

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 *The Asbury Park Press* on January 17, 2009, filed it with the Clerk, and posted a notice on the bulletin board in the Borough Office.

2. ROLL CALL:

PRESENT: Beer, Cashmore, Cunningham, DeSio, Fernandes, McBride, Murphy, Nott, Torcivia, Alternates: Smith (Alt. #1), Leckstein (Alt. #2)

ABSENT: None

3. MEMORIALIZATION OF RESOLUTION

A. Boardmember Torcivia made a motion memorializing the following application:

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD
GRANTING SITE PLAN AND VARIANCE APPROVAL
RE: D. LOBI ENTERPRISES, INC.
T/A SURFRIDER BEACH CLUB
931 Ocean Avenue
Block 23 Lots 12.01 and 12
Sea Bright New Jersey**

WHEREAS, D. Lobi Enterprises, Inc. (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 23, Lots 12 and 12.01 on the Tax Map of the Borough of Sea Bright, also known as 931 Ocean Avenue for an expansion of a use previously created by a use variance and preliminary and final site plan approval; and

WHEREAS, the Applicant proposes to expand the two-story frame clubhouse to the north and south. The proposed expansion to the south will add offices, handicapped bathrooms, expanded bridal suite, an area for an elevator, including the associated foyer area and hallway to the banquet facility. Expansion to the north includes enclosing the existing outdoor deck to encompass that area within the banquet area and to square off the building in the southeast corner. Applicant also seeks to add a new deck to the easterly side of the second story of the clubhouse which will run across the rear of the second floor; and

WHEREAS, the Planning/Zoning Board previously granted a use variance to permit an ala carte restaurant, banquet facility and beach club by resolution dated July 28, 1992 and marked as Exhibit B-5; and

WHEREAS, the Planning/Zoning Board previously denied a similar application to expand the existing Club House and banquet facility in July 2007; 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 public hearings on the matter at meetings on September 22, 2009, October 27, 2009 and December 8, 2009, 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 Application

A-3 Architectural Plans by James Monteforte Architectural Studio dated August 20, 2009, 4 pages

A-4 Peter Avakian, P.E. letter dated August 24, 2009 regarding CAFRA permit

A-5 Thomas J. Hirsch, Esq. brief and narrative dated September 17, 2009

A-6 Survey & lighting plan, 2 pages, by Charles Surmonte dated 11-24-09

A-7 Revised architectural plans by Monteforte dated 11-20-09

A-8 Aerial of piq

WHEREAS, in addition to the Applicant's exhibits, the objector, David DeSio, also marked into evidence the following exhibits:

O-1 Michael Leckstein, Esq. letter dated September 22, 2009

O-2 Windows on the Water webpage dated October 12, 2009

O-3a Googled information – Windows on the Water dated October 12, 2009

O-3b Googled information – Windows on the Water website picture dated October 12, 2009

O-4 Windows on the Water brochure

WHEREAS, the Board introduced the following exhibits:

B-1 James Kennedy Consulting Engineers LLC completeness letter dated September 16, 2009

B-2 James Kennedy Consulting Engineers LLC engineering review dated September 21, 2009

B-3 Anthony Condouris architectural plans dated September 28, 2006

B-4 Fire Marshall memo dated September 29, 2009

B-5 D.Lobi Enterprises, Inc. resolution dated July 28, 1992

B-6 D.Lobi Enterprises, Inc. resolution dated May 14, 2002

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

James Monteforte, Architect

Charles Surmonte, P.E. Engineer

James A. Lobiondo, Manager of the Surfrider Beach Club

James W. Higgins, Professional Planner

WHEREAS, members of the public also presented testimony as follows:

Edward Wheelr

Janice DeMarco

WHEREAS, the Applicant requested the following variances or waivers:

1. While Applicant argued that a use variance is not necessary, the Board finds that Applicant needs a use variance for the expansion for the use previously granted by use variance.
2. Variance from side yard setback requirements which is an existing condition.
3. Variance from the side yard setback requirement for both sides which is also an existing condition.
4. Applicant's appeal from the zoning officer's decision that a use variance is required for two principal uses on the same lot on the basis that same was previously granted to applicant per the resolution dated July 28, 1992, however, in the alternative, Applicant seeks a variance to permit the principal uses of the restaurant/banquet facility and as expanded by this application and the beach club.
5. Applicant seeks a waiver from §130-40.F to permit parking vehicles in a front yard which is an existing condition.

6. Applicant seeks a waiver from §130-5 which requires all parking spaces to be 9 ft. x 18 ft. and aisle ways and passage ways to be a minimum of 22 ft. in width. Applicant is not changing the existing parking layout which was previously approved.
7. Waiver from §130-65.A(3) concerning service availability letters from utility companies.
8. Waiver from §130-65.A(9) requiring an Environmental Impact Statement
9. Waiver from §130-65.B(6) providing paving and right-of-way widths of existing street within 200 ft.
10. Waiver from §130-65.B(7) requiring a plan showing the extent of wooded areas, swamps, bogs and ponds on the site within 200 ft.
11. Waiver of §130-65.B(8) concerning existing and proposed manholes, sewer lines and fire hydrants, etc.
12. Waiver from §130-65.B(15) from providing center profiles of adjacent streets.
13. Waiver from §130-65.B(16) requiring boring logs with the understanding that they will be provided to the Building Dept. for review at the time building permits are issued.
14. Waiver from §130-65.B(21) showing an on-site vehicle and passenger circulation plan
15. Waiver from §130-65.B for tree location plan
16. Waiver from §130-65.B(32) showing a staging plan

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

1. Applicant is proposing a first and second floor expansion to the existing structure which will result in no increase in impervious coverage.
2. The expansion of the building itself will not create any new bulk variances.

3. Applicant has met with the neighbors and revised its plans taking into consideration the neighbor's concerns.
4. Applicant proposes to add a 2-story addition to the existing 2-story clubhouse to include a new entrance foyer and an elevator on the first floor, and handicapped bathrooms, storage area, offices, expanded bridal room and lobby circulation area from the elevator to the banquet room on the second floor.
5. Applicant also proposes to enclose the outdoor deck on the second floor on the southerly side of the building and to square off the southeast corner of the second floor and to add an outdoor deck on the easterly side of the second floor.
6. The additions to the building will not increase the capacity for banquets beyond 165 patrons. The Applicant has **STIPULATED** that the posted occupancy limits of the banquet facility will be 165.
7. The second floor expansion to the north side of the building consists of 1,922 sq. ft. and the expansion to the south side of the building consists of 881 sq. ft.
8. Exhibit A-3 prepared by James Monteforte, architect indicated a proposed floor plan layout for the second floor showing a banquet capacity of 165 patrons. The applicant agrees that the limitation of 165 patrons for banquet functions on the second floor of the Surfrider Beach Club will be **a condition of approval.**
9. Applicant also proposes a deck to the easterly side of the second floor of the building which will measure 14' x 95'-6".
10. The new proposed deck will not be used in conjunction with the banquet facility other than the fact that people will have access to the deck in the

event the wanted to go outside the structure to get air. There will be no cocktails or Hors D'Oeuvres served for the banquets nor will there be tables set up on the deck for purposes of a banquet. The primary purpose of the deck is for beach club use. The Applicant **STIPULATED** that: (a) the beach club members will not use the deck during banquets or functions; (b) the deck will be non- smoking; (c) the deck will be limited to lounge chairs and related knee tables for lounge chair use.

11. On a previous application by the Surfrider to expand this facility, neighboring property owners expressed some concerns about the existing operation, therefore, Applicant has **STIPULATED** that it will make certain concessions and changes to its operation to address concerns previously expressed by neighbors. These **stipulations/concessions** which shall be **conditions** of this resolution are as follows:

(a) All banquet functions (not already booked) will be moved to a 5:30 p.m. start time.

(b) All banquet functions will conclude by 10:29 p.m. with the exception of banquets that are having wedding ceremonies on-site. The banquets with wedding ceremonies on-site will conclude by 10:59 p.m.

(c) No buses will be allowed in the lower lot for pick-ups at the conclusion of the function, nor shall they be parked in the lower lot during the function.

(d) Upon arrival, guests' vehicles will be directed to park in the upper parking lot until it is full until which time cars will then park in the lower parking lot.

(e) A member of Applicant's staff will be assigned to the parking to assist in a quiet departure of guests at the conclusion of the banquet.

(f) David DeSio, a neighbor whose property is across the street from the Surfrider, will be furnished with the Surfrider's banquet manager's cell phone number so that if any issues arise during a function, there is a proper line of communication.

(g) All guests attending a banquet will vacate the premises within 45 minutes of the conclusion of the reception unless conditions beyond the control of the Applicant, such as a bus breaking down, prevents this.

(h) Applicant shall install non-opening hurricane or sound-resistant glass windows on the story floor of the Surfrider.

(i) Applicant agrees to install ½ inch sound board behind sheetrock on the walls.

(j) Applicant agrees to install self-closing doors at all points of egress of the banquet facility to help contain any noise that may come from the facility.

(k) Applicant agrees that the number of guests at any banquet affairs being held in the second floor banquet facility will not exceed 165 people.

(l) The applicant hereby eliminates and abandons the a la cart restaurant which was approved in the 1992 Resolution and shall limit its restaurant activities to the banquet facility located on the second floor. The snack bar service in the beach club will remain on the first floor as it currently exists, servicing the beach club users.

(m) Applicant will increase the utility screen to 4' for sound attenuation of mechanicals.

(n) Applicant will comply with the awning ordinance.

(o) Applicant will use clouded glass or similar to prevent strobe light spillage to the neighbors.

- (p) Applicant will provide a recreation easement to the Borough down the center aisle with openable gates at each end for use during fall, winter and spring.
12. The beach club use is a permitted use in the B-3 zone. The beach club use generates substantial activity at the site including club parties and other club functions which attracts a substantial number of people.
 13. The restaurant/banquet facility, which was previously approved by use variance also results in activity at the club which activity is generally limited to the weekends.
 14. The Board finds that the concessions made by the Applicant and the changes to the operation will be a substantial benefit to the neighboring residential properties and will not only address any problems that could occur from the expansion outlined in this application but also any detrimental impacts that exist based on the current legal use and operation at the site.
 15. As a result of concerns from neighbors concerning the lighting, the Applicant's engineer will meet with the Board engineer to soften the impact. The lighting plan must be approved by the Board engineer as a **condition** of approval.
 16. Applicant **STIPULATED** that the plans will be amended to show the survey on the Plans. This is a **condition** of approval.
 17. The concessions made by the Applicant address the major issues as to noise generated by banquet function itself, noise generated by patrons leaving the site and the hours of operation.

18. The Board first determined whether the Doctrine of Res Judicata applied to this application. The Board noted the following substantive changes from the prior application which had been denied by the Board:

(a) Board Member McBride noted that the final architectural plans were different from the previous application. He noted that the area was larger internally, but the occupancy was less than the prior application and Applicant stipulated an occupancy limit not to exceed 165. He also noted that the Applicant stipulated hours of operation that would address current complaints from the neighbors.

(b) Board Member noted that the floor plans differed from the prior application; that the new plans called for squaring off the building and the operational changes were significant.

(c) Board Member McBride also noted an improved and more aesthetically pleasing front to the existing structure that differed from the prior application.

Based on the above, the Board held that the current application is substantially different from the prior application which had been denied, and determined that it had jurisdiction to hear and decide the matter.

19. In light of the fact that this use is currently permitted by virtue of a use variance, the Board applies the standard set forth in Burbridge v. Mine Hill. The Board treats this application as an expansion of the non-conforming use and, therefore, looks not at the use itself but whether the adverse impacts of the use can be minimized and the use brought more into conformance with the surrounding area.

20. The Board finds that applying the Burbridge standard, the Applicant has established that the changes in operation including the enclosure of the

outdoor deck will be a substantial benefit to the surrounding neighboring property owners and residential area.

21. The Board also finds that the addition of the elevator which will make the building ADA compliant along with the construction of the new handicapped bathrooms clearly promote the general welfare and the purposes of planning and zoning as set forth in the Municipal Land Use Act.
22. The Board further finds that leveling the banquet room floor and dance floor will be an ADA improvement and make the facility safer for all patrons.
23. The Board further finds that the limitation of the number of patrons to 165 in the second floor of the banquet facility, the enclosure of the outdoor deck and the concessions as outlined in this resolution by the Applicant will insure that the approval of this application will have no substantial detrimental impact on surrounding properties nor will it substantially impair the intent and purpose of the zone plan and zoning ordinance.
24. The Board further finds that the expansion will not impact people walking along the seawall.
25. The Board finds that the changes made in the Plans address the current complaints surrounding the banquet use, will improve current conditions and not increase the intensity of the use.
26. As to waivers sought by Applicant, the Board reviewed the Board engineer's report of March 13, 2006 and finds that the Board engineer did not object to many of the waivers requested. The Board finds that most of these waivers are related to pre-existing conditions or to information that is unnecessary based on the nature of this application. Therefore,

the Board finds that the waivers can be granted without any substantial detriment to surrounding properties or to the site plan ordinance of the Borough of Sea Bright.

27. Therefore, the Board finds that the approval of this application will result in substantial aesthetic improvements to include the shielding of all mechanicals on the roof and more attractive façade, reduction of noise by the installation of hurricane or sound proof windows, enclosure of the southerly deck and the installation of ½ inch sound board behind the walls. Additionally operational changes such as maximizing the use of the upper parking lot both for patrons cars and buses, the use of employees to direct patrons and to insure presence to control noise, the new start and end times for the banquets on the second floor of the facility and the limitation of the number of patrons to 165, all serve as a substantial benefit, which benefits outweigh any detriments of the application. Additionally, the addition of the elevator and handicapped bathrooms promotes the general welfare and the great majority of the proposed improvements are related to the operation of the permitted beach club use and not simply for the banquet/restaurant use.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that the current application is substantially different from the prior denied application and res judicata does not apply.

BE IT FURTHER RESOLVED that applicants' application for a use variance, approval of pre-existing bulk variances, waivers and preliminary and final site plan approval to permit the expansion of the facility at the site as particularly set forth in the plans prepared by James Monteforte and marked as Exhibit A-3 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 and compliance with all governmental regulations except those specifically waived or modified in this Resolution. Applicant has provided a letter from Peter Avakian, P.E. dated August 24, 2009 regarding CAFRA permit.

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.

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. Except for said waivers that have been granted as set forth herein, Applicant shall comply with the Board engineer's report of March 13, 2006.

2. The operational concessions made by Applicant and the concessions as to various sound proofing improvements as set forth in paragraph 10 (a) through (p) of this resolution shall be enforceable as conditions of this approval and will be applicable to the Applicant and any successor in ownership to the Applicant. Said conditions may be enforceable by the Borough against the principals of the Surfrider Beach Club and D.Lobi Enterprises, Inc. in addition to the corporate entities.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of December 8, 2009; 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.

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

Ayes: Cunningham, McBride, Nott, Torcivia, Smith

NAYS: None

ABSTAIN: None

ABSENT: None

3. NEW BUSINESS:

SEA RAY TOWNHOUSES, LLC.

1246 Ocean Avenue

Block 3, Lot 25

B-2Zone

**Approval to demolish existing building
and construct two-unit residential townhouses.**

Boardmembers Fernandes and Murphy were recused from this

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

A-1 Jurisdictional Packet,

A-2 Plot Plan prepared by Paul Damiano, architect 7-27-09, revised to 1-7-09 (color)

A-3 three-dimensional model

A-4 Board with 5 photos with cross section of street

A-5 Board with 9 photos of subject and surrounding area

A-6 Board with Floor Plan ground and 2nd floor

A-7 Board with 3rd floor plan

A-8 Board with colored elevations

A-9 Board with colored landscaping plan

A-10 Reference to photos on wall of Borough Hall

Paul Damiano, ArchitectApplicant offered sworn testimony in support of the application by the following:

Charles Surmonte, P.E. Engineer

Frederick Kniessler, Professional Planner

WHEREAS, the Applicant requested the following variances or waivers:

1. Lot area of 8,530 s.f. where 25,000 s.f. is required.
2. Lot width of 65 feet where 100 feet is required.
3. Side yard setback of 14.5 feet where 15 feet is required.
4. Both side yards of 29 feet where 30 feet is required.
5. Lot coverage of 54.56% where 50% is required.
6. Height where 30 feet maximum is permitted and 34'5" is proposed to the top of the roof line and 40' is proposed to the top of the cupola. (D variance)

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

28. The property is in the B-2 Zone.

29. In addition to the garage, the plans call for two stacked off-street parking spots for each townhome. Though within the setback, the Board finds the benefit far outweighs any detriment.
30. The Applicant made every effort to keep the height of the building down. The first floor ceiling height is 7'7 1/2". The architect testified that he could have designed a shorter, fatter building, but that it would not be as aesthetically pleasing. Moreover, by so doing, the plan would lose the 2 stacking parking spots on each side and have less open space.
31. The architect explained that the cupola is used to access the roof deck and is likely not visible from the street. The architect explained how he carried the stone all around the building. The stone sticks out 6" into the sideyard but he felt that was minimal and that the added aesthetic outweighed any minor detriment.
32. Mr. Surmonte provided testimony regarding the height of the surrounding structures, for instance: Waterways – 37' from crown of road; 1198 Ocean Avenue – 28 1/2 ' from crown of road; Chris' Landing – 42' from crown of road; 2 Tradewinds – 34 1/2 ' from crown of road; 3 Marius Lane – 37 1/2' from crown of road.
33. The Planner testified that the proposed development is less intense than development in the area. He stated that the proposal greatly enhances the property with little impact. He pointed out that the flood elevation is 9' so that limits what the Applicant can do with regard to the height of the building. Additionally, the proposed building is consistent with the height of the neighboring structures.
34. Mr. Kniessler further opined that the in reducing the lot coverage by nearly 20%, the Applicant advanced the purpose of the MLUL.

Additionally, the new construction will meet new building codes and be a greener builder compared to the existing.

35. In response to the Board's request, the Applicant **STIPULATED** as follows:

a. The landscaping will be of salt resistant plantings.

b. Constituent documents of the townhouse development will require continued maintenance and replacement of the trees and landscaping to the front of the building.

c. The mechanicals will be moved so as not be within any setback.

The plans will be amended to reflect same.

d. The plans shall be amended to show a hip roof to match the cupola.

e. All fencing will comply with the Borough ordinances.

f. A grading plan will be submitted with the request for building permits, for review by the engineer.

36. The above Stipulations will be **conditions of approval**.

37. Chairman Cunningham asked if the Applicant had tried to buy or swap land with his neighbors and the Planner stated that letters had been sent and the neighbor was not so inclined.

38. Board Member Nott noted that though the cupola was above the height limitation, it was small in area, sits back so as to be barely visible, yet adds interest to the building without increasing the bulk. As to the height itself, he noted that with the flood elevation, the Applicant did the best job they could to meet the limitation.

39. Board Member DiSio indicated that the architect brought the design features all around the building, not just in the front, which was a positive.

40. Board Member McBride stated that he was pleased the Applicant had reduced the proposed building from 3 residential units as in the original plans presented at the informal review to 2 units, as permitted by the ordinance.
41. Board Member Cashmore felt that the height was fitting with the surrounding area.
42. Board Member Torcivia noted that the proposal , with the stipulations, was a significant improvement over the existing structure.
43. Board Member Smith noted that the proposal is what the town wants; the project evolved and met challenges and issues and came out with a significant positive project for the area.
44. Therefore, the Board finds that the approval of this application will result in substantial aesthetic improvements, will reduce the lot 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.
45. 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.

19. The Board finds that the variances 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 applicants' application for a D variance for height, approval of

the various bulk variances, 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 Paragraph 8, a-f.

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 landscaping will be of salt resistant plantings.

b. Constituent documents of the townhouse development will require continued

maintenance and replacement of the trees and landscaping to the front of the building.

c. The mechanicals will be moved so as not be within any setback. The plans will be amended to reflect same.

d. The plans shall be amended to show a hip roof to match the cupola.

e. All fencing will comply with the Borough ordinances.

f. A grading plan will be submitted with the request for building permits, for review by the engineer.

6. ADJOURNMENT :

There being no further business before the Planning Board. Boardmember Cashmore made a motion to adjourn the meeting at 9:37 P.M. Second by Chairman Nott and approved upon unanimous voice vote.

Respectfully Submitted,

Suzanne Branagan
Unified Planning Board Secretary