

**APPROVED MINUTES  
REGULAR MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD  
TUESDAY, February 25, 2020**

**ADMINISTRATIVE MATTERS**

**Call to Order**

Chairman Cunningham called the meeting to order at 7:32 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, filed notice with the Borough Clerk, and posted notice on the Borough website and in the Borough Office.

**Attendance Roll Call**

Present: Cashmore, Cunningham, DeGiulio, DeSio, Kelly, Leckstein, Smith,  
Bills, Wray, Gorman

Not Present: McGinley, Nott

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

**Approval of 2/11/20 Minutes**

Chairman Cunningham offered a motion to approve the minutes, with a second offered by Boardmember Smith, and adoption on the following roll call vote of eligible members:

Roll Call:

Ayes: DeGiulio, DeSio, Leckstein, Smith, Bills, Wray, Gorman

Nays: none

Abstain: Cashmore, Cunningham, Kelly

Absent: McGinley, Nott

**ITEMS OF BUSINESS**

**Application for Informal Hearing**

Mountain View Villas, LLC

2 Mountain View Way

Bl. 33, L. 20.02; Bl. 34, L. 3.01, 3.02, 3.03

7-lot Subdivision with single family residences

**In attendance for the application:**

Robert McGowan, Attorney

Jaelyn Flor, Consulting Engineer

Patrick Ferro, Co-owner and Builder

Matthew Taetsch, Realtor

The following exhibits were presented and discussed at the hearing. They were not entered into evidence:

Application for Informal Hearing, dated 2/18/20

Exhibit Plan 1, 11 x 14, prepared by Jaclyn Flor, P.E., P.P., C.M.E.,

Consulting Engineer, STATE OF NJ LICENSE NO. 4GEO5426, dated 1/28/20, consisting of one (1) sheet

Exhibit Plan 2, 11 x 14, prepared by Jaclyn Flor, P.E., P.P., C.M.E., Consulting Engineer, STATE OF NJ LICENSE NO. 4GEO5426, dated 1/28/20, consisting of one (1) sheet

Report from Fire Marshal Tom Haege, dated 2/4/20

Exhibit Plan 1, 11x17, prepared by Jaclyn Flor

Turning Template Exhibit Plan 1, prepared by Jaclyn Flor

Aerial Existing Plan, Drawing AR-EX with (yellow) Lot Overlay

Aerial Previously Approved Plan, Drawing AR-PR with (red) Lot Overlay depicting proposed public access

Board Attorney Higgins stated that the Board may listen to this Informal Application because it does not involve use variances, adding that nothing said at the hearing is binding, and the public has not been noticed of the hearing.

Robert McGowen, attorney for the applicant, introduced Consulting Engineer Jaclyn Flor. Jaclyn Flor was sworn in and accepted by the Board as an expert witness. Ms. Flor exhibited two aerial photographs with overlays: Exhibit Plan 1 and a Turning Template Plan based on Exhibit Plan 1. Ms. Flor discussed the plans, which propose public access to the ocean. Councilman Leckstein said that stairs should be built by the developer, and the beach lot should be dedicated to the town. He pointed out that the houses that usually front on Ocean Avenue have the beach access.

Vice Chair DeSio asked Ms. Flor to point out which lots are conforming. Ms. Flor answered that all lots except the two lots at the "T" are conforming. The curve taken out of each lot for the turn-around creates non-conforming lots.

Councilman Leckstein stated that the Fire Marshal prefers the cul-de-sac turn-around over the "T" turn-around, and Ms. Flor stated that she would like to work with the Fire Marshal on the turn-around plan. Engineer Dave Hoder stated that he prefers the cul-de-sac turn-around, but, if the Fire Marshal has no trouble with the "T"/hammerhead design, he would approve the design.

Councilman Leckstein stated that the developer will want to talk with the neighbors, Lands End Association and the owners of the two properties fronting Ocean Avenue, about what is being proposed.

Ms. Flor proposed the town vacate the public right-of-way at the west end of the street, leaving the homeowners' association responsible for the bulkhead. Also, if the town would prefer to make Waterview Way a private road, the owners would be amenable to that, and the owners would maintain the road. The public would still have access to the river.

Mr. McGowan discussed public beach access. He also stated that the single family homes the applicant is proposing are desirable and would offer a low-density area between two high- density developments.

Mr. DeSio opined that the street is very narrow, smaller than a normal street, with no place for public parking, and would become even more congested. He suggested putting five houses instead of seven: four on the north side and one on the south side. These are undersized lots, not conforming in the R-2 zone. They don't meet the R-2 requirement. The houses will be on top of each other, as in the downtown area, instead of having more air and less congestion, which is desirable in the north beach area. With houses placed only five feet away from the street, you are going to feel like you are driving through a canyon. He stated that this development would be too much for this little, tiny street.

Councilmember Bills questioned how was it decided to place three houses on one side of the street and two houses on the other side. Ms. Flor answered. The lots on the south side of the street are very narrow, not deep; so, two houses are preferable.

Councilman Leckstein stated that if one house is eliminated from the plan, you could put in some parking, a total of six lots and some parking, and it is something to think about.

Councilmember Wray stated that she doesn't think public access on the river side would mean much to the public without parking. Councilman Leckstein added there should be public parking.

Ms. Flor stated that adding a parking lot would change the flavor of the development.

Chairman Cunningham asked for confirmation regarding parking. Will there be parking underneath each home? Patrick Ferro answered, yes, there will.

Boardmember DeGiulio suggested the homeowners' association may want to put in a swimming pool.

The hearing was opened for public comments.

Councilman Charles Rooney, 196 Ocean Avenue, was a member of the audience and stated that five-plus houses are already there. He likes the plan and thinks it will make the neighborhood better. He stated that it will be an awesome place to live.

The hearing was closed to the public.

### **New Application**

PBZB 2020 - 01

Michael Burke, 26 Waterview Way, Bl. 32, L. 4

Upgrade/Renovate existing 2-Family Structure

Requesting approval for: D. var.: 130.46.A(2) - extension of existing non-conforming structures (2-fam. house and additional detached structure) where non-conforming structures shall not be extended; D var.: 130.46.A(3) - extension of existing non-conforming use (2-fam. house and additional detached structure in a single-fam. zone) where a non-

conforming use shall not be extended; and C. var.: 130-50.C – side yard setback of 1 ft. existing and proposed where a minimum of 7 ft. is required (existing condition unaffected by application)

Mayor Kelly and Councilman Leckstein recused themselves from the hearing due to the request for D (Use) variances, and Chairman Cunningham stepped down because of the proximity of the subject property to a property he owns.

Vice Chairman DeSio stepped in to act as Chairman.

**In attendance for the application:**

Rick Brodsky, Attorney  
Anthony M. Condoris, Architect  
Michael Burke, co-owner  
Glynis Burke, co-owner

Board Attorney Kerry Higgins stated that she had reviewed the application's jurisdictional packet, found it to be in order, and determined that the Board can take jurisdiction over this matter.

The following exhibits were entered into evidence:

- A-1** Jurisdictional Packet, received 2/24/20
- A-2** Photos of existing property, received 1/23/20
- A-3** Architectural Plans prepared by Anthony M. Condouris, NJ  
STATE LIC#/AI13804, dated 1/28/19, consisting of three (3) sheets
- A-4** Aerial photo of the neighborhood
- A-5** Architectural Plan Sheet Z-1 with Square footage table added
- A-6** 3-D Rendering of home
- B-1** Technical Review #1, prepared by Planning Board Engineer  
David J. Hoder, dated 2/24/20, three (3) pages

Mr. Brodsky introduced the application which requests variance approval necessary to expand and upgrade a 2-family structure in the R-2 zone. On the property there is also a cabana structure. Attorney Higgins confirmed that this structure is not a habitable space and that the applicant will agree to a stipulation that the cabana will not be made into a habitable structure. Mr. Brodsky described the variances requested.

Mr. Condoris, the architect for the project, was sworn in to testify, listed his credentials, and was accepted by the Board as an expert witness who has testified before the Board many times.

Mr. Condoris discussed the character of the neighborhood as illustrated in exhibit A-4. He pointed out that there are several two-family homes in the neighborhood. Mr. Brodsky distributed a few small copies of Exhibit A-5, pg. Z-1, discussing ample parking. Pages Z-2 and Z-3 were discussed. Z-3 flood elevations do not comply, but because it is pre-existing, Mr. Condoris noted that the Zoning Officer said the base flood elevation is acceptable. On the first level there will be a stairway only. The addition to the first floor is unoccupied; so, it is alright that it doesn't comply. Mr. DeSio added that only new conditions need to apply.

Board Engineer Dave Hoder asked why the applicants were not raising the house. Mr. Condoris answered that the construction cost is prohibitive. Mr. Condoris was asked how much square footage is being added. He answered that a total of 388 square feet are being added on the first, second floor and half-story combined. Mr. DeSio explained how the plan complies with the half-story formula.

Mr. Brodsky explained that the co-owners of the property are brother and sister and will each be occupying one of the two apartments.

There were no questions for Mr. Condoris from either the members of the board nor from the public.

Mr. Michael Burke, co-owner, was sworn in to make a statement. Mr. Burke explained that his family had come to Sea Bright in 1961. They rented four different houses on this block over the years, and the opportunity to purchase this home came in 1980. They have rented out this two-family home for many years, and, now that retirement is approaching, would like to renovate the home and live in it permanently. He stated that his family has been friends with the people in this neighborhood for over fifty years.

Ms. Higgins asked whether the home has been operating as 2-family property since Mr. Burke purchased it. Mr. Burke stated that it has.

Mr. Burke stated that the second building on the property is not habitable, and, as owners, they will stipulate that the second building is not a livable space.

Mr. Hoder added stipulations from his report, regarding parking spaces, replacement of curbs and sidewalks if necessary, and gutters that empty into the street.

The Board had no questions for Mr. Burke.

The members in the public were sworn in all at once. Ms. Higgins asked whether the members of the public were all in support of this application. The audience answered, yes. Mr. Burke's cousin, Patrick Gwynn, also commented favorably.

Ms. Higgins concluded by reviewing the variances requested, stating that the property is not a three-family property and that, as Mr. Condoris pointed out, the neighborhood has several other two-family homes.

Boardmember Smith commented that this is an interesting case, and it really shows a careful and specific involvement by the owners. He commented favorably about the application.

**Determination:**

Boardmember DeGiulio offered a motion to approve the application with stipulations that mechanicals must be above the base flood elevation, that the rear structure on the property is non-habitable, and that the Engineer report stipulations Nos. 1, 3, 5, 6, 9, and 10 must be complied with. A second was offered by Boardmember Smith, and the motion was adopted on the following roll call vote:

Roll Call:

Ayes: Cashmore, DeGiulio, DeSio, Smith, Bills, Wray, Gorman

Nays: none

Absent: Cunningham, Kelly, Leckstein, McGinley, Nott

**General Public Comments**

There were no members of the public wishing to speak.

**CLOSING MATTERS**

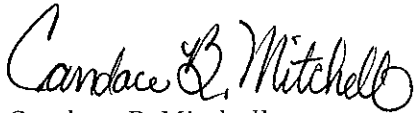
**Meeting Announcement**

There being no other business before the Board, the Vice Chairman made an announcement of the next meeting date, which is March 10, 2020.

**Adjournment**

The meeting was adjourned at 8:45 p.m. on a motion offered by Ms. DeGiulio, seconded by Ms. Bills, and approved upon a unanimous voice vote by the Board members.

Respectfully submitted,



Candace B. Mitchell  
Board Secretary