

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, Cashmore, Cunningham, DeSio, Fernandes, McBride, Murphy, Nott, Torcivia, Smith, (Alt. #1) Leckstein (Alt. #2),  
**ABSENT:** Janey (Alt.#3)

**4. MINUTES:**

**A.** Boardmember Torcivia introduced a motion approving the August 9, 2011 Unified Board Meeting Minutes. Second by Boardmember Murphy and approved upon the following roll call vote:

Ayes: Beer, Cashmore, Cunningham, DeSio, Fernandes, McBride, Murphy, Nott, Torcivia, Smith

Nays: None

Abstain: Leckstein

Absent: Janey

**5. MEMORIALIZATION OF RESOLUTION:**

Attorney Higgins said that the Victor Scudieri resolution would be amended to include the approval by either the Board or Borough Attorney. Paragraph 5 would be amended noting that the marina commercial use would be abandoned.

**A.** Boardmember Member introduced a motion memorializing the following resolution:

**VICTORY SCUDIERY  
150 Ocean Avenue  
Block 34 Lots 4, 4.01**

**WHEREAS**, Victor Scudieri, (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 34, Lots 4 and 4.01 on the Tax Map of the Borough of Sea Bright, also known as 150 Ocean Avenue preliminary and final site plan approval; and

**WHEREAS**, the Applicant proposes to demolish an existing building, retain an existing building and construct two residential buildings and a swimming pool. The proposed residential buildings would be 3 ½ stories and 44 feet in

height.

**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 August 9, 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 7-7-2011 letter from T&M Associates,
- A-3 Plans entitled Gaiter's Village prepared by Concept Engineering dated 4-26-2011,
- A-4 Architectural Plans - first and second level plans prepared by Bach & Clark, LLC, Architecture, dated 5/1/2011,
- A-5 Aerial photograph
- A-6 Color rendering of drawing
- A-7 Floor plans with highlighting (four pages)
- A-8 Color rendering of proposed plans with river view
- A-9 Color rendering of various elevations
- A-10 Email string between Applicant's engineer and DEP regarding item 7b of the engineer's report

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

Daniel Bach, Architect

Bashkar Halari, P.E. Engineer, Concept Engineering

John Rea, P.E. McDonough and Rea Associates

**WHEREAS**, Mr. Halari testified that each unit will have either a river view or ocean view.

On behalf of the applicant, Halari requested a waiver of the environmental impact statement. Mr. Halari said that the trees and the wetland areas would remain undisturbed. The applicant would provide the required documents to CAFRA for their determination. Board Engineer Flor said that DEP would be extremely thorough because of CAFRA, flood hazard area rules and it being an environmentally sensitive area.

Mr. Halari stated that by reducing impervious coverage to 77% there will be no impact as far as the stormwater on this site is concerned.

**WHEREAS**, John Rea, P.E. of McDunn and Rea Associates testified that they propose to consolidate the separate entrance/exit to the north end of the property meeting NJDOT's criteria. The southern end would not be a better suited location. The northern location is the preferred location with one caveat: the site triangle has to be kept lower than 30" height. The southern end of the property would require the re-

location of storm sewers. Moving the building further to the north would have an impact on the site distance for both north and southbound traffic on Route 36. The property owner will be responsible for maintaining the site triangle lower than 30" in height.

**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 to demolish an existing building, retain an existing building and construct a 24 unit condominium complex consisting of two residential buildings plus a swimming pool. The proposed residential buildings would be 3 ½ stories and 44 feet in height. Each building will contain twelve residential units, seven of which will be two bedroom units and five will be three bedroom units.
2. Per the settlement agreement between the Borough and the applicant, four of the residential units will be set aside as affordable units in accordance with COAH regulations.
3. In light of the fact that the trees and the wetland areas will remain undisturbed and the thorough review by DEP through the CAFRA permits, the Board felt it reasonable to waive the requirement for the Environmental Impact Statement. Kevin Kennedy, attorney for neighbor Lands End condominium asked the Board for the basis for the grant of the waiver. The Board explained that in addition to the above, the site was currently fully developed and the proposed development was actually reducing the impervious coverage.
4. The proposed plans will reduce the amount of runoff from the existing condition and reduce the impervious coverage.
5. The Applicant **STIPULATED** that it is abandoning the commercial marina use. The slips and marina will only be available for use by the residents of the condominium complex.
6. The Applicant **STIPULATED** that the Master Plan/By-Laws will contain a notice to the owners that the slips and marina will only be available for use by the residents of the condominium complex.
7. The Applicant **STIPULATED** that the Master Plan/By-Laws will contain a notice to the owners that the swimming pool will only be open and available to the residents of the condominium complex and their guests.
8. John Rea, P.E. of McDonough and Rea Associates testified that the separate entrance/exits will be consolidated to the north end of the property meeting NJDOT's criteria. He opined and the Board agreed after

questioning that the southern end would not be a better suited location. The northern location is better suited provided that the site triangle plantings must be kept lower than 30" in height.

The southern end of the property would require the re-location of storm sewers. Moving the building further to the north would have an impact on the site distance for both north and southbound traffic on Route 36.

Mr. Rea testified that he appreciated the traffic complexities at the site and that he thoroughly reviewed all options and that the proposed plan fully meets all criteria and safety concerns.

In response to questioning by Kevin Kennedy, Esq., Mr. Rea stated that no traffic impact study is required as this is a permitted use.

9. The Applicant **STIPULATED** that the master deed and by-laws would contain language that the two site triangle easements shall be maintained by the condominium association at 30" or lower with proper landscaping materials.
10. The Applicant **STIPULATED** that the sign will comply with the requirements of the Borough ordinance.
11. The Applicant **STIPULATED** that the fence will comply with the requirements of the Borough ordinance.
12. Board members questioned whether the parking was adequate for guests. The Applicant offered that the lot across the street can be utilized for overflow parking. The Chairman noted that no plans were submitted for that lot and that prior to using same for parking, the Applicant would need to come back to the Board with the site plan detail for such use to make certain that the use meets the requirements of the Coastal Protection Zone. The Applicant **STIPULATED** that the lot across the street would not be utilized for parking until a plan for same has been approved by the Board and CAFRA, if required.
13. The Applicant **STIPULATED** that it would provide the garbage/recycling details to the Board's engineer for the engineer's approval. This shall be a **CONDITION** of approval.
14. Upon questioning by the Board regarding light spillage, the Applicant **STIPULATED** that it would provide the data regarding the lighting to meet the satisfaction of the Board engineer.
15. In response to the concerns of the neighbor, Lands End Condominium, Applicant **STIPULATED** that it would work in good faith with them to develop an acceptable landscaping plan, which must also meet the satisfaction of the Board engineer.

16. Daniel Bach, Bach & Clark, LLC, architect testified as to the size and location of the units. He said that the plans include office space in some of the units. The closet would be removed from the office room so as not to be construed as bedroom use. Upon the request of the Board, the Applicant **STIPULATED** that the Master Deed/By-Laws would contain language prohibiting the use of the office for bedroom use.

The siding is mountain sage and heather moss with white trim. The buildings will have a sandstone Atas metal roof. Hurricane windows, trim and fasteners will be installed. The buildings will be on a raised slab at elevation 12 feet. There will be no basement and the area will be filled with earth and gravel. The building will be set on pilings, footings and beams.

Upon the request of the Board, the mechanical rooms will be placed inside the buildings. The four center units in each building will have outside mounted mechanicals, on the parking lot side. The outside units and the 3<sup>rd</sup> floor units will all be self-contained. The air conditioner condenser units will extend 3 ft. out.
17. The Applicant shall enter into a Developer's Agreement with the Borough. This shall be a **CONDITION** of approval.
18. The Board finds that the proposed project is a permitted use that meets the bulk requirements.
19. As a result of concerns from neighbors concerning the lighting, the Applicant's engineer will meet with the Board engineer to review the lighting data. The lighting plan must be approved by the Board engineer as a **condition** of approval.
20. The waiver for driveways no closer than three feet to the property line can be granted as it will have no impact on the neighboring property or on safety.
21. The Applicant will comply with items 5 a and b in the review letter of the Board Engineer dated July 7, 2011.
22. The Applicant will obtain any required DOT approval per item 6a of the review letter of the Board Engineer dated July 7, 2011.
23. The Applicant will comply with items 7 a and c review letter of the Board Engineer dated July 7, 2011.
24. The Applicant will comply with items 8 b,c,d review letter of the Board Engineer dated July 7, 2011.

Item 8a has been addressed by note 2G on the map.
25. As to 9a, the Applicant indicated that there will be an overlay with asphalt. The Applicant stated that it will relocate the pole per 9b. and will comply with item 9c,d e,h,j,k. As to item 9e, the Applicant will relocate the ADA-compliant parking stalls to the satisfaction of the Board engineer.

26. The Board finds that with the stipulations and conditions agreed upon, the proposed project meets all zoning requirements and there is no negative impact on the zone plan or ordinance.

27. The Board finds that the approval of this application will result in substantial aesthetic improvements to the existing conditions and will provide affordable housing to meet the Borough's needs.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning/Zoning Board of the Borough of Sea Bright that the application for preliminary and final site plan approval with waivers to permit to demolish an existing building, retain an existing building and construct a 24 unit condominium complex consisting of two residential buildings plus a swimming pool.

**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.

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 July 7, 2011.
2. The lighting plan must be approved by the Board engineer.
3. The Applicant shall enter into a Developer's Agreement with the Borough.
4. The Applicant will provide the garbage/recycling details to the Board's engineer for the engineer's approval.

**BE IT FURTHER RESOLVED** that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of August 9, 2011; 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 the Applicant's expense.

Second by Boardmember Torcivia and adopted upon the following roll call vote:

Ayes: Beer, Cashmore, Fernandes, McBride, Murphy, Nott, Torcivia

Nays: None

Absent: None

Abstain: None

### **6. NEW BUSINESS:**

**A.**

**DULCZAK - FISHER  
Islandview Way & Long View Way  
Bock 2, Lot 20**

**R-2 Zone**  
**Bulk variance approval**  
**for construction of a new 2 ½ single family dwelling.**

The Applicant represented by Philip E. San Flippo Esq. appeared and Attorney Higgins marked into evidence the following:

- A-1 Jurisdictional Packet
- A-2 8-2-2011 letter Free Soil Conservation
- A-3 Property Tax Certificate
- A-4 Sewer Certificate
- A-5 Survey prepared by Kenneth P. Frank dated 10-23-2010
- A-6 Engineering plans prepared by John A. Buletza, P.E. of Nelson Engineering Associates, Inc. dated 7-15-2011 revised 8-19-2011.
- A-7 Architectural Plans prepared by James J. Monteforte, AIA of Monteforte Architectural Studio dated 8-23-2011.
- A-8 Fire Marshall Haege letter of "no comment" dated 9-6-2011.
- A-9 Color rendering of various elevations
- A-10 Email string between Applicant's engineer and DEP regarding item 7b of the engineer's report
- A-11 Survey of Long View Way and Islandview Way for the subject property and adjoining properties prepared by Thomas Santry, surveyor dated 8/2/2011.

The Applicant offered sworn testimony by the following:

John A. Buletza, Engineer  
James J. Monteforte, Architect

Mr. Buletza testified that the applicant is proposing to raise the house and construct a 2 ½ story family dwelling on the 7,494 sf. property. The setbacks are consistent with other dwellings in the neighborhood. The property would remain in conformance with the municipal ordinance. The finished floor of the dwelling is set at elevation 11.0, which is 2 feet above the base flood elevation as set forth by the FEMA flood map, allowing the applicant to increase the height of the structure to 38 feet. It is a modern type of construction facing the west, two car garage, 18 ft wide driveway, the existing utility services would remain. The average setback on Longview 15.9 feet and the set back requirement is 25 feet or the block average; therefore, the 20.7 ft. set back does not require a variance on Longview. Regarding Islandview Way, the average front setback is 19.6 ft and the applicant is proposing 13.2 ft. The applicant is constructing the new house where the old house existed.

No one wished to be heard from the public regarding Engineer Buletza's testimony.



James J. Monteforte, Architect testified that the proposed single family home would be a seashore colonial. They are have proposed to raise the house above the flood base elevation. The utility room will be elevated. The attic is a not a living space and will not be occupied. The grade is built up around the property 3 ft and the actual height of the structure is 35ft. The mechanicals will not be in the set back.

No one wished to be heard from the public regarding Architect James J. Monteforte testimony.

Joan Osgoodby of Islandview Way said that she supports this application and has no objection to it being built.

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

Ayes: Beer, Cashmore, Cunningham, DeSio, Fernandes, McBride, Murphy, Not, Torcivia

Nays: None

Abstain: None

Absent: None

As per the Board's request, Attorney Higgins will send a letter of recommendation to the Mayor and Council and Zoning Officer Flor to commit the size of roof decks to a percentage of overall foot print of the structure. Also, to establish a requirement for fire separation ratings for living areas above the second floor.

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

There being no further business before the Planning Board Boardmember Murphy made a motion to adjourn the meeting at 8:34 P.M. Second by Boardmember Nott and approved upon unanimous voice vote.

Respectfully Submitted,

Suzanne Branagan  
Board Secretary