

**APPROVED MINUTES
VIRTUAL MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD
TUESDAY, JULY 14, 2020**

ADMINISTRATIVE MATTERS

Call to Order

Chairman Cunningham called the meeting to order at 7:45 p.m. and requested those present join him 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 (7:51 p.m.) DeSio, Kelly, Leckstein, Smith (7:48 p.m.,)
Bills, Wray, Gorman

Not Present: Nott

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

Approval of 6/9/20 Minutes

Councilman Leckstein 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: Cashmore, Cunningham, DeSio, Leckstein, Smith Bills, Wray, Gorman

Nays: none

Abstain: Kelly

Absent: DeGiulio, Nott

Approval of 6/16/20 Minutes

Vice Chairman DeSio 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: Cashmore, Cunningham, DeSio, Leckstein, Bills, Wray, Gorman

Nays: none

Abstain: Kelly, Smith

Absent: DeGiulio, Nott

ITEMS OF BUSINESS

Planning Board Review of Downtown Properties Redevelopment Plan

Bl. 15, L. 2, 3, and 4

Chairman Cunningham offered a motion to carry the redevelopment review to a Special Meeting scheduled for 7/28/20, with no further notice. A second was offered by Boardmember DeGiulio, and adopted on the following roll call vote:

Roll Call:

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

Nays: none

Absent: Nott

Planning Board Review of River Properties Redevelopment Plan

Bl. 13, L. 13, 14, 15, 18, 20, 21, and 22

Bl. 14, L. 12 and 14

Bl. 15, L. 5, 8, 10, 11, and 12

Chairman Cunningham offered a motion to carry the redevelopment review to a Special Meeting scheduled for 7/28/20, with no further notice. A second was offered by Boardmember DeGiulio, and adopted on the following roll call vote:

Roll Call:

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

Nays: none

Abstain: Kelly, Gorman

Absent: Nott

Memorialization of Resolution

Unified Planning Board # 2020-06

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

**RE: BERNARD DOWD
20 &22 Church Street
BLOCK 13 LOT 28 &29**

WHEREAS, Bernard Dowd (the "Applicant") is the owner of premises commonly known as 20 &22 Church Street, Block 13 Lot 28 &29, Sea Bright, New Jersey has applied to the Planning/Zoning Board for site plan approval with bulk variances and use variance approval to construct a new two-family home in the R-3 Zone where two-family residences are not permitted; and

WHEREAS, by Resolution adopted on May 13, 2014 the Board granted to the prior owner, Michael Ross, use variance and bulk variance approval to demolish the then existing Superstorm Sandy damaged home and construct a new two-family home with bulk variances; and

WHEREAS, the storm damaged home was demolished, however, the new home was not constructed and the property was conveyed to the Applicant; and

WHEREAS, the Applicant, the new owner of the property, is requesting a slight modification of the design of the previously approved two-family home

WHEREAS, the applicant has provided due notice to the public and all surrounding properties as required by law in accordance with N.J.S.A. 40:55D-1, et seq., this Board gaining jurisdiction therein and the public hearing having been held on this matter on June 23, 2020 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 the following:

- A-1:** Jurisdictional Packet.
- A-2:** Zoning denial
- A-3:** Narrative of Intent
- A-4:** Architectural plans by Jeremiah Regan dated 1-26-20
- A-5:** Rendering
- A-6:** 2014 Resolution of Approval
- A-7:** 2014 Architectural Plans by Waga Enterprises dated August 1, 2013, revised to May 16, 2016
- A-8:** David Hoder report dated 3-19-20

WHEREAS, the Board having considered the evidence presented it does hereby make the following findings of fact and conclusions:

1. The subject property is located in the R-3 Zone. The Applicant is proposing minor modifications to the previously approved home as follows:

- a. Increase front yard setback from .7 ft. to 3.0 ft. (to the open balcony)
- b. Reduction of side yard setback from 4.0 ft. to 3.16 ft. (which conforms to zoning requirement.
- c. Increase the rear yard setback from approximately 12.9 ft. to approximately 12.96 ft.
- d. Increase number of stories from 2 to 2 ½ stories (which complies with zoning)
- e. Increase height from 35 ft. to 37 ft. 10 inches (which complies with zoning)
- f. Increase building coverage from 55.5% to 61.93%

2. Two-family homes are not permitted in the r-3 zone. Applicant seeks a "d" use variance to expand the non-conforming use as well as the above bulk variances.

3. The Board previously granted a use variance for a two-family home on this property. In its approval, the Board specifically found:

"The Board noted that the house will be consistent with the neighboring properties, both as to the building and the use. The site has been used as a two-family residence for over 80 years. No neighbors objected to the proposal. The Board also found the site well suited for the use."

"The Board found that raising the new home above the BFE would give protection against future flooding and improve the public safety and safety of the homeowners. The room sizes are

reasonable and the size of the house was not too intense for the neighborhood. The new home will be compliant with building codes whereas the existing home is not."

"The Board noted that the house will be consistent with the neighboring properties, both as to the building and the use. The site has been used as a two-family residence for over 80 years. No neighbors objected to the proposal. The Board also found the site well suited for the use."

4. Architect Jeremiah Regan described the proposed two-family dwelling and described the changes to what had previously been approved. He stated that he felt the design was a better layout and more aesthetically pleasing.

Mr. Regan noted that although the previously approved plans indicated that the building coverage was 55.8%, the calculations were incorrect and the actual coverage was 65.57%. The proposed new dwelling has a 61.93% building coverage, less than the actual coverage previously approved.

5. The Board noted that a prior use variance had been granted for the subject property to permit a two-family residence. The Board found that the proposed modifications to the dwelling were minor in nature and did not affect the previous approval as the changes did not have any negative impact. The new proposal improved certain conditions and was more aesthetically pleasing.

6. The property has contained a two-family home since the 1920's and there are other two-family homes in the neighborhood.

7. The Board noted that the findings contained in the May 13, 2014 Resolution were still relevant to the subject application and improved some of the conditions. The Board

found no substantial change to the proposed dwelling. The general footprint remains the same.

8. The Applicant STIPULATED that it will comply with the terms of the Board Engineer's letter marked as Exhibit A-8. The Applicant will replace or repair any sidewalk, curb or apron damaged during construction.

9. The Board agreed that the proposed two-story residence would not impair the intent of the zone plan or zoning ordinance. The Board found that the changes will be an upgrade to the property and a benefit to the streetscape. The Board further found that the setbacks are similar to the conditions in the neighborhood.

10. The Board found that raising the new home above the BFE would give protection against future flooding and improve the public safety and safety of the homeowners. The room sizes are reasonable and the size of the house was not too intense for the neighborhood. The new home will be compliant with building codes whereas the previous home is not.

11. The Board found that there would be no substantial impact on the zone plan and ordinance. The Board found that the bulk variances are consistent with the neighborhood and the pre-existing dwelling. The proposed design and layout of the proposed home will add to the safety of the property and make for a better and more aesthetically pleasing home. The new two-family home did not increase the density of the neighborhood.

12. After evaluating all of the evidence and testimony and based on the above findings, the Board found that the applicant has met the enhanced burden of proof as to the positive and negative criteria.

13. The "D" variance relief sought can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Master Plan, Zone Plan and Zoning Ordinance for the reasons set forth above.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright based upon the findings of fact set forth hereinabove that the waivers, bulk and use variance request to amend or modify the previously approved two-family residential dwelling be granted subject to the following general and specific 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 including but not limited to CAFRA and compliance with all governmental regulations 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 upon 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 has occurred.

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.

10. Applicant will repair any curb, sidewalk, apron and pavement disturbed during the course of construction, to the satisfaction of the Board engineer.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of June 23, 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 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 July 14, 2020.

Candace B. Mitchell

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

Adopted on a roll call on a motion by Elizabeth DeGiulio and
Seconded by Stephen Cashmore.

Roll call vote:

Cashmore - Aye Cunningham - Aye DeGiulio - Aye DeSio - Aye
Kelly - Abstain Leckstein - Abstain Nott - Absent Smith - Aye
Bills - Abstain Wray - Aye Gorman - Abstain

C. Lance Cunningham

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

OTHER BUSINESS

Chairman Cunningham announced the resignation of Boardmember Sean McGinley, who is moving from Sea Bright. Chairman Cunningham expressed appreciation for Mr. McGinley's time on the Board and the point of view he added.

CLOSING MATTERS

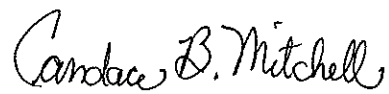
Meeting Announcement

There being no other business before the Board and no public comments, the Chairman announced a Special Meeting of the Planning Board which has been scheduled for July 28, 2020 at 7:30 p.m.

Adjournment

The meeting was adjourned at 8:02 p.m. on a motion offered by Boardmember Leckstein, seconded by Boardmember Smith, and approved upon a unanimous voice vote by the Board members.

Respectfully submitted,


Candace B. Mitchell
Board Secretary