

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 Link** on January 20, 2011 filed it with the Clerk, and posted a notice on the bulletin board in the Borough Office.

**3. ROLL CALL:**

**PRESENT:** Beer, Cunningham, DeSio, Torcivia, Smith, (Alt. #1) Leckstein (Alt. #2), Janey (Alt.#3)

**ABSENT:** Cashmore, Fernandes, McBride, Murphy, Nott

**4. MINUTES:**

**A.** Boardmember Smith introduced a motion approving the October 11, 2011 Unified Board Meeting Minutes. Second by Boardmember DeSio and approved upon the following roll call vote:

Ayes: Beer, Cunningham, DeSio, Torcivia, Smith, (Alt. #1)

Leckstein (Alt. #2), Janey (Alt.#3)

Nays: None

Abstain: None

Absent: Cashmore, Fernandes, McBride, Murphy, Nott

**5. MEMORIALIZATION OF RESOLUTION:**

**A.** Boardmember Leckstein introduced a motion approving the following resolution:

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD  
GRANTING BULK VARIANCE APPROVAL**

**RE: LYNN SHAPIRO**

**22 Riverview Place**

**Block 24, Lot 49 & 49.01**

**R-2 Zone**

**WHEREAS**, Lynn Shapiro, owner of premises commonly known as 22 Riverview Place, Block 24, Lot 49 & 49.01, Sea Bright, New Jersey have applied to the Planning/Zoning Board for bulk variances in order to permit the applicant to enclose an existing fiberglass deck on the second floor to increase the kitchen and for approval of the conversion of an existing garage to a play room; and

**WHEREAS**, the applicant has provided due notice to the

public and all surrounding properties as required by law, has caused notice to be published in the official newspaper in accordance with N.J.S.A. 40:55D-1 et seq., this Board gaining jurisdiction therein and a public hearing having been held on this matter at a regular planning/zoning board meeting of October 25, 2011 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 Site Plan, Jeremiah J. Regan, AIA, dated July 14, 2011
- A-3 Survey, dated May 25, 2011.
- A-4 Photograph of residence.
- A-5 Survey prepared by Kenneth P. Frank dated 10-23-2010

**WHEREAS**, members of the public were given the opportunity to be heard regarding the application; and

**WHEREAS**, the Board having considered the evidence presented made the following findings:

1. Ms. Shapiro testified that she has resided at 22 Riverview Place since 1995. This is an existing single-family home surrounded by homes similar in nature. She is proposing to enclose an existing porch to expand the existing kitchen. This expansion would make the kitchen more useable and a better and safer layout for single family type use. There are no other options but to enclose the existing porch for a kitchen expansion. The proposed kitchen will be consistent with the rest of the home.
2. Ms. Shapiro further testified that she wished to legitimize work that was performed in 2007, whereby the local contractor who performed the renovation converting the existing garage to a playroom failed to obtain the proper permits. The garage was never used as a garage so in order to use same as a playroom, flooring was installed and sliding doors replaced the garage door. There is no plumbing and it is not a living area. The Applicant **stipulated** that the certificate of occupancy will indicate that the playroom may not be used as living space other than a playroom.

Removing the garage reduced off street parking. Two parking spaces are required and three parking spaces are existing on the property, though they are within the setbacks. Parking always existed in the setbacks. No new parking area is being created with this application.

The Board found that the existing parking on the site was adequate and that the parking within the setback had always existed.

3. Architect Jeremiah J. Regan testified that the existing kitchen has access to a deck, which is the area that will be enclosed. The kitchen will be renovated to be more useful creating an eat-in kitchen area. Architecturally and aesthetically it would remain the same with the existing home.
4. The height of the house is 33ft. 6in from the crown of the road to the peak. The addition will be less than 21 feet and the addition does not require height variances. The enclosure will be below the window and will not violate any height issues. Board members discussed that the design was a good one. They noted that the neighborhood contained different sized homes and the proposed home would not be out of place. Board members felt that the proposed home did not overpower the lot and was in keeping with the character of the neighborhood.
5. The addition will extend the side variances by enclosing the existing deck. The footprint will not change.
6. The lot coverage required is 77% required and currently over 80% lot coverage. The applicant is merely enclosing the deck and this change would not have any negative impact on the neighborhood.
7. The Board found that the proposed setbacks were consistent with the neighborhood.
8. This is an existing 3 story house where 2 ½ stories are permitted. The addition will be 21' high and the existing house is 33'6".
9. The Board finds that a variance can be granted without substantially impairing the Zone Plan and Zoning Ordinance in that the side yard variance is existing and will be merely extended and is consistent with the neighborhood.

The Board found that the proposed home is not too large, is consistent with the homes in the neighborhood, and enhanced the aesthetic value of the neighborhood.

The Board found that there is adequate parking and the conversion of the garage to a playroom had no detrimental impact.

11. The variances can be granted due to the nature of the development in the neighborhood, location, and therefore can be granted without substantial detriment to the Zone Plan and Zoning Ordinance.

**NOW, THEREFORE BE IT RESOLVED,** for the reasons set forth above, that the Planning/Zoning Board of the Borough of Sea Bright, based upon the findings of fact set forth herein that the variance requested for the enclosure of the deck to expand the kitchen as set forth on the proposed plans marked into evidence, and the conversion of the garage to a playroom be granted subject to the following conditions:

1. The applicant shall obtain the approval of all necessary and appropriate governmental agencies and comply with all governmental regulations except those specifically waived or modified in this resolution.

2. 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 in connection with the review of this application prior to and subsequent to the approval of this application.

3. The applicant shall comply with all building, FEMA and fire code including, but not limited to, entrances and exits.

4. All of the terms and conditions set forth on the record and hereinabove.

5. The applicant shall be bound by all representations made in testimony before the Unified Planning Board as set forth in the minutes of the hearings on the dates referred to above.

6. No mechanicals shall be placed within any setback.

7. This approval shall not be deemed to be an approval of any existing encroachments which may exist, but is limited to the enclosure of the deck and the conversion of the garage to a playroom.

8. The garage/playroom may not be used as living space, may not have plumbing added. Any certificate of occupancy issued for the property shall contain a notation that the garage/playroom is not to be used for living space.

**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

Building inspector and the Tax Assessor and to make same available to all other interested parties.

**BE IT FURTHER RESOLVED** that the Board Secretary is hereby authorized and directed to cause a notice of this Resolution to be published in the official newspaper at the applicant's expense and to send the Affidavit of Publication to the Applicant and to make same available to all other interested parties.

Second by Boardmember DeSio and approved upon the following roll call vote.

Ayes: Beer, Cunningham, DeSio, Torcivia, Smith, Leckstein, Janey

Nays: None

Abstain: None

Absent: None

**6. NEW BUSINESS:**

**A.**

**Heather Hansen and Danon Robinson  
1 Atlantic Way  
Block 29 Lot 9  
"D" use variance for construction  
of third floor addition.**

No member of the board was within 200' of the application. Attorney Higgins marked into evidence the following:

- A-1 Jurisdictional Packet.
- A-2 Narrative dated November 1, 2011
- A-3 Survey prepared by Richard Stockton, dated October 14, 2011.
- A-4 Floor plans elevation prepared by Salvatore La Ferlita, R.A. dated October 10, 2011.
- A-4 (a) Photograph of subject property facing west to the river.
- (b) Photograph of north side of subject property
- (c) Photograph of southeast side of subject property
- (d) Photograph of southside of subject property
- (e) Photograph of eastside of subject property
- (f) Photograph of house on Lot 10
- (g) Photograph of eastside of house on Lot 10
- (h) Photograph of subject property and house on Lot 10 facing the west.
- (i) Photograph of subject property and house on Lot 10 facing the west.

The Applicant offered sworn testimony by the following:

Danon Robinson, property owner

Kenneth Ruby, builder Hillard Construction

Christopher Ruby, builder Hillard Construction

Mr. Kenneth Ruby said that the R2 zone requires 35 ft. for three stories and the permitted height for this lot is 30 ft. due to undersized lot ordinance and a "D" use variance will be required for our request of 35 ft. The third floor addition to the home will provide more living space for the applicant by adding two full baths, a master bedroom, office space and two new decks bring it to an additional 1129 sf. An additional 109 sf will be for the first floor and an additional 170 sf to the second floor. All the rooms are 8 ft in height and they are proposing 35ft in height from the crown of the road.

Boardmember Leckstein had concerns about the deck facing the property on Lot 8. Boardmember DeSio said that the extension of the deck beyond the footprint and the location of the air conditioner compressors need to be included on the plans. Boardmember Cunningham said that the data section needed to be revised showing the rear yard setback.

Danon Robinson said that when they purchased the house they were single couple and now they have four children. Currently, the house has only three bedrooms and 1.5 bathrooms. The location is perfect for raising their family and their home would be consistent with the neighborhood. He said that he had no knowledge of the flood elevation level for his property.

Michael Keninsky of 4 Atlantic Way said that he had no objection to the application.

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

Ayes: Beer, Cashmore, Cunningham, DeSio, McBride, Nott Torcivia, Smith, Nays: None

Abstain: Leckstain, Janey

Absent: None

#### **7. ADJOURNMENT:**

There being no further business before the Planning Board Boardmember Nott made a motion to adjourn the meeting at 8:48 P.M. Second by Boardmember Beer and approved upon unanimous voice vote.

Respectfully Submitted,

Suzanne Branagan  
Board Secretary