

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

Chairman DeSio read the following 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 **Asbury Park Press** 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, DeSio, Murphy, Smith, Leckstein
ABSENT: Cunningham, Fernandes, McBride, Nott, Torcivia

4. Boardmember Murphy approved the January 12, 2010 Unified Planning Board Meeting Minutes. Second by Boardmember Smith and approved upon the following roll call vote:

Ayes: Beer, Cashmore, DeSio, Murphy, Smith, Leckstein

Nays: None

Abstain: None

Absent: Cunningham, Fernandes, McBride, Nott, Torcivia

5. Boardmember Murphy approved the January 26, 2010 Unified Planning Board Meeting Minutes. Second by Boardmember Smith and approved upon the following roll call vote:

Ayes: Beer, Cashmore, DeSio, Murphy, Smith, Leckstein

Nays: None

Abstain: None

Absent: Cunningham, Fernandes, McBride, Nott, Torcivia

6. MEMORIALIZATION OF RESOLUTION

Boardmember Leckstein introduced a motion memorializing this application.

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

BEATRIX & PAUL PATTON

924 Ocean Avenue

Block 24, Lot 3

R2 Zone

WHEREAS, Beatrix and Paul Patton (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 24, Lot 3 on the Tax Map of the Borough of Sea Bright, also known as 924 Ocean Avenue for variance and site plan approval to demolish the existing residence and construct a new one-family home; and

WHEREAS, Applicant has provide due notice to the public and all surrounding property owners as required by law, has caused notice to be published in the official newspaper in accordance with NJSA 40:55D-1 et seq and, therefore, this Board has accepted jurisdiction of the application and has conducted a public hearing on the matter at its meeting on January 26, 2010, 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 certain documents including the following:

- A-1 Jurisdictional Packet,
- A-2 Architectural plans by Anderson Campanella revised to 9-24-09
- A-3 Plot plan by Charles Surmonte dated 9-23-09
- A-4 Photo of existing looking northbound
- A-5 Photo of existing looking southbound
- A-6 Photo of existing front yard
- A-7 Photo of existing from across the street
- A-8 Photo of neighbor to north
- A-9 Color rendering elevations
- A-10 Board mounted photos of existing
- A-11 Board mounted photos
- A-12 Colored and highlighted plot plan
- A-13 Computer rendering of proposed
- A-14 Rendered floor plan

WHEREAS, the Applicant offered sworn testimony in support of the application by the following:

James Christian Anderson, Architect

Paul David Patton, Applicant

Charles Surmonte, Professional Engineer, Surveyor

WHEREAS, the following members of the public were heard:

Stephen Cashmore

David DeSio

WHEREAS, the Applicant requested a variance from the rear yard setback where 15' is required and 3.8' is proposed. The Applicant also requested a variance or waiver for parking in the front yard.

WHEREAS, Stephen Cashmore and David DeSio, recused themselves from this application.

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

1. The property is in the R-2 Zone.
2. The Applicant requests the rear yard setback so that the house can be set further back on the lot so as to permit parking in the front yard. In addition to a garage, the Applicant will park in the front yard, similar to the neighbors. There is no on-street parking in this area and the Applicant needs to accommodate parking in the front yard. There is no other place to park in this area. A parking area is also needed in the front yard for safety reasons. Backing out from the property onto Ocean Avenue is extremely hazardous and a safety concern due to the traffic moving on the busy roadway at least 40 mph.
3. The Architect, James Anderson testified that the proposed new home will be a 2 story home and will maintain the roofscape. The BFE is 9' and the home will be 13' above sea level. Unlike the existing home, which is in deplorable condition and cannot effectively be salvaged, the new home will meet all code requirements and be energy efficient. Mr. Patton testified that the Applicants want to build a new home because the existing structure leaks, pipes freeze, and there is no insulation. There are several code deficiencies in the existing home.
4. Mr. Anderson testified that the plans reflect functional requirements and the design fits into the character of a coastal community. The plans shows the safety improvement of pulling into the front parking area and being able to turn around without having to back into Ocean Avenue. They are proposing a one-car garage. The house would not look boxy but have the use of gables, cupolas, widow's walk and having the look of a coastal cottage. The cupola is 36.5' and widows walk is 38'. There are two principal stories above 13 feet above sea level for flood protection. The house is 35 feet in height. The look is pleasant from both the river and Ocean Avenue.
5. The existing house is technically a two-family home and the Applicant **STIPULATED** that the two-family use was being abandoned and the home would be a one-family home.
6. The architect explained that the impervious coverage will be reduced from 70% to 56%.
7. Mr. Surmonte provided testimony regarding the plot plan. The two HVAC units will be located west of the chimney and will extend 1.5' into the setback and will be elevated 2.5'. The Applicant **STIPULATED** that the existing solid 6' fence will remain and will serve to screen the HVAC units from the neighbor. The Board found that this was the best location and would have no impact on the neighbor.

8. David Desio testified that he thought the proposal would be an asset to the community.
9. Neighbor Steven Cashmore offered that the proposed improvement was a terrific design. He noted that it is critical to have room in the front to maneuver cars for ingress and egress to Ocean Avenue.
10. Board Member Leckstein noted that the elimination of the two-family use was a positive and that the proposal was a vast improvement aesthetically and structurally from the existing conditions.
11. Board Member Smith felt that the proposal was a wonderful design that was sensitive to the soils and bulkhead conditions. He also noted that safe ingress and egress to the property was important.
12. Therefore, the Board finds that the approval of this application will result in substantial aesthetic and safety improvements, improve traffic flow, will reduce the impervious coverage and add open space which advances the purposes of the MLUL, the new construction will meet building codes and be a greener building, all of which are positive reasons for the grant of the variances.
13. The Board found that the variances can be granted due to the nature of the development in the neighborhood, location, the new variances are consistent with the other residences in the neighborhood, made for a safer design and layout and therefore can be granted without substantial detriment to the Zone Plan and Zoning Ordinance.
14. The Board finds that the variances can be granted without substantially impairing the Zone Plan and Zoning Ordinance.
- 15.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that applicants' application for variance for rear yard, side yard setbacks, parking in the front yard and in the front setback and preliminary and final site plan 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

a. The two-family use is eliminated and abandoned and the property may be used as a single-family home only.

b. The existing solid 6' fence shall remain and serve as a buffer for the HVAC units.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of February 9, 2010; 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 Applicant's expense.

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

Ayes: Beer, Smith, Leckstein

Nays: None

Abstain: None

Absent: Fernandes, Torcivia

7. OLD BUSINESS:

The following application was rescheduled to February 23, 2010.

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

**Demolish an existing structure and construct
a three story masonry building. Seeking approval
for the following variances: Multi Family B, mixed use retail,
maximum building coverage and parking.**

8. NEW BUSINESS:

**Drs. Michele & Kevin Collier
1480 Ocean Avenue
Block 3 Lot 1
R-2 Zone
Seeking a sign variance approval.**

Attorney Higgins stated that all the Boardmembers present were not within 200 feet of the applicant.

- 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

The applicant Dr. Kevin Collier offered sworn testimony stating that he has been operating Family and Implant Dentistry, located at 1480 Ocean Avenue since 1984. The site exists as a one-story structure and has an existing non-conforming sign. The applicant said that on January 23, 2007 he received preliminary and final site plan approval, use/"D" variance, conditional use approval and bulk variance approval to expand their dental office. The existing sign would remain with the face plate changing to

reflect the business as the sole occupant. The original sign measured 8' by 6' but when Dr. Collier changed the face plate, both the street number and phone number were missing. He later had to add this to the sign increasing the sign's size and enclosing the bottom portion.

Boardmember Cashmore thought that the bottom portion of the sign would create sight problems to motorists turning onto Imbrie Place coming north on Ocean Avenue. The applicant stated that the sign always had a solid bottom enclosure. The applicant stated that his site is surrounded by other uses, residential homes, beach clubs and a marina. It would be a hardship to remove the printing on the bottom of the sign and redo the main portion of the sign to include pertinent information.

The Board found that the variance can be granted without impairing the zoning ordinance.

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

Ayes: Beer, Cashmore, DeSio, Murphy, Smith, Leckstein

Nays: None

Abstain: None

Absent: Cunningham, Fernandes, McBride, Nott, Torcivia

9. ADJOURNMENT:

There being no further business before the Planning Board Boardmember Leckstein made a motion to adjourn the meeting at 8:50 P.M. Second by Boardmember DeSio and approved upon unanimous voice vote.

Respectfully Submitted,

Suzanne Branagan
Board Secretary