

**APPROVED MINUTES
REGULAR MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD
TUESDAY, February 28, 2023**

Call to Order and Flag Salute

Vice Chairman David DeSio chaired the meeting this evening. He called the meeting to order at 7:30 p.m. and requested those present to join in 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, has provided adequate notice of the time, date, and location of this meeting to the Asbury Park Press and the Link News on January 26, 2023, filed notice with the Borough Clerk, and posted notice in the Borough Office and on the Borough website. This Meeting Is Open to The Public.

ADMINISTRATIVE MATTERS

Attendance Roll Call

Present: Bieber, Bills, Cashmore, DeGiulio, DeSio, Lawrence, Leckstein, Zelina

Absent: Cunningham, Kelly, Schwartz

Also in attendance: Interim Board Attorney, Kevin I. Asadi, Board Engineer David J. Hoder, and Board Secretary Candace B. Mitchell

Approval of 2/14/22 Regular Meeting Minutes

Councilman Bieber offered a motion to approve the minutes. Second was offered by Ms. Bills, and the motion was adopted on the following roll call vote of eligible members:

Ayes: Bieber, Bills, DeGiulio, DeSio, Lawrence, Zelina

Nays: none

ITEMS OF BUSINESS

Memorialization of Resolution

APPLICANT: WILLIAM A.G., INC

APPLICATION NUMBER: 2022-15

BLOCK: 13

LOT: 37

ADDRESS: 1106 OCEAN AVE.

ATTORNEY FOR APPLICANT: KEVIN I ASADI, ESQ.

RESOLUTION NUMBER: 2022-15



**RESOLUTION OF THE UNIFIED PLANNING-ZONING BOARD OF ADJUSTMENT
OF THE BOROUGH OF SEA BRIGHT**

WHEREAS, BOARD MEMBER MARC A. LECKSTEIN, offered the following Resolution moved and seconded by **BOARD MEMBER STEPHEN CASHMORE**:

WHEREAS, WILLIAM A.G., INC by and through their attorney **KEVIN I. ASADI, 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:

The applicant seeks preliminary and final major site plan approval to enlarge the existing single-family dwelling on the second floor of the building. The following variances are requested in connection with the application:

130-50.C – Front yard setback from Church Street where the proposed building is 0.6 feet over the property line. This is an existing condition.

130-50.C – Rear yard setback where 15 feet is required and the proposed building is 0.1 feet over the property line. This is an existing condition.

130-50.C – Lot Coverage wherein 50% is the maximum lot coverage and the proposal includes 91.1% coverage. This is an existing condition.

Parking – Two off street spaces are required and zero spaces are proposed. This is an existing condition.

The applicant also reserves the right to request any and all variances and/or waivers which are necessary or may become necessary during the public hearing process.

WHEREAS, the application pertains to premises known and designated as Block 13, Lots 37 on the Tax Map of the Borough of Sea Bright, which premises are located at 1106 Ocean Ave. Sea Bright, NJ 07760.

WHEREAS, all notice requirements were satisfied by the applicant and the Board has jurisdiction to hear, consider and determine the application at issue; and

WHEREAS, the Board held a public hearing with regard to the referenced application on the following date, December 13, 2022:

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

1. Denial letter (pdf)
2. Application Packet (pdf)
3. Preliminary and Final Major Site Plan, 5 sheets prepared by In site Engineering dated 9/15/22 rev 1/12/23
4. Topographic and Utility Survey, 1 Sheet (pdf)
5. Architects Plans prepared by Kevin Roy, Architect **undated, rev 1/9/23**
 - a. 1106 Ocean PLANNING BD KCR-A1 (pdf)
 - b. 1106 Ocean PLANNING BD KCR-A2 (pdf)
 - c. 1106 Ocean PLANNING BD KCR-A3 (pdf)
 - d. 1106 Ocean PLANNING BD KCR-A4 (pdf)
6. Photo - Front View
7. Photo – Corner View
8. Photo – Side View
9. Front Rendering
10. Side Rendering

11. Engineering Review dated 12-7-22 (pdf)
12. Planning Review, Dated 12-8-22 (pdf)
13. 200-foot property owners list (pdf)
14. Sea Bright Public Notice (pdf)
15. Affidavit of Publication (pdf)
16. Affidavit of Service, received. 12-9-22 (pdf)
17. Scan of verified Noticing – 1106 Ocean Avenue (pdf)
18. Tax and sewer Certificate, 12-9-22.docx

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

1. **STEVE GARDELLA**
2. **KEVIN ROY– AIA**
3. **JENNIFER WHITE, CIVIL ENGINEER PE**
4. **BARBARA EHLEN, PP - BEACON PLANNING**

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

1. NONE

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

1. 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. Applicant Gardella owns the LLC entity which owns the property and the intent is to live in the property full time.
2. There are no proposed changes to operations in business section in term of delivery or otherwise. Applicant will utilize the entrance and exit currently there. Nothing in this application will modify operations.
3. Applicant will replace the sidewalks be on Church Street if required by Borough.
4. The Applicant clarifies the intended third floor space, advises there will be a stairwell inside home which leads out to deck.
5. Elevations show garage door on ground floor. Applicant would like to put a garage in where there is currently a storage facility. The gas company will move all utilities outside the building. This garage is not shown on the elevations so this modification would require the submission of modified floor plans as a condition of approval should applicant intend to move forward with garage installation.
6. The sidewalk will become a driveway apron and this area would require a curb cut or a modification of curb and sidewalk. Sidewalk has been like that and will be replaced. This would remove a vehicle from the street which is preferable. However, the mechanicals will be in that area (hot water, etc.) so applicant may have to install interior bollards so there is no impact issue. The Board suggests that it be a condition of approval that all mechanicals in

this area meet building code requirements should the area be utilized as a garage. The entire utility room as a garage space is approximately 20' x 22'.

7. The first floor of the building will not change. All windows were installed after Superstorm Sandy. The Board suggests that the first-floor plans be updated to include what is actually currently present on the first floor as a condition of approval.
8. **A Discussion of the first floor layout is placed on the record.** The Board is concerned with shared bathrooms on the first floor plan. Board advises Applicant they need plans as to what is currently in place with regard to bathrooms and the entrances which exist on current first floor.
9. **With regard to proposed plans:** Amend plan to show wall to be removed between kitchen and great room and include the stairwell to rooftop room.
10. Elevations – street view. Rooftop area on third story is an issue because there is no circular stairway shown on plans to access that area. A staircase would not increase height issue of the building but could modify aesthetics. The plans shall be modified to include an exterior staircase, on left side in back of deck (south east corner of rooftop room), in the rear of proposed deck and will extend no higher than the 3 foot rail. (decking on top of rooftop room) The stairwell shall be no higher than the rail to be installed (42" for guardrail). Circular stairwell no less than 6' wide shall be installed for this area.
11. There is no proposed change for any Signage on the structure.
12. Exterior lights illuminating doors upstairs and on deck area shall be installed. All shall be residential lights, no flood lights. Small unobtrusive, recessed lights in ceiling of deck shall be installed. There shall be no lights proposed on upstairs deck.
13. Railing on third floor goes across building but that will not be the entire deck area. THE RAILINGS WILL ONLY BE WHERE DECK AREA IS. To the extent of any discrepancies, the architectural elevations control which shall be amended per the discussion on this application.
14. Applicant shall redraw plans in accordance with this hearing and said plans will be resubmitted for engineer's review and approval. Applicant withdraws rendering for purposes of design as they are inaccurate.
15. Site currently is a 2-story building, and businesses are going to remain. A 4th bedroom is being added to the residence with a rooftop deck above.
16. All business deliveries are done through alley way in back and load in through rear of building. No need for designated loading area. All uses are small in size and handle loading.
17. There are refuse containers in back-alley way with both Sea Bright and private haulers being utilized.
18. There is no parking on site. Applicant is required to provide parking space for one space. However after discussion, the Board determines that the proposed garage is not contingent on approval of application as the gas lines are inside and it may not be feasible to move same to satisfy a garage requirement. So, if Applicant can utilize a garage, it would be welcomed but not required.
19. The applicant advises that the Use is permitted. This is a mixed-use property which adds vibrancy to the downtown area.
20. The variances required are as set forth in the Zoning Table referenced for the **(B-1) Zone)**

Item	Required	Provided
Min. Lot Area (sq. feet)	3,000 SF	4,338 SF
Min. Lot Width (feet)	50 Ft	59.7 Ft
Min. Lot Depth (feet)	60 Ft	69.2 Ft

Min. Front Yard Setback (Ocean Ave.)	00 Ft	1.2 Ft
Min. Front Yard Setback (Church St.)	00 Ft	0.6 over Ft
Min. Side Yard Setback (feet)	00 Ft	0.1 Ft
Min. Rear Yard Setback (feet)	15 Ft	0.1 over Ft
Max. Building Height (feet/stories)	42 Ft. / 3 Stories	33 Ft. / 3 Stories
Max. Building Coverage	50 %	91.11 %
Max. Lot Coverage	75 %	100.0%

Bulk variances are in BOLD

21. The proposed addition will respect the building footprint and will not intrude over existing line over property line. Applicant advises that it fits the character of the neighborhood and master plan does not address this, but this is the central business district to promote the traditional main street character.
22. The Use provides space in location, encourages private and public procedures, more efficient use of land and the Use is conditional in the zone and is appropriate.
23. There are variances as set forth which do not exacerbate hardships. There are 2 parking spaces per dwelling unit and RSIS would require an extra ½ space for 4th bedroom. Since the increment is minimal, the Board finds that as a condition of approval the Use shall be restricted to ONE RESIDENTIAL 4BR UNIT, which shall be non-divisible. This shall not become a multi-family unit.

WHEREAS, In order to prevail on an application for a variance, the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D – 70, requires the applicant to establish that the variance can be granted without substantial detriment to the public good and that the granting of the variance does not substantially impair the intent and purpose of the master plan, zone plan and zoning ordinance.

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. The applicant has demonstrated that the proposed use of the property in question is substantially the same kind of use as that to which the premises were devoted at the time of the passage of the zoning ordinance.
- b. Based upon the aforesaid findings of fact, the Board further concludes that the granting of the approval set forth herein will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance and the zoning plan of the Borough of Sea Bright.
- c. **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 right that the following be and are hereby GRANTED:

Applicant is granted preliminary and final major site plan approval to enlarge the existing single-family dwelling on the second floor of the building. The following variances are granted in connection with the application:

130-50.C – Front yard setback from Church Street where the proposed building is 0.6 feet over the property line. This is an existing condition.

130-50.C – Rear yard setback where 15 feet is required and the proposed building is 0.1 feet over the property line. This is an existing condition.

130-50.C – Lot Coverage wherein 50% is the maximum lot coverage and the proposal includes 91.1% coverage. This is an existing condition.

Parking – Two off street spaces are required, and zero spaces are proposed. This is an existing condition.

AS A CONDITION OF APPROVAL OF THE VARIANCES, THE BOARD REQUIRES THE FOLLOWING:

1. The Board requires that should the storage area be turned into a garage, that floor plans be modified and submitted. Should the mechanicals in this area remain, same must meet building code requirements. The entire utility room as a garage space is approximately 20' x 22'.

2. The Board requires that the first floor, floor plans of the current existing structure be updated and submitted for approval to include what is actually currently present on the first floor as a benchmark for future matter.

3. With regard to the proposed construction, the Board requires that the Applicant amend the current plans to show the wall to be removed between kitchen and great room and include the stairwell to rooftop room along with elevations for deck/railings/proposed lighting.

4. Lastly, the Board requires that the Use of the residential area shall be restricted to ONE RESIDENTIAL 4BR UNIT, which shall be non-divisible. This shall not become a multi-family unit.

5. Outside Agency Approval: The application shall be subject to review by all regulatory agencies having jurisdiction, including:

- Sea Bright Fire Department
- Flood Plain Official

6. Lastly, with regard to Borough requirements, the Board requires the following:

- a) Section 130-67 A 1 - Performance Guarantees - Prior to the signing of a final plat of a subdivision or of a site plan, issuance of a development permit and/or the commencing of any clearing, grading or installation of improvements, the developer shall have filed with the Borough a performance guaranty sufficient in amount to equal 120% of the total cost to the Borough, as estimated by the Borough Engineer, of constructing those on-site, on-tract, off-site and off-tract improvements necessary to protect adjacent property and the public interest in the event development of the site were not completed. *This will only be required if the sidewalk is being replaced on Church Street.*
- b) The applicant shall be subject to any affordable housing requirements of Sea Bright.

ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) The applicant shall comply with any requirements established by, and obtain any necessary approvals of the following, IF APPLICABLE, to the proposed construction herein:
- a. All Plans must be approved by Borough Engineer and Code and Construction Departments for the issuance of Permits;
 - b. MONMOUTH COUNTY PLANNING BOARD;
 - c. FIRE MARSHALL;
 - d. BOARD OF HEALTH;
 - e. SOIL CONSERVATION AND SEDIMENT CONTROL APPROVALS AND PERMITS;
 - f. AFFORDABLE HOUSING CONTRIBUTION (ORD. 04-22)
 - g. BOARD OF ADJUSTMENT PLANNER
 - h. BOARD OF ADJUSTMENT ENGINEER
 - i. POSTING OF PERFORMANCE GUARANTEES AND INSPECTION FEES;
 - j. FINAL SITE PLAN DRAWINGS INCORPORATING ALL CHANGES AND/OR AMENDMENTS MADE AT THE HEARING.
 - k. FINAL DESIGN SUBJECT TO APPROVAL OF THE BOARDS'S PROFESSIONALS.
 - l. SUBJECT TO THE APPLICANT COMPLYING WITH ANY AND ALL FEDERAL, STATE, COUNTY AND LOCAL LAWS, RULES AND REGULATIONS AFFECTING AND PERTAINING TO THE DEVELOPMENT OR USE OF THE SITE IN QUESTION.
- (2) SUBJECT TO ALL REPRESENTATIONS AND TESTIMONY OF THE APPLICANT BEING TRUTHFUL AND ACCURATE

APPLICATION VOTE:

Adopted on a roll call on a motion offered by Board Member Marc A. Leckstein and Seconded by Board Member Stephen Cashmore:

THOSE IN FAVOR: Bieber, Bills, Cashmore, Cunningham, DeSio, Lawrence, Leckstein,
Schwartz

THOSE OPPOSED: None

RECUSED: None

ABSENT: Gorman, Kelly, DeGiulio

ABSTAINED: None

MEMORIALIZATION VOTE:

Adopted on a roll call vote on a motion offered by Board Member Marc A. Leckstein and Seconded by Board Member Councilman Erwin Bieber, by members who voted to approve the application:

THOSE IN FAVOR: Bieber, Bills, Cashmore, DeSio, Lawrence, Leckstein

THOSE OPPOSED: none

RECUSED: none

INELIGIBLE: DeGiulio, Zelina
ABSENT: Cunningham, Kelly, Schwartz
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 February 28, 2023.

Date: February 28, 2023

Candace B. Mitchell

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

Memorialization of Resolution

RESOLUTION

**SEA BRIGHT PLANNING BOARD
DENHOLTZ ACQUISITIONS
CHURCH STREET, RIVER STREET, SOUTH STREET
POPPINGER PLACE, NEW STREET & FRONT STREET
SEA BRIGHT, NJ
BLOCK 13, LOTS 13-18, 20-22; BLOCK 14, LOTS 12 & 14;
& BLOCK 15, LOTS 5-12**

**PRELIMINARY MAJOR SUBDIVISION
PRELIMINARY AND FINAL SITE PLAN**

FILE NO.: SBPB 2022-08

INTRODUCTION

WHEREAS, Denholtz Acquisitions has made Application to the Sea Bright Planning Board for the property designated as Block 13, Lots 13-18, 20-22; Block 14, Lots 12 & 14; Block 15, Lots 5-12 being a 2.66 acre tract located west of Ocean Avenue along portions of Church Street, River Street, South Street, Poppinger Place, New Street and Front Street in Sea Bright, New Jersey, within the Borough's Sea Bright River Properties Redevelopment Plan (the "Plan"), for the following approval: Preliminary Major Subdivision and Preliminary and Final Site Plan approval which allow:

- Demolition of existing improvements;

- Construction of four new single-family homes, a condominium building containing fifteen condominium units and twenty-five multi-family townhouses; and
- Bulkhead, boardwalk, boat ramp, dog park and other associated amenities and improvements.

PUBLIC HEARINGS

WHEREAS, the Board held a Public Hearing on February 14, 2023 at 3rd Floor, 1097 Ocean Avenue, Sea Bright, New Jersey, Applicants having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE / EXHIBITS

WHEREAS, at the said Hearing, the Board reviewed, considered, and analyzed the following:

Application Submissions:

- *PB -1 Cover letter and application package from John A. Guinco, Esq, Dated September 9, 2022;*
- *PB -2 Plans entitled "Preliminary Major Subdivision & Site Plan, Haven at Sea Bright" prepared by Walter Joseph Hopkin, P.E. of WJH Engineering, dated January 17, 2022, revised July 22, 2022, consisting of fifteen sheets;*
- *PB -3 Architectural plans entitled "Denholtz Properties "New Townhome Development- Condominiums" prepared by Daniel Condatore, RA, dated September 9, 2022 consisting of 9 sheets;*
- *PB -4 Architectural plans entitled "Denholtz Properties, New Townhome Development, Model A" prepared by Daniel Condatore, RA, dated September 9, 2022 consisting of 6 sheets;*
- *PB -5 Architectural plans entitled "Denholtz Properties, New Townhome Development, Model B" prepared by Daniel Condatore, RA, dated September 9, 2022 consisting of 11 sheets;*
- *PB -6 Architectural plans entitled "Denholtz Properties, New Townhome Development, Model C" Group 1 prepared by Daniel Condatore, RA, dated September 9, 2022 consisting of 8 sheets;*
- *PB -7 Architectural plans entitled "Denholtz Properties, New Townhome Development, Model C" Group 2 prepared by Daniel Condatore, RA, dated September 9, 2022 consisting of 10 sheets;*
- *PB -8 Photographs of the site;*
- *PB -9 Narrative of offsite improvements;*
- *PB -10 List of temporary submission waivers;*
- *PB -11 List of outside agency approvals required;*
- *PB -12 Stormwater Management Narrative;*

- *PB -13 Completeness Review Memo #01 by Hoder Associates Dated February 22, 2022;*
- *PB -14 Response letter from Walter Joseph Hopkin, P.E. of WJH Engineering, dated July 28, 2022;*
- *PB -15 Owner's affidavits of Authorization and consent;*
- *PB -16 Tax collector certification dated 9/9/22;*
- *PB -17 Copy of CAFRA application;*
- *PB -18 Schedule A of title commitment;*
- *PB -19 Title 39 letter;*
- *PB -20 Cover letter and application package from John A. Guinco, Esq, Dated February 7, 2022;*
- *PB -21 Zoning Permit application submitted Jan 27, 2022;*
- *PB -22 Borough of Sea Bright Planning/Zoning Board Application;*
- *PB -23 Stormwater Management Narrative including the Drainage Inlet Map;*
- *PB -24 Original W-9;*
- *PB -25 Ownership disclosure statement; (not included);*
- *PB -26 Signed Owner Consents; (not included);*
- *PB -27 Signed Certificate of Title; (not include);*
- *PB -28 Affidavit of Service;*
- *PB -29 Affidavit of Publication;*
- *PB -30 Completeness Review Memo #02 by Hoder Associates Dated September 12, 2022;*
- *PB -31 Technical Review Memo #01 by Hoder Associates Dated September 21, 2022;*
- *PB -32 Planning Review Letter by Leon S. Avakian, Inc. Dated September 22, 2022;*
- *PB -33 Second Planning Review Letter by Leon S. Avakian, Inc. Dated January 20, 2023;*
- *PB -34 Tax Collector Certification dated February 14, 2023.*

Hearing Exhibits:

- *A -1 3d Rendering of the Condominium Building;*
- *A -2 3d Rendering of the Townhome Building;*
- *A -3 Arial map of the Subject Tract with Superimposition of Overall Proposed Development;*
- *A -4 Architectural plans entitled "Denholtz Properties "New Townhome Development- Condominiums" prepared by Daniel Condatore, RA, dated September 9, 2022 consisting of 9 sheets;*
- *A -5 Architectural plans entitled "Denholtz Properties, New Townhome Development, Model A" prepared by Daniel Condatore, RA, dated September 9, 2022 consisting of 6 sheets;*
- *A -6 Easterly Elevation of Proposed Single Family Home;*
- *A -7 Plans entitled "Preliminary Major Subdivision & Site Plan, Haven at Sea Bright" prepared by Walter Joseph Hopkin, P.E. of WJH Engineering, dated January 17, 2022, last revised January 31, 2023.*

WITNESSES

WHEREAS, sworn testimony in support of the Application was presented by the following:

- Steven Lidster, Applicant Representative;

- Daniel Condatore, Architect;
- Walter Hopkin, Engineer;
- John Rea, Traffic Consultant;
- John A. Giunco, Esq., appearing;

TESTIMONY AND EVIDENCE PRESENTED BY THE APPLICANTS'

REPRESENTATIVES

WHEREAS, testimony and other evidence presented by the Applicants' and / or their representatives revealed the following:

- Existing conditions include a variety of commercial and residential uses. This proposal significantly reduces impervious coverage compared to what currently exists.
- Improvements were designed to blend into the downtown. Architectural design is moving away from Victorian style and the proposed building design represents a hybrid of styles that are harmonious with the area and conveys a light open feeling about the site, taking advantage of the views with roof decks and fenestration.
- The original submitted plans were modified in order to comply with all setback requirements in the Plan.
- The proposal fully complies with the Plan.
- The Applicants herein propose three different types of residential units:
 - Single family residential which will be four stories tall and include a roof deck. Ground floor is for parking, second level to contain living space (i.e. kitchen, dining and half bathroom), third level to contain two bedrooms and the fourth level to contain a master bedroom. Plans include provision for elevator. Building height is 41.6 feet;
 - Townhomes which will be approximately 2,000 square feet of living space and otherwise laid out similarly to the single family homes;
 - Condominium building which will contain fifteen condominium units, and include a gym, trash chute from each floor, flex space for use as party rooms, business center or other similar ancillary purpose serving the residents there. Each unit and the flex rooms to include a balcony to take advantage of the view. Fourth level units have stair case that accesses the private roof deck area.

- The to-be-constructed buildings, will sided with material with a cedar shake look which is a prefinished durable product that holds up in tougher sea side environments. Color pallet will be in neutral greys and whites.
- Elevator shafts and stairwells will rise approximately ten feet above the roof line, which is permitted under the height ordinance. There will be no access whatsoever to persons upon the top of these elevator shafts.
- Railings along the roof decks will be light/transparent.
- There will be an approximately 35 foot boat ramp, new bulkhead along the entire associate river frontage and boardwalk. The boat ramp is served by two nearby public parking spaces. The bulkhead and boardwalk elevations are proposed at 9 feet height which exceeds the minimum under the Plan. The proposed height of the bulkhead provides increased flood protection. Applicant will enter into a Developers' Agreement with the Borough to develop a new pumping station for improved stormwater management.
- There will be bike racks and benches located per the plans within the public right of way.
- The Plan requires two parking spaces per residential unit. There are a total of 44 residential units proposed in this application, therefore requiring the provision of at least 88 off street parking spaces. The application proposes 95 off street parking spaces, exceeding the Plan standard. However, RSIS requires 101.5 off street parking spaces for this application which is not met in this application. A de minimis waiver will be required.
- Many of the off street parking spaces proposed are garage spaces. It was noted that people often use their garage for storage, rather than parking, and, if those cars were instead parked on the street, this could result in a hardship for the surrounding community.
- Due to the proposed reconfiguration of Front Street, this application would also create a net gain of between 8-15 on street parking spaces that will be available to the public that do not currently exist.
- Vehicle circulation around the development area will be greatly improved compared to what currently exists due to the re-routing of Front Street closer to the river. The application also proposes adequate vehicular circulation to the residential driveways and other off street parking areas.

PUBLIC COMMENTS

WHEREAS, public questions, objections, comments, and / or statements, in connection with the Application were presented by the following:

- Chris Jerry
- Rob Long
- Gareth Middleton
- Drew Miller
- Christina Doxey
- Mark Teichman

FINDINGS OF FACT

NOW, THEREFORE, BE IT RESOLVED, by the Sea Bright Planning Board, after having considered the aforementioned Application, plans, evidence, and testimony, that the Application is hereby **granted / approved with conditions**.

In support of its decision, the Planning Board makes the following Findings of Fact and Conclusions of Law:

1. The Sea Bright Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is shown on the Tax Map of the Borough of Sea Bright as Block 13, Lots 13-18, 20-22; Block 14, Lots 12 & 14; Block 15, Lots 5-12 being a 2.66 acre tract located west of Ocean Avenue along portions of Church Street, River Street, South Street, Poppinger Place, New Street and Front Street in Sea Bright, New Jersey, within the Borough's Sea Bright River Properties Redevelopment Plan.
3. The subject property contains a variety of commercial and residential uses and significantly more impervious surface than what is being proposed by this application.
4. This application promotes the purpose and intent of the Plan.
5. As such, the Applicants propose the following:
 - Demolition of existing improvements;
 - Construction of four new single-family homes, a condominium building containing fifteen condominium units and twenty-five multi-family townhouses; and

- Bulkhead, boardwalk, boat ramp, dog park and other associated amenities and improvements.

6. Details pertaining to the proposed buildings and other proposed improvements are set forth elsewhere herein and are also set forth on the submitted plans.

7. Such a proposal requires no variance relief and is fully conforming with the Plan.

8. The Sea Bright Planning Board is statutorily authorized to grant the requested approvals, and therefore, the matter is properly before the Board.

9. With regard to the Application, and the requested relief, the Board notes the following:

- The proposed residential use is a permitted use in accordance with the Plan.
- The proposed accessory uses are permitted in accordance with the Plan.
- The Applicants initially submitted a proposal which would have required some Variance relief. The application has since been revised to eliminate all non-conforming conditions, and is now fully conforming.
- The Board is of the opinion that the aforesaid revisions substantially improved the overall acceptability of the proposal.
- The Board is of the opinion that the application is compatible with the neighborhood and the downtown area.
- The Board appreciates the Applicants' concessions (listed hereinbelow), which resulted in a superior proposal (than what was initially submitted).
- Given the fact that the Applicants will be demolishing existing improvements and starting with vacant land, it is appreciated that Applicants complied with all of the requirements set forth in the Plan.
- The Board reviewed an extensive amount of testimony / information / documentation / pictures of the immediate area. Based upon the same, and per the testimony and evidence presented, the Board finds that the requirements of the Plan of been satisfied. Additionally the Board finds substantial benefits to the surrounding community as a result of this project including increased number of off street parking spaces for public use, the creation of recreational area along the water front that will be accessible to all members of the public, increased flood protection for the area achieved through the construction of a

new bulkhead with an elevation 9.0 top, revitalization of an area identified as being in need of redevelopment and the improved traffic circulation along the affected public streets as a result of re-routing Front Street.

- The Board is of the opinion that, given the Applicant's full compliance with the Plan requirements and the Applicant's willingness to agree to all of the conditions imposed by the Board during the hearing, the Applicant is entitled to approval of this application.
- The Application as initially submitted requested variance approval for a number of variances, including setback variances. However, prior the Hearing, the Applicants' representatives modified the proposal so as to eliminate all variances.
- The Board finds that the elimination of some of the initially requested variances substantially improves the overall merit / acceptability of the Application.
- The use of the land approved herein is, in fact, an appropriate use of the land.
- Subject to the conditions contained herein, the buildings approved herein have been appropriately scaled, and the same will be consistent with the kind of development called for in the Plan.
- Sufficiently detailed testimony / plans were represented to the Board.
- Additionally, the Board finds the application proposes needed architectural/aesthetic benefits to the subject property.
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated with the same.
- Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and, thus, the Application can be granted without causing substantial detriment to the public good.
- Approval of the within application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.

Based upon the above, and for other reasons set forth during the Public Hearing Process, the Board is of the opinion that the requested relief can be granted without causing substantial detriment to the public good.

CONDITIONS

During the course of the Hearing, the Board has requested, and the Applicants' representatives have agreed, to comply with the following conditions:

- a. All rooftop trellis systems shown on the plans shall be removed.
- b. Applicant shall arrange to have seismic monitoring in place during the installation of the bulkhead to ensure that there is as low risk as possible to the buildings in the surrounding area. Any damage to local streets or buildings due to the bulkhead construction shall be the responsibility of the developer.
- c. Dog park, riverside lawn area, benches, bike racks, fish cleaning area, boardwalk and boat ramp shall be open to all members of the public.
- d. Applicant shall demonstrate to the satisfaction of the Board attorney that the an appropriate instrument is recorded that binds the HOA to include a covenant upon the residents that any garage space provided shall only be used for housing vehicles and not for any other purpose (including but not limited to storage of personalty).
- e. Applicant shall maintain the common areas in accordance with the Redevelopment Plan entered into between the Governing Body and the Applicant.
- f. Applicant shall revise plans to include detail on the plans showing decorative metal fencing along the bulkhead consistent with testimony.
- g. Applicant shall revise plans to widen Front Street along the river from 18 feet to 21 feet.
- h. Applicant shall comply with all of the requirements set forth in Technical Review Memo #01 by Hoder Associates Dated September 21, 2022.
- i. Applicant shall revise plans to include a note designating two parking spaces as rideshare pickup spaces.
- j. Applicant shall revise the plans to reconfigure the condominium building such that it is rendered substantially in conformance with the concept plan that was submitted by the Applicant to the Governing Body as an exhibit

to the Redevelopment Agreement between the parties to the satisfaction of the Borough Planner.

- k. Applicant shall submit a landscaping plan in conformity with the Plan to the Board professionals for review and approval.
- l. Applicant shall revise plans to reconfigure the two boat ramp parking spaces so that a 7 foot wide walk way is created along the side of the parking spaces.
- m. Applicant's traffic consultant shall review and come to agreement with the Board engineer concerning the possibility of rendering a portion of new Front Street between New Street and Church Street to a one-way street in a northerly direction during the compliance phase.
- n. Applicant shall include detail on the plans for how the trash storage areas serving the condominium building will be vented, deodorized and directed in such a way to prevent creating offensive odors to the existing residents to the satisfaction of the Board engineer.
- o. Applicant shall revise the plans to modify a portion of the gravel walkway to the boat ramp to pervious pavers.
- p. Applicant shall submit a lighting plan demonstrating compliance with the Plan.
- q. Applicant shall submit a signage plan indicating where all regulatory and advisory signs will be located.
- r. The Applicants shall obtain any and all necessary demolition Permits as the Borough of Sea Bright may require.
- s. The Applicants shall comply with any Prevailing FEMA Regulations.
- t. The Applicants shall comply with all Prevailing Affordable Housing Regulations / direction / contributions, which may be required by the United States of America, the State of New Jersey, the Borough of Sea Bright, the Court System, C.O.A.H., and any other Agency having jurisdiction over the matter.
- u. The Applicants shall utilize good faith efforts to replace any existing trees at the site that will be removed during demolition.
- v. If applicable, the proposed structure shall comply with applicable Provisions of the Americans with Disabilities Act.
- w. The Applicants shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District.

- x. The Applicants shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.
 - y. If required by the Board / Borough Engineer, the Applicants shall submit appropriate performance guarantees in favor of the Borough of Sea Bright.
 - z. Unless otherwise agreed by the Planning Board, the within approval shall be deemed abandoned, unless, within 24 months from adoption of the within Resolution, the Applicants obtain a Certificate of Occupancy for the construction / development approved herein.
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- aa. The applicant testified that trash from the townhomes and condominium building shall be picked up by private hauler, at no cost to the borough; trash from the remainder of the four single-family units shall be through public trash collection.
 - bb. The applicant shall work with the Borough Planner to provide an increased setback of the condominium building from lot 11, block 14, to the satisfaction of the Borough Planner.
 - cc. The applicant will provide signage throughout the site, at the boat ramp and on the adjacent public streets to the satisfaction of the Board Engineer.
 - dd. The applicant will construct the storm water piping in the area of the future River Street Pump Station to be compatible with the future construction of the Pump Station. If the pump station is not built at the time when the Haven Development is completed, the developer will construct the future outfall through the bulkhead to a size as required by a hydraulic analysis performed by the applicant.
 - ee. **The approval granted herein is specifically dependent upon the accuracy and correctness of the testimony and information presented, and the accuracy of the plans submitted and approved by the Board. The Applicants are advised that there can be no deviation from the plans approved herein, except those conditions specifically set forth or otherwise referenced herein. In the event post-approval conditions at the site are different than what was presented to the Board, or different from what was otherwise known, or in the event post-approval conditions are not necessarily structurally sound, the Applicants and**

MEMORIALIZATION VOTE:

Adopted on a roll call vote on a motion offered by Board Member Councilman Erwin Bieber and Seconded by Board Member Frank Lawrence, by members who voted to approve the application:

THOSE IN FAVOR: Bieber, Bills, DeGiulio, DeSio, Lawrence, Zelina

THOSE OPPOSED: none

RECUSED: none

INELIGIBLE: Cashmore, Leckstein

ABSENT: Cunningham, Kelly, Schwartz

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 February 28, 2023.

Date: February 28, 2023

Candace B. Mitchell

Candace B. Mitchell

Administrative Officer

Unified Planning/Zoning Board of the
Borough of Sea Bright

Amended Application No. 2022-01

Michael and Vicki Tatelman

6 Willow Way, Bl. 27, L. 7.01

The applicant is asking for amended approval to allow construction to continue as the building is currently situated. The single-family residential dwelling was not built in the location previously approved by Resolution No. 2022-01. The proposed location complies with the required side yard setbacks in the R-2 zone, but its location is contrary to the approved plans.

Present for the application were: Attorney Rick Brodsky, Engineer Mathew Wilder, and owners Michael and Vicki Tatelman.

Application Submissions:

- PB -1 Application package from Rick Brodsky, Esq, Dated January 10, 2023;
- PB -2 Resolution No.: 2022-01 dated February 8, 2022 approving the original Application;
- PB -3 Building Permit Plot Plan by Morgan Engineering & Surveying dated June 20, 2022, last revised on August 22, 2022; and
- PB -4 Architectural plans entitled "Tatelman Residence" prepared by Anthony Condouris Architect Inc., dated December 29, 2022 consisting of 2 sheets

Hearing Exhibits:

Mr. Largey stated that they are stuck with this mistake. Mr. Leckstein offered that he has seen buildings taken down when mistakes are made.

Dave DeSio asked about the configuration of the driveway. It is shown going around the back of the building.

Mathew Wider, the applicant's Engineer, was sworn in to testify, stated his credentials, and was accepted as an expert witness. He discussed some of the changes in the new site plan regarding the driveway and grass area. The homeowner would like to leave some gravel in order to provide extra parking.

Board Engineer Dave Hoder stated some of the points in his technical review.

Board Comments:

Frank Lawrence stated that the misplacement of the building impacted what he had seen. It is a significant change. He mentioned the height also, and Dave Hoder pointed out that the third floor in some areas is open deck. It is open and, therefore appears to be less building.

Board member Steven Cashmore suggested carrying the application until new plans are submitted.

Attorney Rick Brodsky answered that the Resolution will stipulate the conditions and will be a checklist for the new plans. Board Attorney Asadi stated that the original Resolution did not show particulars in regard to what the plot plan has to show. Mr. Brodsky answered that the items that have to go into the Plot Plan can be stipulated in the Resolution.

Board member Councilman Erwin Bieber stated that this unfortunate situation appears to be an innocent mistake. He sees it as a detriment to Mr. Largey and a benefit to the applicant. He stated that he believes Mr. Largey's requests are reasonable. He also stated that he would still have voted yes on the original application even if the west side yard setback had been 7'.

Board member Marc A. Leckstein offered a motion to approve the application with the conditions that were stated. Second was offered by Councilman Erwin Bieber, and the motion was adopted on the following roll call vote of members:

Ayes: Bieber, Bills, Cashmore, DeSio, Lawrence, Leckstein, Zelina

Nays: DeGiulio

ANY OTHER BUSINESS

Vice Chairman DeSio advised the Board that the second Request for Proposals for the position of 2023 Board Attorney yielded seven responses. The Chairman has requested the formation of a subcommittee to evaluate the proposals and invite a selection of applicants to interview for the position. The subcommittee will be comprised of Mayor Kelly, Chairman Cunningham, Vice Chairman DeSio, and Board Member Leckstein.

Public Comments

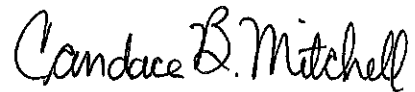
There were no further comments.

CLOSING ITEMS

Announcement of the next regular meeting to take place: March 14, 2023 at 7:30 p.m.

With no further business, the meeting was adjourned at 8:20 p.m. on a motion offered by Mr. Leckstein, seconded by Councilman Bieber, and carried upon a unanimous voice vote by the Board members.

Respectfully submitted,

A handwritten signature in black ink that reads "Candace B. Mitchell". The signature is written in a cursive, flowing style.

Candace B. Mitchell, Board Secretary