

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 Member Torcivia introduced a motion memorializing the following resolution:

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD
GRANTING BULK VARIANCE APPROVAL
RE: DULCZAK - FISHER
Island View Way & Longview Way
Block 2, Lot 20
R-2 Zone**

WHEREAS, Susan Dulczak and Margaret Fisher, owners of premises commonly known as Island View Way & Longview Way, Block 2, Lot 20, Sea Bright, New Jersey have applied to the Planning/Zoning Board for new bulk variances from the front yard setback requirements in order to permit the applicants to construct a new 2 ½ story home containing 2947 s.f. of living space and 495 s.f. of garage/mechanical room space; 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 11, 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 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 Architecrtual 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 Longview Way and Islandview Way for the subject property and adjoining properties prepared by Thomas Santry, surveyor dated 8/2/2011.

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. The Applicants demolished the existing structure on the property. They propose to construct a new 2 ½ single family residence on the 7,494 sf. property.
2. The Applicant's engineer, John A. Buletza testified that the proposed home would be 38' in height measured from the crown of the road. The house will be raised 2 feet above the flood elevation, entitling them to build to 38'.
3. Because this is a corner lot, the front setback of 25' is required on both road frontages. The Applicant asked that the front yard setback requirements be reduced for both front yards based on two different ordinance sections.

Pursuant to Section 130-50.B(3), the applicant averaged the property setbacks within 500 feet on the same side of the street and the engineer testified that on Longview Way

the average setback is 20.7 feet, eliminating the need for a variance.

The applicant requested to apply Section 130-40.N(a) to the Island View Way which allows that where one of the front yard setbacks would be more consistent with a side yard, then the sideyard setback would apply for that side only. The proposed structure will be set back 13.2' from Island View, a slight improvement from the prior structure. The average setback on Island View is 19.2'. The adjacent lot is set back 13.1' which is consistent with the subject.

The Board found that the treatment of the frontage on Island View was consistent and warranted.

4. James J. Monteforte, Architect testified that the proposed single family home would be a seashore colonial. They have proposed to raise the house above the base flood 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. This will be a **condition** of approval.
5. Joan Osgoodby of Island View Way said that she supports this application and has no objection to it being built. She believes the proposed home is consistent with the neighborhood.
6. 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.
7. The Board found that the proposed setbacks were consistent with the neighborhood.
8. The Board finds that a variance can be granted without substantially impairing the Zone Plan and Zoning Ordinance in that the front yard variance is consistent with the neighborhood.
9. 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.
10. 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 13.2 feet front yard setback from Island View Way as per section 130-40.N (a) as set forth on the proposed plans marked into evidence 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.

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 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 Smith and adopted upon the following roll call vote:

Ayes: Beer, Cunningham, DeSio, Torcivia

Nays: None

Absent: Cashmore, Fernandes, McBride, Murphy, Nott, Torcivia

Abstain: None

6. NEW BUSINESS:

A.

**Lynn Shapiro
22 Riverview Place
Block 24, Lots 49 & 49.01**

Seeking approval to effectuate a number of improvements to an existing single-family dwelling, enclosure of the existing second floor fiberglass deck/porch area.

Lynn Shapiro, applicant was represented by Kevin Kennedy, Esq. No member on the board was within 200' of the application. Attorney Higgins marked into evidence the following:

- A-1 Jurisdictional Packet.
- A-2 Site Plan, Jeremiah J. Regan, A.I.A, 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

The Applicant offered sworn testimony by the following:

Lynn Shapiro
Jeremiah J. Regan, A.I.A

Ms. Shapiro said 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 measure at 17x21 feet. 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. The expansion would take about three months.

Ms. Shapiro said that she wished to legitimize work that was performed in 2007, whereby she had not received permits from the local contractor who did the renovation. The garage was never used so it was converted into a playroom, flooring was installed and sliding doors replaced the garage door. Removing the garage reduces off street parking. Two parking spaces are required and existing is four parking spaces on the property. Parking always existed in the setbacks. We are not creating a new parking area with this application.

Architect Jeremiah J. Regan said 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 esthetically would remain the same with the existing home. The enclosure will be below the window and will not violate any height issues. 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 lot coverage required is 77% required and currently over 80% lot coverage.

Boardmember Leckstein introduced a motion approving the application. 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: Cashmore, Fernandes, McBride, Murphy, Nott

B. The following application was not heard and the applicant will re-notice.

**Frank Ngo
1060 Ocean Avenue
Block 16, Lot 6
Zone B-1**

**Requesting use variance to Ordinance 130-49 (c)(3)(a)
which disallows the sharing of residential housing
on a first floor with a retail business.**

7. ADJOURNMENT:

There being no further business before the Planning Board Boardmember DeSio made a motion to adjourn the meeting at 8:40 P.M. Second by Boardmember Leckstein and approved upon unanimous voice vote.

Respectfully Submitted,

Suzanne Branagan
Board Secretary