

Chairman Cunningham called the meeting to order and requested those present to join in the Pledge of Allegiance to the flag.

Chairman Cunningham read the following statement:

**2. OPENING STATEMENT:**

The Borough of Sea Bright, in compliance with the "Open Public Meetings Act" has advertised the date, time and location of this meeting in the *Courier* on January 15, 2010 filed it with the Clerk, and posted a notice on the bulletin board in the Borough Office.

**3. ROLL CALL:**

PRESENT: Beer, Cashmore, Cunningham, DeSio, Fernandes, McBride, Torcivia, Smith, Leckstein

ABSENT: Murphy, Nott, Smith

**4. MEMORIALIZATION OF RESOLUTION:**

Boardmember Leckstein introduced a motion approving the following application:

**RESOLUTION  
UNIFIED PLANNING BOARD  
BOROUGH OF SEA BRIGHT  
DR. KEVIN COLLIER/DR. MICHELE BRUCKER  
1480 OCEAN AVENUE  
BLOCK 3, LOT 1  
SEA BRIGHT, NJ**

**WHEREAS**, Dr. Kevin Collier and Dr. Michele Brucker, Husband and Wife, have submitted an Application to the Unified Planning Board of the Borough of Sea Bright for the property designated as Block 3, Lot 1, commonly known as 1480 Ocean Avenue, within the Borough's R-1 Zone, for a sign variance approval; and

**WHEREAS**, the Board held a Public Hearing on February 9, 2010, Applicants having filed proper proof of service and publication in accordance with Statutory and Ordinance requirements; and

**WHEREAS**, the Applicant appeared and marked into evidence certain documents including the following:

- A-1 Jurisdictional Packet,
- A-2 Plot Plan
- A-3 Sign detail by Encore Reimaging
- A-4 Photo of sign
- A-5 Color photo of sign

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

- Dr. Kevin Collier, Applicant;

**WHEREAS**, the Board considered the testimony and evidence presented and the Board makes the following findings of fact and conclusions of law:

1. The subject property is located at 1480 Ocean Avenue, Sea Bright, New Jersey (Block 3, Lot 1) and is in the R-1 Zone.

2. The Applicants operate Family and Implant Dentistry, located at 1480 Ocean Avenue.

3. The Applicants have operated at this Site since approximately 1984.

4. The Site contains an existing one-story structure and an existing non-conforming sign, the structure of which has been on the site for over 20 years..

5. On January 23, 2007, Applicants received Preliminary and Final Site Plan Approval, Us/"D" variance, Conditional Use Approval and Bulk Variance Approval to expand their dental office. At the time, Applicants represented that the existing sign would remain as is with just the face plate changing to reflect Applicant's business as the sole occupant.

6. As set forth in A-3, the original sign face measured 8' by 6'. When the Applicant changed the face plate, the street number and phone number were inadvertently omitted. The bottom portion of the sign, structure, measuring 3' by 6' was always enclosed, and the Applicant merely added the street number and phone number to that portion. This addition increased the non-conformity.

7. The Board noted that the sign detail as contained on A-3 showed a brick base which is not existing on the site. The Applicant explained that it was merely an artist's interpretation and that no new base would be added.

8. Board Member Cashmore was initially concerned that enclosing the bottom portion could create sight problems. The Applicant explained that the bottom was always solid or enclosed and that the only change was the addition of the street number and phone number. Based upon this, the Board felt that there was no detriment to granting the variance.

9. The subject Site is surrounded by uses which include, but are not necessarily limited to, the following:

- Residential Homes;
- Beach Clubs;
- A Marina

10. Approval of the sign variance will not alter the footprint of the existing sign structure.

11. It would be a hardship to require the Applicant to remove the printing on the bottom 3 foot section of the sign and redo the major portion of the sign face plate to include the removed information (street number and phone number).

12. Subject to the conditions set forth herein, the benefits associated

with approving the within Application out-weigh any detriments associated with the same.

13. Approval of the within Application will have no known detrimental impact on adjoining properties and thus, the Application can be granted without causing substantial detriment to the public good.

14. The Board finds that the variance can be granted without substantially impairing the Zone Plan and Zoning Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning/Zoning Board of the Borough of Sea Bright that application for sign variance is hereby granted subject to the following 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 by the Board in granting this approval. This condition shall be a continuing condition, which shall be deemed satisfied unless and until the Board determines (on Notice to the applicant) that a breach thereof.

5. All stipulations agreed to on the record, by the applicant and as set forth in Paragraphs 5 and 7.

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.

**Specific Conditions**

1. Nothing contained herein shall be construed as authorization to change or extend the existing sign, as depicted in the photos in A-4 and A-5.

2. The brick base as depicted in A-3 does not exist and the Board is not granting approval to add same.

**BE IT FURTHER RESOLVED**, that all representations made under oath by the Applicants and/or their agents shall be deemed conditions of the approval granted herein, and any misrepresentations or actions by the Applicants contrary to the representations made before the Board shall be deemed a violation of the within approval.

**BE IT FURTHER RESOLVED**, that the application is granted only in conjunction with the conditions noted above - and but for the existence of the same, the within application would not be approved.

**BE IT FURTHER RESOLVED**, that the granting of the within application is expressly made subject to and dependent upon the Applicants' compliance with all other appropriate rules, regulations, and/or ordinances of the Borough of Sea Bright, County of Monmouth, and State of New Jersey.

Second by Boardmember Beer and approved upon the following roll call vote:

Ayes: Beer, Cashmore, DeSio, Leckstein

Nays: None

Abstain: None

Absent: Murphy, Smith

**5. OLD BUSINESS:**

**AMCK, LLC  
1066 Ocean Avenue  
Block 16, Lot 4  
B1 Zone**

**Demolish an existing structure and construct  
Three story masonry building.**

**Requesting the following variances**

**Building Coverage, Parking, AC unit in rear setback, Lot width.**

Attorney Higgins stated that all the Boardmembers present were not within 200 feet of the applicant. The Board has accepted jurisdiction of the application and has conducted two prior public meetings on this matter,

November 10, 2009 and January 26, 2010.

- A-1 Jurisdictional Packet,
- A-2 Photo Board of existing structure
- A-3 Rendering of proposed structure prepared by Anthony Condouris
- A-4 Survey by Richard Stockton, PLS dated 8-19-06
- A-5 Screening details
- A-6 Letter from Mary Tangolics dated 11-19-09
- A-7 Architecturals prepared by Anthony Condouris dated 1-26-10
- A-8 Revised plans reducing proposal to 2 three bedroom apartments plus commercial dated 2-10-10.
- B-1 Maser Consulting P.A. letter dated 10-6-09 A-1

The applicant had revised the plans to eliminate the office use on the first floor. No use variance is needed because of the elimination of both the 2<sup>nd</sup> use on the first floor and a residential unit. The Applicant requested a parking variance if there was to be a restaurant on the first floor. The common area decreased from 1500 sf to 1160 sf, so if the use is a restaurant, it would be smaller than the existing. The building could require 22 parking spaces. There is a possibility that on the first floor the common area under the stairwell would be 150sf increasing the site to 1310 sf. This would require 22 parking spaces. There is no on-site parking possible and that the Master Plan and ordinance have been amended for this type of mixed use in the downtown area.

The Applicant said that the plans would be revised to remove the small sign. The approval was limited to the one large and the Applicant has withdrawn the request for the second smaller sign.

As a condition of approval the Board agreed that the 3 HVAC units may be placed on the ground up to 4' within the setback with solid fencing 6" above the top of the units. The trash receptacle will contain the same fencing material as the HVAC units.

The Board found that the approval of the application will be a substantial aesthetic improvement and it would be consistent with the downtown business district.

Boardmember McBride introduced a motion approving this application. Second by Boardmember Leckstein and approved upon the following roll call vote:

Ayes: Beer, Cashmore, Cunningham, DeSio, McBride, Fernandes, Torcivia, Leckstein.

Nays: None

Abstain: None

Absent: Murphy, Nott, Smith

**6. ADJOURNMENT:**

Motion to Adjourn: \_\_\_\_\_ Second: \_\_\_\_\_

Time: \_\_\_\_\_ P.M.