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting September 10, 2019.

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.

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 October 8, 2019.


Candace B. Mitchell, Secretary
Sea Bright Planning/Zoning Board

Adopted on a roll call on a motion by Councilman Leckstein and Seconded by Boardmember DeGiulio

Vote:

Cashmore – Yes Cunningham – Yes DeGiulio - Yes

DeSio – Absent Leckstein - Yes Long - Absent

Nott - Absent Smith - Absent

McGinley (Alt.#1) – Yes Bills (Alt.#2) - Abstain Wray (Alt.#3) – Absent


C. Lance Cunningham, Chairman
Sea Bright Planning/Zoning Board

Discussion of 2020 Meeting Schedule

The 2020 Meeting Schedule will be finalized at the Board's Reorganization Meeting which is scheduled for January 7, 2020.

General Public Questions and Comments

No one in the public wished to speak.

CLOSING MATTERS

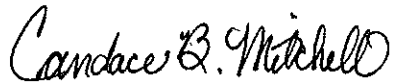
Meeting Announcement:

The next meeting of the Planning/Zoning Board is scheduled for October 22, 2019 at 7:30 p.m.

Adjournment

There being no other business before the Board, the meeting was adjourned at 7:40 p.m. on a motion offered by Councilman Leckstein, a second offered by Chairman Cunningham, and a unanimous voice vote.

Respectfully submitted,



Candace B. Mitchell
Board Secretary