

**APPROVED MINUTES  
REGULAR MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD  
TUESDAY, August 27, 2019**

**ADMINISTRATIVE MATTERS**

**Call to Order**

Chairman Cunningham called the meeting to order at 7:40 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, which is 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:** Cunningham, DeSio, Leckstein, Long, Nott, Smith, Wray

**Not Present:** Cashmore, DeGiulio, McGinley, Bills

**Also in attendance:** Board Attorney Kerry E. Higgins, Esq.  
Board Engineer David J. Hoder, P.E., P.P., C.M.E.  
Board Secretary Candace B. Mitchell

**Approval of the July 9th Minutes**

Boardmember DeSio offered a motion to approve the minutes, with a second offered by Boardmember Smith. The motion was adopted upon a unanimous voice vote.

**ITEMS OF BUSINESS**

**New 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

Boardmember DeSio stepped down due to a possible business conflict.

In attendance for the application were Attorney Kevin E. Kennedy, Esq. and Mr. Craig D. Grant, majority owner of MMJD Properties, LLC.

Board Attorney Higgins reviewed the jurisdictional packet and found it to be in good order. The Board accepted jurisdiction over the application, and Ms. Higgins entered the following exhibits into evidence:

**A-1** Jurisdictional Packet

**A-2** Plan entitled "Minor Subdivision," prepared by Charles Surmonte, P.E., P.L.S., dated 5/15/19, consisting of one (1) sheet

**B-1** First Technical Review, dated 8/16/19, Hoder Associates, consisting of three (3) pages

Mr. Kennedy stated that his client respectfully requests an adjournment of this matter until the September 10<sup>th</sup> meeting of the Planning Board. He is hoping for at least seven board members in attendance to hear the application. This evening, there were six board members present.

**Determination:**

Chairman Cunningham announced that this matter is to be carried to the meeting of September 10, 2019, with no further notice.

Councilman Leckstein offered a motion to grant the request for an adjournment to September 10, 2019. Second was offered by Chairman Cunningham, and the motion was adopted upon the following roll call vote:

Ayes: Cunningham, Leckstein, Long, Nott, Smith, Wray

Nays: none

Absent: Cashmore, DeGiulio, DeSio, McGinley, Bills

**New Application: PBZB 2019-012**

Bradley A. Renner/Joy Allen, LLC

244 Ocean Avenue, Block 30, Lot 55; Block 30, Lot 55.01, and Block 23, Lot 117

Request for Certificate of Nonconformity for a Pre-Existing Non-Conforming Use or Use Variance Relief

Boardmember DeSio rejoined the Board.

Board Attorney Higgins reviewed the jurisdictional packet and found it to be in good order. The Board accepted jurisdiction over the application, and Ms. Higgins entered the following exhibit into evidence:

**A-1 Jurisdictional Packet**

Attorney Higgins noted that, because there are voluminous records to be entered into evidence for this matter, the remainder of exhibits will be entered as the hearing goes along.

Ms. Higgins noted that the applicant's notice contains a two-part request. The application requests a Certificate of Nonconformity for a pre-existing non-conforming use. A Certificate of Nonconformity may be issued by the Zoning Officer if the request is made within one year of zone changes that would render a use as non-conforming which had been a conforming use before the zoning ordinance was changed. If the request is made more than a year after the zoning ordinance was changed, the request must be referred to the Zoning Board for approval. In order to prove his case, the applicant must show that this use was permitted prior to the zoning ordinance going into effect, or that there had been an approval of this use prior to the zoning ordinance. The burden of proof to show approval prior to the ordinance is the responsibility of the applicant. In the alternative, the applicant has requested D (use) variance approval.

Mr. Kennedy stated that the application will focus on obtaining approval for a use variance.

Mayor Long and Councilman Leckstein stepped down due to the applicant's request for use variance approval, leaving five Board members to hear the application.

At this point in the meeting, Mr. Kennedy retrieved Attorney Tim Middleton who had been waiting in the conference room while the first application of the night was discussed and carried. Mr. Kennedy explained that Mr. Middleton was in attendance to object to this application for his client, Northwinds, at 240 Ocean Avenue. Mr. Kennedy briefly explained to Mr. Middleton what had happened at the hearing so far.

Mr. Kennedy asked if it would be possible to present his case this evening and have the Board vote at the next meeting, after those not present this evening have had an opportunity to listen to tonight's meeting recording. After having listened to the recording, they would be permitted to participate in the vote on the matter.

Vice Chairman DeSio commented that the Board should wait to hear the application, not only because there would be a possibility of more members attending the next meeting, but, in addition, those members who are absent this evening would have the opportunity to question witnesses when the matter is presented at the next meeting.

Mr. Kennedy conferred with his client from 7:55 to 8:02 p.m.

Chairman Cunningham reconvened the meeting.

Mr. Kennedy asked to adjourn the matter to the September 10<sup>th</sup> meeting.

**Determination:**

Chairman Cunningham announced that this matter is to be carried to the meeting of September 10, 2019, with no further notice.

Chairman Cunningham offered a motion to grant the request for an adjournment to September 10, 2019. Second was offered by Stephen Smith, and the motion was adopted upon a unanimous voice vote.

**For Review: ORDINANCE NO. 18-2019**

AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT AMENDING AND SUPPLEMENTING CHAPTER 130, "LAND USE," ARTICLE XVII, "AFFORDABLE HOUSING REGULATIONS," "SECTIONS 130-121B AND 130-123 PERTAINING TO THE CALCULATION AND COLLECTION OF DEVELOPMENT FEES

Mayor Long and Councilman Leckstein rejoined the Board.

Councilman Leckstein offered a brief explanation regarding a minor change in the amended ordinance and offered a motion to have the Board Secretary send a letter of approval to the Governing body. A second was offered by Stephen Smith, and the motion was adopted on the following roll call vote:

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

**General Public Questions and Comments**

No one in the public wished to speak.

**CLOSING MATTERS**

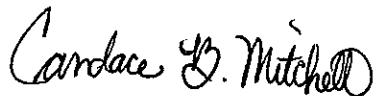
**Meeting Announcement:**

The next meeting of the Planning/Zoning Board is scheduled for September 10, 2019 at 7:30 p.m.

**Adjournment**

There being no other business before the Board, the meeting was adjourned at 8:11 p.m. on a motion offered by Councilman Leckstein, a second offered by Chairman Cunningham, and adoption upon a unanimous voice vote.

Respectfully submitted,



Candace B. Mitchell, Board Secretary