

MINUTES
REGULAR MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD
TUESDAY, February 12, 2019

ADMINISTRATIVE MATTERS

Call to Order

Vice Chairman DeSio called the meeting to order at 7:40 p.m. and requested those present to join in the Pledge of Allegiance.

Chairman's Opening Statement

Vice Chairman DeSio 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, which is the official newspaper, filed notice with the Borough Clerk, and posted notice on the bulletin board in the Borough Office.

Attendance Roll Call

Present: Cashmore, DeSio, Duffy, Smith, Wray

Not Present: Cunningham, DeGiulio, Leckstein, Long, Nott, McGinley, Bills

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

Approval of the January 22, 2019 Minutes

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

Aye: Cashmore, Duffy, Smith, Wray

Nay: none

Abstain: DeSio

Absent: Cunningham, DeGiulio, Leckstein, Long, Nott, McGinley, Bills

ITEMS OF BUSINESS

Memorialization of Resolution

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD
GRANTINGSITE PLAN AND BULK VARIANCE APPROVAL**

RE:

**Michael & Sarah Welty
49 Bellevue Place
Block 28 Lot 7
Sea Bright, New Jersey**

WHEREAS, Michael & Sarah Welty (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 28, Lot 7 on the Tax Map of the Borough of Sea Bright, also known as 7 Bellevue Place, for site plan and bulk variance approval to construct additions to a pre-existing single-family home on a non-conforming lot; 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 hearings on the matter at a meeting on January 22, 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:** Architectural plans prepared by Anthony Condouris dated 10-25-18
- A-3:** Narrative of Intent
- A-4:** Photo of existing, Bellevue Place
- A-5:** Photo of existing, Atlantic Way
- A-6:** Photo of existing modern home behind subject
- A-7:** Photo of existing home
- A-8:** Photo of sample outdoor pergola

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

1. Applicant seeks to elevate and construct an addition to the existing single-family home with a ground level garage (beneath to elevated home).
2. The property contained a two-family home prior to 2007 when the two-family home was demolished and the single-family home was built. The home, as currently exists, does not satisfy all new FEMA / Municipal Requirements.
3. The Applicant seeks the following variance relief:

LOT AREA: 4,000 SF required; whereas 3,412 SF exists, which is an existing condition.

LOT FRONTAGE / WIDTH: 50 ft. required; whereas 37.5 ft. exists, which is an existing condition.

FRONT YARD SETBACK: 25 ft. required; whereas 12.1 ft. exists, which is an existing condition.

MINIMUM REAR YARD SETBACK: 15 ft. required; whereas 9.6' is proposed

MINIMUM SIDE YARD SETBACK: 7 ft. required; whereas 5.1' exists and is proposed

BUILDING HEIGHT: Maximum 33 ft. allowed; whereas 34 ft. proposed.

COMBINED SIDE YARD SETBACK: 15 ft. required; whereas 13' ft. proposed.

4. Superstorm Sandy destroyed the first floor of the existing home. The home was repaired to allow habitability but was not compliant with FEMA and the BFE as same had not yet been established. Applicant wishes to raise the home to be compliant with FEMA and the BFE and place a garage underneath.

5. The existing detached garage, which can accommodate 1 small sports cars will be removed and a new garage will be constructed under the elevated home. The new garage can accommodate 2 vehicles with room for an additional 2 vehicles in the driveway. Applicant was originally maintaining the existing garage, adding same to the main home. However, Applicant now proposes removal of the existing garage so that they will have some open space in the yard.

6. The Applicant **STIPULATED** that the addition would match the existing cedar shake exterior.

7. The Applicant **STIPULATED** that the gutters and leaders will lead to Bellevue Place.

8. The Applicant **STIPULATED** that the driveway off Bellevue to the garage will be pea stone.

9. At the request of the Board, the Applicant **STIPULATED** that mechanicals would be located a minimum of 4' from the property line.

10. 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 and the elevated home will meet FEMA requirements as well as the BFE. The proposed home with addition is consistent with the neighborhood. The setbacks are consistent with the neighborhood

11. 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.

12. After evaluating all of the evidence and testimony the Board found that the granting of bulk variances would have no negative impact and could be. The elevated home will be protected from flood.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that the Application for site plan with bulk variance described 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. The addition will match the existing cedar shake exterior.
2. The gutters and leaders will lead to Bellevue Place.
3. The driveway off Bellevue to the garage will be pea stone.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of January 22, 2019; 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, assessor 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 February 12, 2019.

Candace B. Mitchell

Candace Mitchell, Secretary
Sea Bright Planning/Zoning Board

Adopted on a roll call on a motion by Boardmember Smith
and Seconded by Boardmember Duffy

Vote: Cashmore - Yes	Cunningham - Absent	DeGiulio - Absent
DeSio - Abstain	Duffy - Abstain	Leckstein - Absent
Long - Absent	Nott - Absent	Smith - Yes
McGinley - Absent	Bills - Absent	Wray - Abstain

David DeSio

David DeSio, Vice Chairman
Sea Bright Planning/Zoning Board

Letter of Withdrawal for Approvals of Use and Bulk Variance Relief and Site Plan

PBZB No. 2018-018

James Lobiondo
3 Osborne Place
Block 9, Lot 3

Determination

Boardmember Smith offered a motion to approve the request for withdrawal of approvals of use and bulk variance relief and site plan. Second was offered by Boardmember Duffy, and the approval was adopted upon the following roll call vote:

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

Request for two (2) one-year extensions of Major Subdivision Approval

PBZB 2016-002

Qiang Wang – North Winds at Sea Bright
240 Ocean Avenue and South Way
Block 30, Lots 56, 59, 60, 61, 62

Attorney for the applicant, Robert J. McGowan, attended the meeting. Board Attorney Kerry Higgins asked Mr. McGowan to describe for the Board the reasons for requesting extensions of approval for this application. Mr. McGowan explained that CAFRA approvals were delayed by protracted communications with NJDEP and were not provided until August 7, 2018. The final plat had been filed within the required time frame, and, as required by the Resolution of approval, all of the existing structures on the subject property were removed prior to the signing of the final plat by the Borough officials. The Resolution of approval, memorialized on May 24, 2016, requires an extension to allow the project to progress.

Attorney Higgins explained that two one-year extensions are permitted, and they can be requested one at a time or two at once.

Determination

Boardmember Smith offered a motion to approve the request for two (2) one-year extensions of approval for major subdivision. Second was offered by Boardmember Duffy, and the approval was adopted upon the following roll call vote:

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

New Application

PBZB 2019-003

3 East Church Street
Block 21, Lot 6

Type of Application: Use and Bulk Variance Relief needed to construct a deck

Attorney Higgins stated that she had reviewed the jurisdictional packet and found it to be in order.

Attorney Higgins entered the following exhibits into evidence:

A-1 Jurisdictional Packet

A-2 Survey of Property, Bl.21, l. 6, prepared by Marc. J. Cifone PLS, NJ Lic. No. 24GS04132900, dated 4/30/18, consisting of one (1) sheet

A-3 Architectural Plans, Bl. 21, L. 6, prepared by Robert F. Krause, Architect, NJ Cert. No. 08797, dated 10/23/18, consisting of four (4) sheets

Robert F. Krause, Architect, NJ Cert. No. 08797, and the applicant Richard C. Perrin were in attendance.

Attorney Higgins reviewed the applicant's previous application for this property and the resolution of approval which was memorialized on October 10, 2017. The resolution approved conditional use and bulk variances to demolish an existing single family home and reconstruct a new expanded three story single family home with roof deck over an existing garage foundation. The deck that is being proposed in the current application is an expansion of a "D" variance for a prior non-conforming use. The property is located in the B-1 zone. The area beneath the requested deck must remain a pervious surface so as not to require additional variance approval.

Mr. Krause was sworn in to testify as an expert witness. The deck's proposed placement, dimensions, property setback requirements and variance relief being sought were discussed by Mr. Krause, Attorney Higgins, and Board members DeSio and Cashmore.

Because the proposed deck is set 17 feet off the ground and will be located close to the property line, both Vice Chairman DeSio and Ms. Higgins suggested tucking the deck in a little bit on the rear yard to protect the privacy of the neighbors located behind the house.

Boardmember Cashmore asked about the availability of parking under the house and under the proposed deck. Mr. Krause responded that one car can be parked in the garage underneath. The area under the deck would add another parking space. Boardmember Cashmore suggested that the addition of off-street parking under the deck would work towards the positive criteria necessary for approval. The surface below the deck would have to remain pervious.

Richard Perrin was sworn in to testify. Mr. Perrin explained that he had a conversation with his neighbor regarding the proposed deck. The neighbor also has a deck, and there will be good separation between the two decks. There were no complaints expressed by the neighbor during their conversation.

Attorney Higgins stated that the applicant will need to have the drawings amended to show the dimensions discussed, which must match the resolution.

Ms. Higgins recapped, as follows: The rear yard setback requirement is 15 feet where 1 foot exists; the front yard setback requirement is 25 feet where 1.3 feet exists; the proposed deck follows along the lines of the house for a distance of 35 feet, 3¾ inches in length and measures between 10 and 12 feet in width; the deck railings will be 3.2 feet from the rear yard property line and 1.26 feet from the front yard property line; the "D" variance required is an extension of a previous non-conforming use; the deck is located on the eastern side of the house, facing the ocean, and cannot impact any neighbors; there is good separation from the next door neighbor's deck; the deck creates an extra parking space beneath it; the surface beneath the deck will remain pervious; the deck is consistent with what the neighbors have.

Vice Chairman DeSio asked for further questions from the Board members. There were none. He asked for questions and statements from the public. There were none.

Determination:

Boardmember Cashmore noted that the deck compliments the house, and Vice Chairman DeSio agreed. Boardmember Wray added that the deck is aesthetically pleasing.

Boardmember Duffy offered a motion to approve the application for use and bulk variance relief. Second was offered by Boardmember Smith, and the approval was adopted upon the following roll call vote:

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

CLOSING MATTERS

Meeting Announcement

There being no other business before the Board, the Vice Chairman made an announcement of the next meeting date, which is February 26, 2019. The meeting will be held at 7:30 p.m on the third floor of the Sea Bright Beach Pavilion, located at 1097 Ocean Avenue.

Adjournment

The meeting was adjourned at 8:20 p.m. on a motion offered by Boardmember Smith, seconded by Boardmember Duffy, and approved upon a unanimous voice vote by the Board members.

Respectfully submitted,


Candace B. Mitchell, Board Secretary