

**APPROVED MINUTES
REGULAR MEETING OF THE SEA BRIGHT UNIFIED PLANNING/ZONING BOARD
TUESDAY, August 22, 2023**

Call to Order and Flag Salute

Chairman Cunningham called the meeting to order at 7:31 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, 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, Cunningham, DeGiulio, Lawrence, Leckstein, Zelina

Absent: Cashmore, DeSio, Kelly, Schwartz

Also attending: Board Attorney Ben Montenegro, Board Engineer David H. Hoder, Board Planner Christine Bell, Board Secretary Candace B. Mitchell

Approval of 7/25/23 Regular Meeting Minutes

Councilman Erwin Bieber offered a motion to approve the minutes. Second was offered by Marc Leckstein, and the motion carried upon the following roll call vote:

Ayes: Bieber, Cunningham, Lawrence, Leckstein, Zelina

Nays: none

ITEMS OF BUSINESS

Application No. 2023-05

Gerard Uzzi

11 Center St., Bl. 10, L. 6

Bulk variance approval for renovation/addition to a single-family home in the R-3 zone

Present for the application were the owner of the property, Gerard Uzzi, and Architect Anthony M. Condouris.

The following items were submitted in support of the Application:

- A1 – Borough of Sea Bright Unified Planning-Zoning Board-Certified Application, dated 7/21/23
- A2 –Borough of Sea Bright Application for Zoning Permit, dated 7/6/23 (denial)
- A3- Photo of Subject Property
- A4-Architectural Plans entitled Uzzi Residence, 11 Center Street, Sea Bright, NJ, Lot 6, Block 10, (3 sheets) by Anthony Condouris, Architect (dated 6/28/23)
- Board Engineer Report of David J. Hoder, P.E., P.P., C.M.E., 8/10/23

Mr. Montenegro noted that the applicant's noticing is complete, and the Board took jurisdiction.

Mr. Uzzi was sworn in to testify. Mr. Uzzi is the General Counsel and managing member of CMN Properties, LLC. He presented his own application. Mr. Uzzi stated that he purchased the property in June 2022. The home had been lifted previously for FEMA flood zone compliance. He would like to renovate and expand the home to make it more functional for his family's use, as shown on the plans he presented. He does not propose modifying the existing single family home footprint. He is asking for variance relief for side and rear yard setbacks, minimum lot area, and maximum building coverage.

The applicant's architect, Anthony Condouris, was sworn in to testify. He stated the house is a two-story structure. The plans will expand the second story, as well as add a half-story and a roof deck. A height variance is not requested, and all variances requested are pre-existing non-conformities.

The ground level provides parking and storage space. The ground level can hold two cars. Engineer Hoder stated that the garage could hold three cars. Mr. Condouris agreed that if shelves were moved around there would be space for three cars. Mr. Leckstein stated that he had parking concerns, and Mr. Uzzi responded that they have parked five cars on the property. In order to satisfy the requirement for off-street parking, Mr. Uzzi agreed to remove the existing column in the garage to provide three compliant spaces in the garage.

The first floor provides for a living room, dining room, kitchen, full bath, family room, and a front balcony. The second floor provides for four bedrooms and two full baths. The upper-level half-story provides for 332 square feet of habitable space and a rooftop deck. Mr. Montenegro expressed a concern of the possibility of this or a future owner adding a fifth and sixth bedroom. The applicant agreed to a deed restriction requiring that no bedrooms will ever be constructed in the upper half-story.

Public Comments:

Three members of the public: Jeremy Clark, 14 Center Street, Janet Sanders, 12 Center Street, and Murphy Anderson, 8 Center Street, were sworn in. Each spoke in favor of the application. Mr. Anderson also emphasized the need to enforce parking restrictions.

The public portion was closed.

Mr. Leckstein offered a motion to approve the application and stated that he was alright with the three spaces agreed upon. A second was offered by Ms. Bills, and the motion carried on the following roll call vote:

Ayes: Bieber, Bills, Cunningham, DeGiulio, Lawrence, Leckstein, Zelina

Nays: none

Application No. 2023-06

Lindsay DeChario

27 Center Street, Bl. 10, L. 14

Bulk and use variance approval for renovation/addition to an existing 2-family home in the R-3 zone

Present for the application were homeowner Lindsay DeChario and architect Anthony M. Condouris.

The following items were submitted in support of the Application:

- Zoning Permit Denial, dated 7-6-23
- Notice of Hearing
- Application, received 7-31-23
- Architectural Plans, dated 6-12-23
- 6 Exterior Photos, undated
- 4 Photos of uneven floors on the third level, undated
- Board Planner's Review, dated 8/10/23
- Board Engineer's Review, dated 8/15/23

Lindsay DeChario was sworn in to testify.

Determining whether the home is a one or two-family home, Board member Marc Leckstein asked Ms. DeChario whether there are people currently living in each unit. She answered that she and her daughter live in the home, and no one lives in the second unit. Mr. Leckstein stated that the Board needs to know if the home is a two-family home or a one-family/mother-daughter home. Ms. DeChario answered that she purchased the home as a one-family/mother-daughter home.

In preparing for this hearing, the Board attorney questioned whether this home is a one or two-family home. It was determined to be a two-family home after the Borough Tax Assessor was contacted, and he found that the home is assessed as a two-family home.

Mr. Montenegro stated there is a potential for two totally separate units. Chairman Cunningham asked if the second unit was ever rented out. That would be nice to know. Ms. DeChario stated that she is not aware of it being rented out, and she does not intend to do so.

Mr. Montenegro said that, if pursuing an application for a two-family home, the applicant needs to show that it was a two-family home before 1969. Board Planner Christine Bell agreed. Mr. Montenegro then discussed the differences between D1 and D2 variances, and what you need to show for each type of variance.

Mr. Montenegro said to Ms. DeChario that she needs to show the Board what she is planning for the home. If planning for a single-family/mother-daughter home, the application's resolution of approval would state that the home cannot be considered a two-family home in the future. Architect Anthony Condouris asked whether the applicant could come back to the Board in the future for a two-family home. The answer was, yes, she would have to come back to the Board in the future for a two-family home designation.

Marc Leckstein stated that he found a 2005 real estate listing that calls it a single-family home, a mother/daughter home.

Chairman Cunningham suggests the applicant look into what the house truly was. Mr. Leckstein suggested the applicant may want to talk to a land use attorney.

It was decided that the application would be carried, without further notice, to the meeting of September 26, 2023.

Public Comments

There were no members of the public wishing to speak.

The meeting adjourned for a closed session at 8:30 p.m.

**RESOLUTION
EXECUTIVE SESSION**

Enter Executive Session:

Board member Councilman Erwin Bieber offered the following motion to enter into closed session and moved its adoption; seconded by Board member Marc A. Leckstein, Esq.

WHEREAS, Section 8 of the Open Public Meeting Act, NJSA 10:4-12 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Unified Planning/Zoning Board of the Borough of Sea Bright, New Jersey, that they meet in closed session to discuss the issues as herein set forth, and when the need for confidentiality no longer exists the decisions made therein will be made available to the public.

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matters to be discussed are as follows:
Discussion about legal matters
3. It is anticipated at this time that the subject matters will be made public, if and when confidentiality is no longer needed. Action may be taken.
4. This Resolution shall take effect immediately.

BE IT FURTHER RESOLVED that the Unified Planning-Zoning Board may come back into regular session to conduct additional business.

Roll Call:

Ayes: Bieber, Bills, Cunningham, DeGiulio, Lawrence, Leckstein, Zelina

Nays: none

Close Executive Session:

Board member Marc Leckstein offered the following motion to end the closed session and enter into regular session, seconded by Board Chairman Cunningham, and adopted upon a unanimous voice vote.

Date: August 22, 2023

I, Candace B. Mitchell, do hereby certify that the foregoing is a Resolution adopted by the Unified Planning-Zoning Board of Sea Bright, County of Monmouth, State of New Jersey, at a meeting held on August 22, 2023.

Candace B. Mitchell

Candace B. Mitchell
Board Secretary

The meeting entered regular session at 9:00 p.m.

CLOSING ITEMS

The Chairman announced the next regular meeting to take place on September 12, 2023.

With no further business, the meeting was adjourned at 9:00 p.m. on a motion offered by Mr. Leckstein, seconded by Mr. Bieber, and carried upon a unanimous voice vote by the Board members.

Respectfully submitted,



Candace B. Mitchell, Board Secretary