

**APPROVED MINUTES
VIRTUAL MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD
TUESDAY, JUNE 9, 2020**

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 Statements

Chairman Cunningham read the following Compliance Statements:

This meeting will be conducted by electronic means in accordance with the "Senator Byron M. Baer Open Public Meetings Act" of 2020, which explicitly permits a public body to conduct a meeting electronically during a state of emergency. Governor Murphy issued Executive Orders 103 and 107 declaring a "Public Health Emergency and State of Emergency" and directing residents to quarantine and practice social distancing.

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, Leckstein, Smith, Bills, Wray, Gorman

Not Present: Kelly, McGinley, Nott,

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

Approval of 5/12/20 Minutes

Boardmember Bills 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: Cunningham, DeGiulio, DeSio, Leckstein, Bills, Wray, Gorman

Nays: none

Abstain: Cashmore, Smith

Absent: Kelly, McGinley, Nott,

ITEMS OF BUSINESS

Memorialization of Resolution

**RESOLUTION OF THE
SEA BRIGHT PLANNING/ZONING BOARD
GRANTING EXTENSION OF TIME TO PERFECT MINOR SUBDIVISION
RE: MMJD PROPERTIES, LLC
26 Beach Street
Block 10 Lot 21
Sea Bright, New Jersey**

WHEREAS, on January 7, 2020, Planning/Zoning Board of Sea Bright (the "Board") granted subdivision approval with variances to MMJD Properties, LLC (the "Applicant") for property known as Block 10, Lot 21 on the Tax Map of the Borough of Sea Bright, also known as 26 Beach Street; and

WHEREAS, per prevailing provisions of the New Jersey Municipal Land Use Law, the Subdivision is required to be perfected on or about July 7, 2020; and

WHEREAS, due to issues and complications associated with the prevailing public COVID-19 Pandemic, and Governmental Restrictions and Limitations associated therewith (including a Construction Moratorium), the Applicant has requested a one (1) year extension of the timeframe within which to perfect the Subdivision; and

WHEREAS, the Board takes notice of the difficulties resulting from the numerous limitations and restrictions imposed by the COVID-19 virus and the various ensuing Executive Orders.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that it does hereby grant an extension for a period of one (1) year for the perfection of the subdivision.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting June 9, 2020.

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 June 9, 2020.

Candace B. Mitchell

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

Adopted on a roll call on a motion by Boardmember DeGiulio
And Seconded by Boardmember Smith

Vote:

Cashmore - Aye Cunningham - Aye DeGiulio - Aye DeSio - Aye
Kelly - Absent Leckstein - Aye McGinley - Absent Nott - Absent
Smith - Aye Bills (Alt.#1) - Aye Wray (Alt.#2) - Aye Gorman (Alt.#3) - Aye

C. Lance Cunningham

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

Request for One Year Extension of Approvals

PBZB No. 2017-024

Birdsall-Nyquist

9 New Street, Bl. 13, L. 3

Councilman Leckstein offered a motion to approve a one year extension of approvals, with a second offered by Boardmember Cashmore, and adoption upon the following roll call vote:

Roll Call:

Ayes: Cashmore, Cunningham, DeGiulio, DeSio, Leckstein, Smith

Bills, Wray, Gorman

Nays: none

Absent: Kelly, McGinley, Nott

Memorialization of Resolution

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD
GRANTING EXTENSION OF SITE PLAN AND BULK VARIANCE APPROVAL**

RE: Kevin Birdsall & Michelle Nyquist

9 New Street

Block 13 Lot 3

Sea Bright, New Jersey

WHEREAS, Kevin Birdsall & Michelle Nyquist (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 13, Lot 3 on the Tax Map of the Borough of Sea Bright, also known as 9 New Street, for site plan and bulk variances to add a floor to an existing single family home with rooftop decks which will create a garage on the ground floor; and

WHEREAS, by Resolution memorialized on 7/8/17, the Board granted site plan and bulk variance approval to Applicants Kevin Birdsall & Michelle Nyquist on application PBZB-2017-24; and

WHEREAS, the Applicants made a request for an extension to the approval due to their inability to obtain a contractor to carry out the project; and

WHEREAS, the Board found that the Applicants had been diligently pursuing their project and on May 14, 2019 granted a one-year extension; and

WHEREAS, due to the COVID-19 Pandemic, Applicant was not able to obtain the necessary permits to commence the improvements and further was prohibited from commencing with the project due to restrictions in place related to the Pandemic; and

WHEREAS, due to issues and complications associated with the prevailing public COVID-19 Pandemic, and Governmental Restrictions and Limitations associated therewith

(including a Construction Moratorium), the Applicant has requested an additional one (1) year extension of the timeframe within which to obtain permits and commence the improvements; and

WHEREAS, the Board finds that the restrictions in place related to the COVID-19 Pandemic have contributed to the delay in the commencement of this project.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that it hereby grants an additional one-year extension to run to May 14, 2021.

BE IT FURTHER RESOLVED that the terms and conditions of the original Resolution memorialized on 7/8/17 shall remain in full force and effect.

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 of June 9, 2020; 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 building department 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 June 9, 2020.

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

Adopted on a roll call on a motion by Boardmember Leckstein
And Seconded by Boardmember Cashmore

Vote:

Cashmore - Aye Cunningham - Aye DeGiulio - Aye DeSio - Aye
Kelly - Absent Leckstein - Aye McGinley - Absent Nott - Absent
Smith - Aye Bills (Alt.#1) - Aye Wray (Alt.#2) - Aye Gorman (Alt.#3) - Aye

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

Application Carried from 5/12/20

PBZB No. 2020-05

Christopher and Kathleen Pultorak

504 Ocean Avenue, Bl. 30, L. 2; Single-family residential property, R-2 zone

Proposed re-designed rear access stairs for house lift of 5 ft.

Bulk variance requested for side setback

In attendance for the application were Architect Michelle Del Vecchio and property owners Kathleen and Christopher Pultorak.

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

A-1 Jurisdictional Packet, received 5/7/20

A-2 Site Plans prepared by Michael Savarese, N.J. LIC. #11043, Michelle Del Vecchio, N.J. LIC # 18468, dated 2/10/20, 3 (three)

Kathleen and Christopher Pultorak were sworn in to testify.

Architect Michelle Del Vecchio was sworn in to testify, stated her credentials, and was accepted by the Board as an expert witness.

The applicants are proposing a new enlarged rear deck with new access stairs. A bulk variance is requested for the side yard setback which is needed for the stairs, where 8' is required and 5.67' is proposed. The architect testified that there was no other viable location for the stairs.

Mr. DeSio stated that he had no problem with the application.

Ms. Wray stated that the property is a deep property, and she has no objections with approving the request.

The Board found that the new layout will be an improvement and will provide a second and new access to the rear of the home, adding to the safety of the home by providing an additional means of entering and exiting the home in the case of emergency.

There were no further Board comments and no member of the public wishing to comment.

Councilman Leckstein offered a motion to approve the application, with a second offered by Vice Chairman DeSio, and adoption of the motion on the following roll call vote:

Roll Call:

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

Nayes: none

Absent: Kelly, McGinley, Nott

Application Carried from 5/12/20

PBZB No. 2020-07

James LoBiondo

3 Osborne Place, Bl. 9, L. 3.01; Single family residential property, R-3 zone

Proposed elevated deck

Bulk variances requested for rear yard setback and lot coverage

Vice Chairman DeSio recused himself from hearing the evening's remaining applications due to a conflict.

James LoBiondo was in attendance for the application.

Board Attorney Higgins stated that she has reviewed the now complete jurisdictional packet and found it to be in good order. The Board accepted jurisdiction over the application, and the following exhibits were entered into evidence:

A-1 Jurisdictional Packet, received 5/11, 20

A-1a Additional mailings/noticing, received 5/14/20

A-2 Technical Review prepared by David J. Hoder, P.E., P.P., C.M.E., dated 3/30/20, 2 (two) pages

A-3 Architectural Plans prepared by Jeremiah J. Regan, A.I.A., NJ LIC. AI-10726, dated 3/10/20, 1 (one) sheet

A-4 Photo of premises as they exist

Mr. LoBiondo was sworn in to testify. He described the proposed deck which will have gravel underneath.

Chairman Cunningham asked whether the houses and decks on both applications this evening are identical. Mr. LoBiondo answered that they are.

Chairman Cunningham asked whether the setbacks on the two properties were the same, and Mr. LoBiondo responded that the setbacks are a little bit different.

The applicant is asking for bulk variances required for rear yard setback where 15' is required and 3.08' is proposed. The building coverage permitted is no more than 50%, and 58.82% is proposed.

Mr. LoBiondo pointed out that the patio has already been approved, and that the deck conforms with the Master Plan's proposal of "raised living" and getting out of the flood zone. Also, the Master Plan encourages "outdoor living," which is the purpose of a deck. He pointed out that the house is a conforming house, and there will be no increase in lot coverage.

Board Attorney Higgins referred to the Engineer's technical review. Board Engineer Hoder commented that he took a look at the property today and had no additional comments.

Neither the Board members nor the public had questions or comments.

Councilman Leckstein offered a motion to approve the application, with a second offered by Boardmember DeGiulio, and adoption of the motion on the following roll call vote:

Roll Call:

Ayes: Cashmore, Cunningham, DeGiulio, Leckstein, Smith, Bills, Wray, Gorman

Nays: none

Absent: DeSio, Kelly, McGinley, Nott

Application Carried from 5/12/20

PBZB No. 2020-08

James LoBiondo

3A Osborne Place, Bl. 9, L. 3.02; single family property, R-3 zone

Proposed deck

Bulk variances requested for rear yard setback and lot coverage

James LoBiondo was in attendance for the application.

Board Attorney Higgins stated that she has reviewed the now complete jurisdictional packet and found it to be in good order. The Board accepted jurisdiction over the application, and the following exhibits were entered into evidence:

A-1 Jurisdictional Packet, received 5/11, 20

A-1a Additional mailings/noticing, received 5/14/20

A-2 Technical Review prepared by David J. Hoder, P.E., P.P., C.M.E., dated 3/30/20, 2 (two) pages

A-3 Architectural Plans prepared by Jeremiah J. Regan, A.I.A., NJ LIC. AI-10726, dated 3/10/20, 1 (one) sheet

A-4 Photo of premises as they exist

Mr. LoBiondo had previously been sworn in to testify.

Mr. LoBiondo stated that this property is to the west of the property discussed in tonight's previous application. Both 3 Osborne Place and 3A Osborne Place are subdivisions of one lot. He described the proposed deck which will have gravel underneath.

The applicant is seeking bulk variances for rear yard setback where 15' is required and 4.46" is proposed and building coverage where 50% is permitted and 58.52% is proposed.

Mr. LoBiondo pointed out that the patio has already been approved, and that the deck conforms with the Master Plan's proposal of "raised living" and getting out of the flood zone. Also, the Master Plan encourages "outdoor living," which is the purpose of a deck. He pointed out that the house is a conforming house, and there will be no increase in lot coverage.

Neither the Board members nor the public had questions or comments.

Councilman Leckstein offered a motion to approve the application, with a second offered by Boardmember Bills, and adoption of the motion on the following roll call vote:

Roll Call:

Ayes: Cashmore, Cunningham, DeGiulio, Leckstein, Smith, Bills, Wray, Gorman

Nays: none

Absent: DeSio, Kelly, McGinley, Nott

Application Carried from 5/12/20

PBZB No. 2020-02

Jack Sanders and Janet Thorpe

12 Center Street, Bl. 9, L. 13; Single family residential property, R-3 zone

Proposed new deck, new stairs, and new two-story deck on existing footprint

Bulk variances requested for front setback, rear setback, side setbacks, building coverage, and lot coverage

In attendance for the application were Attorney Jessica Sweet, Esq., Architect Anthony M. Condouris, and property owners Janet Thorpe and Jack Sanders.

Board Attorney Higgins stated that she has reviewed the now complete jurisdictional packet and found it to be in good order. The Board accepted jurisdiction over the application, and the following exhibits were entered into evidence:

- A-1 Jurisdictional Packet, received 5/11/20
- A-2 Supplemental/additional mailings/noticing, received 5/29/20
- A-3 Architectural Plans prepared by Anthony M. Condouris, NJ STATE LIC NO. 023934, dated 9/2/15, 1 (one) sheet
- A-4 Technical Review prepared by David J. Hoder, P.E., P.P., C.M.E., dated 2/18/20, 2 (two) pages
- A-5 Survey prepared by Robert W. Smith, P.L.S., N.J. STATE LIC. # A113804, dated 9/2/15, 1 (one) sheet
- A-6 a page of photos of subject
- A-7 two photos of the street scape

Attorney Jessica Sweet described the property and the variances needed for building front and back decks: front, side, and rear yard setbacks, building coverage, and lot coverage.

Architect Anthony Condouris was sworn in to testify. He stated his credentials, has testified many times before this Board, and was accepted as an expert witness. Mr. Condouris described the proposed decks. The new layout will provide a second means of entering and exiting the house, which is an improvement in case of an emergency. He testified that the front deck will be cantilevered and will not impede pedestrian safety.

Attorney Higgins described the bulk variances required for the proposed elevated deck in the rear and second floor front deck: rear setback where 15' is required and 2.5' is proposed; front yard setback where 5' is required, 4.3' is existing, and 1.3' is proposed; side yard setback where 3/6' is required, .6/6.8' is existing, and .6/3.2' is proposed; lot coverage where 70% is permitted and 72% is proposed; and building coverage where 50% is permitted and 55.6% is proposed

Boardmember Cashmore asked for clarification on the side yard set back and asked about the width of the stairs. The stairs will be 3' wide.

Mr. Hoder asked Mr. Condouris to describe the front of the house. Mr. Condouris explained that the 5' deck is too small to use. He designed a cantilevered balcony deck for the second story. It will have no posts to obstruct the right of way. Mr. Hoder confirmed that the sidewalk is actually the entry to the garage.

Ms. Higgins asked how high off the ground is the front second floor deck. Mr. Condouris answered that it is 8' to the bottom of the framing of the first story deck and 18' to the bottom of the second story deck.

Chairman Cunningham commented that he thinks the plan will fit into the neighborhood.

Boardmember Wray stated concerns with the east side stairs being a tight fit and asked if they are for safety or convenience. Mr. Condouris answered that the stairs are for both safety and convenience and for another means of egress. Boardmember Bills stated that she likes the stairs because they are almost like a fire escape.

There was nothing further to add, no questions, nor comments from the Board and no public comments.

Councilman Leckstein offered a motion to approve the application, with a second offered by Boardmember Bills, and adoption on the following roll call vote:

Roll Call:

Ayes: Cashmore, Cunningham, DeGiulio, Leckstein, Smith, Bills, Wray, Gorman

Nays: none

Absent: DeSio, Kelly, McGinley, Nott

CLOSING MATTERS

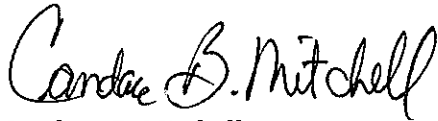
Meeting Announcement

There being no other business before the Board and no public comments the Chairman made an announcement of June's meeting dates and times. An added Special Meeting is scheduled for June 16, 2020 at 8:00 p.m. and an added Regular Meeting is scheduled for June 23, 202m at 7:30 p.m.

Adjournment

The meeting was adjourned at 8:36 p.m. on a motion offered by Board member DeGiulio, seconded by Councilman Leckstein, and approved upon a unanimous voice vote by the Board members.

Respectfully submitted,



Candace B. Mitchell
Board Secretary