

**Sea Bright, New Jersey
Unified Planning Board Minutes
May 13, 2014
7:30 p.m.**

Chairman Cunningham called the meeting to order and requested those present to join him in the salute 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 Asbury Park Press** on January 11, 2014 filed it with the Clerk, and posted a notice on the bulletin board in the Borough Office.

3. ROLL CALL:

PRESENT: Cashmore, Cunningham, Desio, Leckstein, McBride, Smith, Isoldi-Jany (Alt. 1), Beer (Alt. 2), Marrone (Alt. 3), Engineer Flor.

ABSENT: Davis, Nott, Long

4. MEMORIALIZATION OF RESOLUTION:

Boardmember Desio introduced a motion approving the following application.

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

RE:

**Michael Ross
20 & 22 Church Street
Block 13 Lots 28 &29
Sea Bright, New Jersey**

WHEREAS, Michael Ross (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 13, Lots 28 &29 on the Tax Map of the Borough of Sea Bright, also known as 20 & 22 Church Street for a use variances to demolish an existing two-family residence damaged by Superstorm Sandy and construct a new two family dwelling with bulk variances in the R-3 zone where two-family residences are not permitted uses; and

WHEREAS, the Applicant seeks bulk variances for the following: front yard setback

where 5' is required and .7' is proposed to the stairs/open deck and 10' to the building; rear yard where 15' is required and 12.9' is proposed; maximum building coverage where 50% is permitted and 55.3% is proposed; and

WHEREAS, Applicant has provided 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 N.J.S.A. 40:55D-1 et seq. and, therefore, this Board has accepted jurisdiction of the application and has conducted public hearings on the matter at a meetings on April 22, 2014 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 Waga Enterprises dated 5-24-13, revised to 10-23-14
- A-3:** Boundary and topo survey prepared by Harbor Consultants dated 11-6-13
- A-4:** Plot Plan prepared by Harbor Consultants dated 11-6-13 revised to 11-25-15
- A-5:** Google aerial map
- A-6:** Tax map, enlarged
- A-7:** Elevation certificate

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

1. Applicant submitted plans to demolish an existing two-family residence damaged by Superstorm Sandy and construct a new two-family residence raised above the BFE.
2. The Applicant seeks new bulk variances for the following: front yard setback where 5' is required and .7' is proposed to the stairs/open deck and 10' to the building; rear yard where 15' is required and 12.9' is proposed; maximum building coverage where 50% is permitted and 55.3% is proposed.
3. The Applicant seeks a use variance for a two family residence where same is not

permitted in the R-3 zone.

4. The subject property has been subject to flooding and was heavily damaged by the storm. The proposed new residence will be raised to 14' where the BFE is 8'.

5. The Applicant testified that the average home on the street is situated 6.75' from the curb to the building. The proposed home will be .7' from the property line to the stairs/open deck and 10' to the structure itself. The Board noted that the deck is open and would not cause any obstructed views and made the residence appear as if it were set back further from the street.

6. The Applicant testified and the Board noted that the existing structure has been a two-family house since the 1920's. It has been used as a two-family residence for all of that time. The Applicant testified and the Board noted that there are other two-family homes in the general area.

7. The new home will be centered on the lot, improving side yard conditions. The new home will be compliant with building codes and FEMA where the existing home is not.

8. Because the house will, and always has, straddled the two lots, the Applicant **STIPULATED** that the lots have merged into one lot.

9. By raising the structure, the plans will create 6 off-street parking spaces. Two on-street spaces will be eliminated by the new cur cut, leaving a net improvement of 4 additional parking spaces.

10. The Board noted that the height calculations shown on the elevations on the architectural plans are incorrect. The height as set forth on the plot plan, marked as Exhibit **A-4** is correct and the Applicant **STIPULATED** that he will be bound by same.

11. John Sarto, Esq. appeared on behalf of Jesse Howland Company, and offered no objection to the proposal..

12. The Board noted that the house will be consistent with the neighboring properties, both as to the building and the use. The site has been used as a two-family residence for over

80 years. No neighbors objected to the proposal. The Board also found the site well suited for the use.

13. The Board found that raising the new home above the BFE would give protection against future flooding and improve the public safety and safety of the homeowners. The room sizes are reasonable and the size of the house was not too intense for the neighborhood. The new home will be compliant with building codes whereas the existing home is not.

14. Board members noted that the home blended in with the neighborhood and that the variances were warranted and would have no negative impact on the neighborhood or on the zone plan or ordinance

15. The Board found that the bulk variances are consistent with the neighborhood and the pre-existing dwelling. The proposed design and layout of the proposed home will add to the safety of the property and make for a better and more aesthetically pleasing home. The new two-family home did not increase the density of the use.

16. After evaluating all of the evidence and testimony the Board found that the applicant has met the enhanced burden of proof as to the positive and negative criteria as set forth in Medici v. BPR Co., 107 N.J. 1 (1987).

17. The Board found that the variances could be granted without any negative impact on the zoning ordinance or zone plan. The proposal is the least obtrusive, improves existing conditions and will further protect the property and its critical services from danger of flooding.

18. The Board found that the granting of the variances 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.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that the Application for use and bulk variances described above is approved in accordance with the plans submitted and marked into evidence, 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, including but not limited to CAFRA, 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.

10. No mechanicals will be located in the setbacks.

SPECIFIC CONDITIONS

1. The height as set forth on the plot plan, marked as Exhibit **A-4** is correct and the Applicant **STIPULATED** that he will be bound by same and not the height depicted on the architectural drawings.

2. The Applicant **STIPULATED** that the lots have merged into one lot.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of April 22, 2014; 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, assessor 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.

Adopted on a roll call on a motion by _____
and
Seconded by _____

Lance Cunningham, Chairman

Sea Bright Planning/Zoning Board

I certify the foregoing to be a true copy of a Resolution by the Sea Bright Planning/Zoning Board memorialized on May 13, 2014.

Kathy Morris, Secretary
Sea Bright Planning/Zoning Board

Seconded by Boardmember Smith and adopted on the following roll call vote:

Ayes: Cashmore, Cunningham, Desio, McBride, Smith, Marrone
Nays: None.
Abstain: Beer, Leckstein, McBride
Absent: Davis, Long, Nott, Marrone

**JOHN DUFFY
19 CENTER STREET
BLOCK 14 LOT 11
PB14-012**

Applicant is seeking variance relief approval for an addition of a deck extending 10' off rear of house.

No member of the Board had a conflict or was within 200' of 19 Center Street Block 14 Lot 11.

A-1: Jurisdictional Package.
A-2 Architect plans by Robert Murphy, dated 1-20-14
A-3 Survey dated 9-30-13, Prepared by Real JD, LLC.
A-4 Survey of subject house.

The applicant testified that he wishes to add a deck to the rear of his house which will be raised on May 14, 2014 which will be the same width of the house 16'. This will extend the side yard 10' further to the rear. The new deck will allow for better use of the property in its raised condition and will give access to and use of the rear of the home.

The Board found that the proposed deck is in the same width as the existing house and will only extend the existing side yard setback non-conformities an additional 10'. The proposed deck will measure 10'x16' and is not overly large. The Board found that raising the house and removing it from flood danger led in part for the need for the deck to provide access and better use and enjoyment of the home.

The Board found that the variances could be granted without any negative impact on the zoning ordinances.

Councilman Leckstein introduced a motion approving the application. Second by Boardmember DeSio and approved on the following roll call.

Ayes: Cashmore, Cunningham, DeSio, Leckstein, McBride, Smith, Isoldi-Jany, Beer, Marrone.

Nays: None

Abstain: None

Absent: Davis, Long, Nott.

**BOONDOCKS FISHERY
(KELLY RYAN)
1006 OCEAN AVENUE
BLOCK 18 LOT 2
PB14-012**

Applicant is seeking site plan approval required for a change of use from an automobile service station to retail sale of food.

No member of the Board had a conflict or was within 200' of 1006 Ocean Avenue Block 18 Lot 2.

- A-1** Jurisdictional Packet
- A-2** Plan of property prepared by Charles Widdis dated 6/6/03, revised to 7/25/03
- A-3** Architectural plans prepared by Anthony Condouris dated 4/30/14

Martin McGann Esq., Represented the applicant, Kelly Ryan and presented testimony. The owner of the property is John E. Regan who consented to the application. A portion of the property is used for a Dunkin Donuts. The applicant Boondocks Fishery L.L.C. will renovate a portion of the building for a To Go seafood restaurant. The site is Located in the BR zone and the proposed restaurant use is permitted.

Kelly Ryan testified as owner of Boondocks Fishery LLC. She currently operates a Restaurant in Red Bank and wishes to open another in Sea Bright as she feels the Borough is a good fit for her business. The restaurant will be open from April through October and the hours of operation will be from 11:00am to 10:00pm. The restaurant seating will consist of 6 interior picnic tables with a total of 18 seats. There will be

outside seating as well using picnic tables. The To Go restaurant will use disposable dinner wear. Kelly Ryan stated that her peak hours of operation are different from the Dunkin Donuts. Dunkin Donuts peak hours are in the morning and late afternoon as her peak hours are lunch time and dinner hours. This being said will not over stress parking stalls. Deliveries will take place around 10:00 am and consist of produce and seafood. Garbage will be picked up privately and based on Ms. Ryan's experience two times a week is sufficient for her type of business.

Chairman Cunningham asked if an additional day were needed for garbage pickup would the applicant agree. Ms Ryan agreed and also stated that she uses a dumpster detergent that works very well at her restaurant in Red Bank.

Chairman Cunningham opened the meeting up for public comment.

Linda Richter 2 Village Road. Linda thanked Kelly Ryan for opening in Sea Bright and asked if she would consider installing a bike rack.

Public portion closed

Anthony Condorus testified and addressed the lighting two existing wall mounted lights exist they will be adding three wall mounted lights. The floors will be replaced with new concrete and the kitchen area will be tiled. A wall portion will be between the kitchen and dining area. Planters will be anchored and reinforced to serve as bollards to protect the outside dining area from traffic. .

The Board found that the variances could be granted without any negative impact on the zoning ordinances.

Councilman Leckstein introduced a motion approving the application. Second by Boardmember DeSio and approved on the following roll call.

Ayes: Cashmore, Cunningham, DeSio, Leckstein, McBride, Smith, Isoldi-Jany, Beer, Marrone.

Nays: None

Abstain: None

Absent: Davis Long, Nott

ADJOURNMENT:

There being no further business before the Planning Board Councilman Leckstein mad a motion to adjourn the meeting at 9:30 p.m. Second by Boardmember DeSio and approved on a unanimous voice vote.

Respectfully Submitted

Kathy Morris
Board Secretary