

**APPROVED MINUTES  
REGULAR MEETING OF THE SEA BRIGHT UNIFIED PLANNING/ZONING BOARD  
Tuesday, December 13, 2022**

**ADMINISTRATIVE MATTERS**

**Call to Order and Flag Salute**

Chairman Cunningham called the meeting to order at 7:33 p.m., requesting those present join in reciting the Pledge of Allegiance.

**Open Public Meetings Statement**

Good evening, Ladies and Gentlemen.

This Meeting Is Now Called to Order. The Borough of Sea Bright, in compliance with the Open Public Meetings Act, provided adequate notice of the time, date, and location of this meeting to the Asbury Park Press and Link News on January 13, 2022. Notice was filed with the Borough Clerk and posted in the Borough Office and on the Borough website. This Meeting Is Open to The Public.

**Attendance Roll Call**

Present: Bieber, Bills, Cashmore, Cunningham, DeSio, Lawrence, Leckstein, Schwartz

Not Present: Gorman, Kelly, DeGiulio

Also in attendance: Board Attorney Monica C. Kowalski, Esq., Board Engineer David J. Hoder, Board Planner Christine Bell, and Board Secretary Candace B. Mitchell

**Approval of 11/22/22 Meeting Minutes**

Board member David DeSio offered a motion to approve the minutes, with a second offered by Board member Frank Lawrence. The motion was carried upon a roll call vote of eligible members.

Ayes: Cashmore, Cunningham, DeSio, Lawrence, Schwartz

Nays: none

**ITEMS OF BUSINESS**

**Memorialization of Resolution**

**APPLICANT: MOUNTAIN VIEW VILLAS**

**APPLICATION NUMBER: 2021-10**

**BLOCK: 34, LOT 3.03 and 3.04 and**

**BLOCK 33, LOT 20.02**

**ATTORNEY FOR APPLICANT: Robert McGowan, Esq.**

**RESOLUTION NUMBER: 2021-10.04**



**RESOLUTION OF THE UNIFIED PLANNING-ZONING BOARD  
OF THE BOROUGH OF SEA BRIGHT  
FOR EXTENSION OF APPROVALS**

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**WHEREAS, BOARD VICE CHAIR DAVID DeSIO, offered the following Resolution moved and seconded by BOARD CHAIR LANCE CUNNINGHAM:**

**WHEREAS**, Mountain View Villas at Sea Bright by and through their Attorney, Robert McGowan, Esq. hereinafter referred to as the “applicant” filed an application with the Zoning Board of Adjustment of the Borough of Sea Bright, (hereinafter referred to as the “Board”) seeking the following relief:

**APPLICANT IS SEEKING A SIX MONTH EXTENSION OF PRIOR APPROVALS FOR REFERENCED PROPERTY PENDING CAFRA REVIEW.**

**WHEREAS**, the application pertains to premises known and designated as Blocks 34, Lots 3.03 and 3.04 and Block 33, Lots 20.02 on the Tax Map of the Borough of Sea Bright, which premises are located at 1099 Ocean Avenue;

**WHEREAS**, notice to the general public was not required on this application due to the fact that this was a request for extension of prior approvals pending CAFRA permit filed, application for tidelands grant/license pending. The Board has jurisdiction to hear, consider and determine the waiver requests at issue based on prior approval, per the MLUL; and

**WHEREAS**, the Board held an administrative hearing with regard to the referenced waiver request on the following date, **NOVEMBER 22, 2022**:

**WHEREAS**, the following items were entered as Exhibits at the hearing:

NONE.

**WHEREAS**, The Board listened to the Testimony of the following:

NONE

**WHEREAS**, The Board took Questions from the following member of the Public as to the witnesses presented:

NONE.

**WHEREAS**, The Board took Commentary on the Application upon conclusion of the witness testimony as follows:

NONE.

**WHEREAS**, the Board, having given due consideration to the Exhibits moved into evidence and the Testimony presented at said hearing(s), does make the following findings of fact:

Present for the discussion regarding a waiver request was Attorney Robert J. McGowan, Esq., representing Mountain View Villas at Sea Bright. While continuing to pursue the required Tidelands Grant or License, the applicant is asking for an extension of prior approvals in order to be able to file final plans with the County for subject property. A plan will be filed when Lot 4 is provided with its Tidelands grant/license and the application is still pending. Once the Tidelands claim is provided with the tidelands grant or lease number with grant date, the Map (plan) will be filed again in Monmouth County. The Map will be filed first with claim pending and then with grant or lease number for lot 4, when granted. A six month extension is requested on prior approvals for permitting purposes on all lots.

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Adjustment of the Borough of Sea Bright that it hereby adopts the aforesaid findings of fact and specifically makes the following conclusions:

- a. Based upon the aforesaid findings of fact, the Board concludes that:
  - i. Certain Waivers in conjunction with the application for the may be necessary;
  - ii. The Board has the authority, upon testimony, to waive or grant temporary relief to certain approved items for the application under continuing jurisdiction, and;

- iii. The Board has been provided with information on the application and has been presented with testimony from the Applicant or their professionals, which testimony has been supplemented with the advice of Board professionals and does hereby decide the request.
- b. **The Board specifically includes herein by reference, the Transcripts from the hearings, which provide the detailed basis and description of the decision as memorialized in this Resolution and do hereby rely upon same for further reference, as necessary.**

**BE IT FURTHER RESOLVED**, by the Board of Adjustment of the Borough of Sea Bright that the following be and are hereby GRANTED:

The applicant is granted a Six Month extension on the prior approvals granted.

**REQUEST FOR EXTENSION VOTE:**

Adopted on a roll call on a motion by Board Vice Chairman DeSio and Seconded by Board Member Leckstein:

THOSE IN FAVOR: Bieber, Cashmore, Cunningham, DeSio, Gorman, Lawrence, Schwartz, DeGiulio  
THOSE OPPOSED: None  
RECUSED: None  
ABSENT: Bills, Kelly, Leckstein  
ABSTAINED: None

**MEMORIALIZATION VOTE:**

Adopted on a roll call on a motion by Board Vice Chairman DeSio and Seconded by Board Member Councilman Bieber:

THOSE IN FAVOR: Bieber, Cashmore, Cunningham, DeSio, Lawrence, Schwartz  
THOSE OPPOSED: None  
RECUSED:  
ABSENT: Gorman, Kelly  
ABSTAINED:

I certify the foregoing to be a true copy of the Resolution memorialized by the Unified Planning/Zoning Board of Sea Bright at its meeting on December 13, 2022.

Date: December 13, 2022

Candace B. Mitchell  
Candace B. Mitchell  
Administrative Officer  
Unified Planning/Zoning Board  
Borough of Sea Bright

**Memorialization of Resolution**

APPLICATION NUMBER: 2022-16  
BLOCK: BLOCK 13, LOT 17  
BLOCK 15, LOT 9  
ATTORNEY FOR APPLICANT: ROGER MCLAUGHLIN, ESQ.  
RESOLUTION NUMBER: 2022-16



**RESOLUTION OF THE UNIFIED PLANNING-ZONING BOARD OF THE BOROUGH OF SEA BRIGHT  
RECOMMENDING THE USE OF THE AMENDED NEEDS STUDY FOR INCLUSION  
AND AMENDMENT OF THE APPROVED  
SEA BRIGHT RIVER PROPERTIES REDEVELOPMENT PLAN**

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**WHEREAS, BOARD MEMBER JON SCHWARTZ,** offered the following Resolution moved and seconded by **BOARD VICE CHAIR DAVID DeSIO:**

**WHEREAS,** The Unified Planning Board was directed by the Municipal Council to conduct a preliminary investigation in order to investigate the area comprised of the properties listed below (the "Study Area") to determine if the Study Area should be designated as an area in need of redevelopment under the LRHL for inclusion in the already designated Sea Bright River Properties Redevelopment Area and subject to the Sea Bright River Properties Redevelopment Plan. The following properties are included within the Study Area:

Block 13, Lot 17  
Block 15, Lot 9

With the map showing the boundaries of the Study Area and the location of the properties included therein and the Resolution setting forth the basis of the preliminary investigation of the Study Area available to be inspected at the office of the municipal clerk; with the public hearing to be part of the preliminary investigation of the Study Area, the Unified Planning Board shall hear testimony regarding whether some or all of the Study Area qualifies as an area in need of redevelopment under the LRHL and shall also hear any other persons who are interested in or who are affected by a determination that the Study Area is an area in need of redevelopment under the LRHL.

**WHEREAS,** the application pertains to premises known and designated as **Blocks 13, Lot 17 and Block 15, Lot 9** on the Tax Map of the Borough of Sea Bright;

**WHEREAS,** notice to the general public was provided pursuant to statute (two times with the last notice published at least 10 days prior to the within hearing) and the Board has jurisdiction to hear, consider and provide guidance on the approval and inclusion of the Amended Needs Study for the referenced Redevelopment Plan; and

**WHEREAS,** the Board held a public hearing with regard to the referenced matter on the following date, **NOVEMBER 22, 2022:**

**WHEREAS,** the following items were entered as Exhibits at the hearing:  
NONE.

**WHEREAS,** The Board listened to the Testimony of the following:

**JENNIFER BEAHM, P.P. (BOARD PLANNER; BOROUGH PLANNER)**

**WHEREAS,** The Board took Questions from the following member of the Public as to the witnesses presented:

NONE.

**WHEREAS,** The Board took Commentary on the Application upon conclusion of the witness testimony as follows:

NONE.

**WHEREAS,** the Board, having given due consideration to the Exhibits moved into evidence and the Testimony presented at said hearing(s), does make the following findings of fact:

1. Board Planner Jennifer C. Beahm was sworn in to testify. Ms. Beahm had prepared a document, named "Area in Need of Redevelopment Investigation," dated November 2022, for the Board to consider in conjunction with the directive of the Resolution prepared by the Borough of Sea Bright and forwarded for this Board's consideration.
2. Ms. Beahm explained that two mid-block properties owned by the Borough, namely Bl. 13, L. 17 and Bl. 15, L. 9 were not included in the original study area designation nor on the redevelopment plan.
3. Ms. Beahm advised that Council's intention was always to include these properties in the redevelopment plan but since they were Borough-owned properties, or would be included as a result of a "land swap", the lots were never referenced in the original Plan, despite their obvious location for inclusion.
4. The Board has been asked to approve and recommend inclusion of the Amended Needs Study prepared by Ms. Beahm, to include these properties.
5. Ms. Beahm stated that including these properties in the study area designation is essential to the implementation of the approved redevelopment plan.
6. Ms. Beahm recommended an affirmative vote by the Board to include these properties per the original intent for inclusion and advised the Board to adopt a resolution recommending inclusion of the amended needs study into the Redevelopment Plan.
7. Board Counsel, Attorney Kowalski also stated that these blocks need to be included in the noticing so that everyone has the opportunity to understand the proposal moving forward so that notice shall not be deemed defective under the MLUL.

**NOW THEREFORE, BE IT RESOLVED**, by the Unified Board of the Borough of Sea Bright hereby adopts the aforesaid findings of fact and specifically makes the following conclusions:

- c. Based upon the aforesaid findings of fact, the Board concludes that:
  - i. The inclusion of the Amended Needs Study into the approved Redevelopment Plan is necessary and appropriate:
  - ii. The Board has the authority, upon testimony, to recommend the approval and inclusion of the Amended Needs Study into the Redevelopment Plan under jurisdiction provided by the Plan itself, Municipal Authority and the MLUL in its advisory capacity to the Borough, and;
  - iii. The Board has been provided with information on the application and has been presented with testimony from the Applicant or their professionals, which testimony has been supplemented with the advice of Board professionals and does hereby decide the request.
- d. **The Board specifically includes herein by reference, the Transcripts from the hearings, which provide the detailed basis and description of the decision as memorialized in this Resolution and do hereby rely upon same for further reference, as necessary.**

**BE IT FURTHER RESOLVED**, by the Unified Board of the Borough of Sea Bright that the following be and are hereby recommended to the Council of Sea Bright under Resolution Requests for Review;

**The inclusion of the Amended Needs Study Area provided and prepared by Jennifer Beahm, P.P., Borough Planner, be included in the current approved redevelopment plan, which designates an area in need of redevelopment under the LRHL. The subject lots which are referenced in the Amended Needs Study, Block 13, Lot 17 and Block 15, Lot 9, are hereby recommended for immediate inclusion by Ordinance of the Borough of Sea Bright in the already designated Sea Bright River Properties Redevelopment Area and subject to the Sea Bright River Properties Redevelopment Plan.**

**APPLICATION VOTE:**

Adopted on a roll call on a motion by Board member Jon Schwartz and seconded by Board Vice Chairman DeSio:

THOSE IN FAVOR: Cashmore, Cunningham, DeSio, , Lawrence, Schwartz, DeGiulio

THOSE OPPOSED: None

RECUSED: Bieber, Gorman (Conflict)

ABSENT: Bills, Kelly, Leckstein

ABSTAINED: None

**MEMORIALIZATION VOTE:**

Adopted on a roll call on a motion by Board Vice Chairman DeSio and Seconded by Board Member Councilman Bieber:

THOSE IN FAVOR: Cashmore, Cunningham, DeSio, Lawrence, Schwartz

THOSE OPPOSED: None

RECUSED: Bieber (Conflict)

ABSENT: Gorman, DeGiulio

ABSTAINED: None

I certify the foregoing to be a true copy of the Resolution memorialized by the Unified Planning/Zoning Board of Sea Bright at its meeting on December 13, 2022.

Date: December 13, 2022

*Candace B. Mitchell*

Candace B. Mitchell  
Administrative Officer  
Unified Planning-Zoning Board  
Borough of Sea Bright

**New Application No. 2022-15**

**William A.G., Inc.**

1106 Ocean Avenue, Bl. 13, L. 37

In attendance for the application were applicant Steve Gardella, Attorney Kevin I. Asadi, Architect Kevin C. Roy, Engineer Jennifer White, and Planner Barbara Ehlen.

Board Attorney Monica C. Kowalski stated that the noticing materials were in order, and the Board took jurisdiction over the application.

The following exhibits had been made available for view on the Borough website:

- Application Package dated 11/4/22
- Zoning denial dated 9/28/22.
- Preliminary and Final Minor Site Plan for 1106 Ocean Avenue Addition, Lot 37, Block 13, Tax Map Sheet 8, Sea Bright, Monmouth County, NJ, prepared by In Site Engineering, LLC, dated 9/15/2022 consisting of 3 sheets.
- Architectural Plans entitled "Multiuse Building - Addition, Lot 37, Block 13, 1106 Ocean Avenue, Sea Bright, NJ 07760" by Keven C Roy, Architect. Englishtown, NJ 07726, dated 8/4/22, consisting of 4 sheets.
- Front and side renderings of the proposed building.
- Photographs of the existing building.
- Topographic and Utility Survey of the site prepared by In Site Engineering, LLC, dated 7/28/2022 consisting of 1 sheet.
- Board Engineer's Review prepared by David J. Hoder, dated 12/7/22, 7 pages
- Board Planner's Review prepared by Jennifer C. Beahm, dated 12/8/22, 5 pages

Attorney Kevin Asadi introduced the application. He stated that no changes will be made to the first level of the building. The applicant, who is the property owner, is planning to enlarge the existing second floor dwelling, and he and his spouse wish to move into the unit

as a permanent residence.

Mr. Asadi introduced Steve Gardella, the owner of William A.G., Inc, and he was sworn in to testify. Mr. Gardella stated there are three tenants on the ground level of the building. No modifications are proposed for the operation of those three businesses.

Council member Marc Leckstein had a question regarding the elevations which show a garage, but it is not shown on the floor plans. Mr. Gardella answered that it is not a garage and just a storage room, and he would like to add a garage onto the side of the building to park one car.

Board engineer David Hoder added there should be a curb cut shown if there is a garage. He also mentioned fixing the sidewalk in need of repair on the Church Street side of the building. Mr. Gardella said that would be no problem. Mr. Hoder also discussed having mechanicals located in a garage. There is a gas water heater in the garage. Code requires that placement of a gas appliance adjacent to a car requires certain things to be done. Mr. Gardella said that he can move the water heater from there, if needed.

Planner Christine Bell also asked about the garage plan. She asked whether the utility room will become the whole garage space. Mr. Gardella answered that the space is only 12' x 22' and is too small. It will not be used as a garage.

Board member Jon Schwartz asked if anything will be upgraded on the storefront. This would be an opportunity to do that. Mr. Gardella said that nothing is planned, and the windows were new after Sandy.

Board member Peggy Bills asked what is on the second floor now. Mr. Gardella responded that there is a three-bedroom apartment. Ms. Bills asked whether Mr. Gardella considered doing something about having one bathroom on the first floor since he's having work done. Mr. Gardella said that he has and that Alice's has two bathrooms. The hair salon has one bathroom that they share with Playabowls. It is located in the hallway.

Board member Dave DeSio stated the first floor plans show one bathroom. The others are not shown on the architectural plans. He asked for clarification about how many bathrooms are there. Marc Leckstein said the plans need to show the garage and the bathrooms on the first floor. Mr. DeSio added the applicant has to submit accurate plans with these changes.

There were no further questions for Mr. Gardella from the Board and none from members of the public. Mr. Asadi called the applicant's architect, Kevin C. Roy, who was sworn in, gave his credentials, and was accepted as an expert witness. Mr. Asadi asked Mr. Roy to take the Board through the elevations. Mr. Roy stated there are three units on the ground floor with no changes proposed. He said the garage is 13' x 22' and does have just enough room for a car. He said that he can update the plans showing the garage door and any other things the Board needs to see. He also explained that the second floor access will remain as is, by a staircase across from the utility room.

Christine Bell asked whether any walls on the second floor will be taken down. Mr. Roy answered, yes, that the existing apartment is in need of renovation and some walls will be

removed. A short discussion about necessary support for the second floor structure took place. The apartment will be on two levels. One step up will be a great room with a roof deck added onto the front and a bedroom. The upgrade will have four bedrooms. The staircase to the third floor, or the attic area, is going to open into a room, which may be made into a study.

The renovations will make a much more attractive building. Mr. Gardella is going to use some of the best materials for the guardrails and vinyl siding. He exhibited the renderings of the front and side of the building. Board member Councilman Bieber asked whether the renderings presented are accurate? He wondered whether the building will look as it does in the renderings.

Mr. Roy discussed the rendering of the north side of the building. The plan as presented does not include utilizing the upper deck. Councilman Bieber said it is just very different than what is portrayed. There is no stairway shown in the applicant's request. Dave Hoder said the applicant is going to have to decide about adding a staircase to the upper deck.

Mr. Asadi asked for a brief recess to discuss a staircase to the upper deck. The Board took a break from 8:00 p.m. to 8:06 p.m. The meeting reconvened, and the secretary called the roll: Bieber, Bills, Cashmore, Cunningham, DeSio, Lawrence, Leckstein, Schwartz were in attendance.

Mr. Roy discussed exterior stairs to the fourth floor deck. It could be a 6' in diameter circular staircase. Its location would be set back from the view from Ocean Avenue. It will be the only access to the rooftop deck. Mr. Hoder added that it would extend no higher than the rooftop deck and added that a 3' railing will be needed and would still be beneath the height requirement.

Mr. Asadi was asked if there would be a change in signage and answered there will not be a change in signage. Asked about lighting, Mr. Roy stated there will be recessed lights, residential "down" lights.

Mr. Lawrence stated that the view on the rendering is not in keeping with the architectural plans. A-4 shows that the railing doesn't go all the way across. Board attorney Kowalski stated that the amendments have to go on the record, and Mr. Leckstein added that the resolution should indicate the architectural will be changed.

Mr. Cashmore explained to Mr. Asadi that the application can be approved this evening, but the Board has to see the updated plans that include the changes before voting to memorialize the resolution. Mr. Asadi said that the updated plans could be available for review by the Board and Board professionals ten days before the resolution is going to be memorialized. Dave Hoder said he has no problem reviewing the resubmitted plans.

There were further questions by the Board and no members of the public with questions for Mr. Roy. Mr. Asadi called the applicant's engineer, Jennifer White, to testify. Ms. White was sworn in, offered her credentials, and was accepted by the Board as an expert witness.



Ms. White stated that the site currently has a two-story building. She addressed number 4b. of the Board engineer's technical review regarding the question for the need of a loading dock. She answered that she thinks there is no need for a loading dock because the plans will not change the current system of the businesses loading and unloading through the rear of the building. The trash will be handled with refuse containers in the back alleyway. Mr. Leckstein asked about the possibility of creating a parking spot by utilizing the garage. Ms. White stated there are no parking spots on site.

Christine Bell asked if there is a buffer proposed and was told there is none currently proposed because there is no room for one.

There were no members of the Board nor the public with questions for Ms. White, and Mr. Asadi called the applicant's planner, Barbara Ehlen, who was sworn in, offered her credentials, and was accepted as an expert witness.

Ms. Ehlen explained that the use proposed is a permitted use. The building will be a mixed use, which is encouraged in the Master Plan. She listed the requested C1 hardship variances. The parking requirement for this use is 23 spaces. None, or, perhaps, one space may be provided. She also stated that the setbacks will not be exacerbated by the application. The building footprint will be as it now exists and will not intrude over any property lines. A four-bedroom residence is a permitted use.

There were no questions from the Board nor the Public for Ms. Ehlen.

Marc Leckstein offered a motion to approve. Dave DeSio offered a second to the motion with the following clarification: The applicant will comply with the Board's requests for the changes proposed. The Board will vote on the application this evening on and will review revised plans before the resolution is memorialized. Engineer Dave Hoder stated that he will submit a letter to the Board prior to the memorialization.

The motion was carried upon the following roll call vote:

Ayes: Bieber, Bills, Cashmore, Cunningham, DeSio, Lawrence, Leckstein, Schwartz

Nays: none

### **Review of Ordinance No. 13-2022**

#### **Amending the Sea Bright River Properties Redevelopment Plan to Include Additional Borough-Owned Parcels, Block 13, Lot 17 and Block 15, Lot 9**

Presented to the Planning Board after first reading by the Borough Council for Comments and/or Recommendations

The Board recommended passage of ORDINANCE NO. 13-2022 as written.

The Board offered no further comments or recommendations.

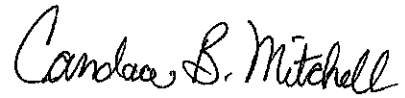
### **OTHER BUSINESS**

There was no member of the public wanting to speak and no other business before the Board. The Chairman made an announcement of the next meeting date, January 10, 2023 at 7:30 p.m.

**Adjournment**

The meeting was adjourned at 8:40 p.m. on a motion offered by Marc Leckstein, seconded by Frank Lawrence, and carried upon a unanimous voice vote by the Board members.

Respectfully submitted,

A handwritten signature in cursive script that reads "Candace B. Mitchell". The signature is written in black ink and is positioned above the printed name and title.

Candace B. Mitchell  
Board Secretary