**Sea Bright, New Jersey**

**Unified Planning Board Minutes**

**October 27, 2015**

**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 September 22, 2015 filed it with the Clerk, and posted a notice on the bulletin board in the Borough Office**.**

**3.** **ROLL CALL:**

**PRESENT:** Cunningham, Desio, Schussheim, Schwartz, Isoldi-Jany(Alt.#1)

Beer (Alt.2) DiGiulio(Alt4)

**ABSENT:** Cashmore, Leckstein, Long, Nott, Smith, Marrone (Alt3).

**4.** Chairman Cunningham carried the approval of the July 14, 2015 minutes and August 11, 2015 minutes and the September 8, 2015 minutes. No meeting was held September 23, 2015 in observance of Yom Kipper and the October 13, 2015 minutes and the special Thursday, October 15, 2015 minutes.

**5.** Chairman Cunningham made an announcement that the Tyler Nine L.L.C. (Osgoodby) application will be carried to the November 10, 2015 meeting without any further notice.

**6.** Chairman Cunningham made an announcement that the Tyler Nine L.L.C. (14 East New Street) application will be carried to the November 10, 2015 meeting without any further notice.

**7.** Chairman Cunningham made an announcement that the Kelly Management Group LLC (Mad Hatter) 10 East Ocean Avenue will not be heard tonight and the applicant will re-notice.

**8.** Chairman Cunningham made an announcement that the Memorialization of The Moss/Chapman application will be carried to the November 10, meeting.

**8. MEMORIALIZATION OF RESOLUTION:**

Councilman Leckstein introduced a motion approving the following application.

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD**

**GRANTING APPROVAL FOR RELOCATION/ADDITION**

**OF REAR UTILITY POLES**

**AND**

**DENYING APPROVAL TO RELOCATE THE FRONT UTILITY POLE**

**CHRISTINA WALKER & DAVE MEYERS**

**4 ATLANTIC WAY**

**BLOCK 28 LOTS 9/9.01**

**WHEREAS,** Christina Walker and Dave Meyers (the “Applicants”) made application to the Planning/Zoning Board of Sea Bright (the “Board”) for property known as Block 28, Lots 9/9.01 on the Tax Map of the Borough of Sea Bright, also known as 4 Atlantic Way for site plan approval to relocate JCP&L utility poles which feed adjacent properties on Willow Way; and

**WHEREAS,** the existing utility pole and lines dissect the middle of the subject property, impacting the development of the subject property; 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 hearing on the matter at meeting on October 15, 2015, 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 Jeff Jordan Architects, LLC dated 7-22-15, revised to 9-22-15

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

1. Existing utility pole and the lines servicing homes on Willow Way dissect the subject property, impacting the development of same.
2. The Applicants desire to construct a new home traversing lots 9 and 9.01. The utility lines running down the middle of the property would prohibit the location of the new home in the middle of the property. The existing home has front and side yard setback violations, whereas the proposed home will conform to the front, rear and side yard setbacks

3**.** The Applicants have requested JCP&L to relocate the current pole and service to allow for the development of the property.

4. JCP&L has consented to the removal of the pole in the middle of the property and add two poles in the rear in order to re-route the lines around the outside of the property, rather than through the middle.

5. The Applicant also requested relocation of the pole in front along Atlantic Way 10’ in either direction to allow for the new proposed driveway. Neighbors objected to the relocation of this pole as it would be closer to their properties and shed more light onto their respective properties.

6. The Board found that the relocation/addition of the two utility poles to the rear of the property as set forth in the plans marked as A-2, with the relocation of the lines/wires will allow for the safe development of the subject property and makes better planning sense.

7. The properties being serviced by the lines are located on Willow Way and will not be negatively impacted by the relocation.

8. The Board found that the proposed design and layout will add to the safety of the property and make for a better and more compliant location of the home on the property.

9. With regard to the request to relocate the front utility pole, during the course of the public hearing the Applicants acknowledged that the request to relocate this pole was necessitated by the fact that the front pole was situated in an area which would disrupt where they wished to locate the driveway for their new home. The Board finds that no legitimate justification has been offered by the Applicants for relocating the front pole since the situation could be resolved simply by moving the location of their proposed driveway. Additionally, the Board finds that relocating the light pole closer to either neighboring property would adversely impact the neighboring property owners both aesthetically and by shedding more light onto their respective properties. For this reason the Board cannot and does not approve of the request to move the front pole.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning/Zoning Board of the Borough of Sea Bright that the Application for the relocation of the front pole along Atlantic Way is hereby denied.

**BE IT FURTHER RESOLVED** that the Application for the addition/relocation of the two rear poles 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.

**BE IT FURTHER RESOLVED** that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of October 15, 2015; 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.

I certify the foregoing to be a true copy of a Resolution by the Sea Bright Planning/Zoning Board memorialized on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Kathy Morris, Secretary

Sea Bright Planning/Zoning Board

Adopted on a roll call on a motion by Boardmember \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

and

Seconded by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Lance Cunningham, Chairman

Sea Bright Planning/Zoning Board

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

Ayes: Cunningham, Desio, Leckstein, Smith, Isoldi-Jany, Beer, DiGiulio

Nays: None

Abstain: None

Absent: Cashmore, Long, Nott, Schussheim, Schwartz, Marrone.

**9. MEMORIALIZATION OF RESOLUTION:**

Councilman Leckstein introduced a motion approving the following application.

**CORRECTED AND REVISED**

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD**

**GRANTING SITE PLAN AND VARIANCE APPROVAL**

**CHRISTINA WALKER & DAVE MEYERS**

**4 ATLANTIC WAY**

**BLOCK 28 LOTS 9/9.01**

**WHEREAS,** Christina Walker and Dave Meyers (the “Applicants”) made application to the Planning/Zoning Board of Sea Bright (the “Board”) for property known as Block 28, Lots 9/9.01 on the Tax Map of the Borough of Sea Bright, also known as 4 Atlantic Way for a variance for a technical third floor on a proposed new home traversing lots 9 and 9.01; and

**WHEREAS,** the Applicants have obtained building permits for a fully compliant two story home, but wish to add an interior mezzanine level which will result in a technical third story; 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 hearing on the matter at meeting on October 15, 2015, 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 Jeff Jordan Architects, LLC dated 7-22-15, revised to 9-22-15

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

1. The Applicants desire to construct a new home traversing lots 9 and 9.01. The home is fully compliant with all setback requirements.
2. The Applicants received building permits for a 2 story home. They seek to add a mezzanine level inside which would make it a technical 3 story home where 2 story maximum is permitted.

3. The footprint and height will not change. The mezzanine will be added to the interior only and will not affect the appearance of the home from the outside or affect the height, which is permitted.

4. Neighbor Jean Kingman spoke in favor of the Application.

5. The Board found that the mezzanine level did not affect the height or footprint of the approved home.

6. The Board found that the additional story would not have a negative impact on the neighborhood or on the zoning ordinance or plan.

7. The Board found that the proposed home met all other zoning requirements and improved the non-conformities of the previous structure.

8. The addition of the mezzanine will be on the interior only and will not affect the size, volume or height of the home.

9. The Board found that the proposed design and layout will add to the safety of the property and make for a better and more compliant location of the home on the property.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning/Zoning Board of the Borough of Sea Bright that the Application for a three story single family home as set forth in the plans marked as A-2 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. There will be no mechanicals in the setbacks.

**BE IT FURTHER RESOLVED** that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of October 15, 2015; 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.

I certify the foregoing to be a true copy of a Resolution by the Sea Bright Planning/Zoning Board memorialized on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Kathy Morris, Secretary

Sea Bright Planning/Zoning Board

Adopted on a roll call on a motion by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

and

Seconded by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Lance Cunningham, Chairman

Sea Bright Planning/Zoning Board

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

Ayes: Cunningham, Desio, Leckstein, Smith, Isoldi-Jany, Beer, DiGiulio

Nays: None

Abstain: None

Absent: Cashmore, Long, Nott, Schussheim, Schwartz, Marrone.

**10. MEMORIALIZATION OF RESOLUTION:**

Councilman Leckstein introduced a motion approving the following application.

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD**

**GRANTING SITE PLAN AND VARIANCE APPROVAL**

**RE: William Bahrs**

**376 Ocean Avenue**

**Block 30 Lot 34**

**Sea Bright, New Jersey**

**WHEREAS,** William Bahrs (the “Applicant”) made application to the Planning/Zoning Board of Sea Bright (the “Board”) for property known as Block 30, Lot 34 on the Tax Map of the Borough of Sea Bright, also known as 376 Ocean Avenue for bulk variances to demolish the existing storm damaged home and construct a new single family home; and

**WHEREAS,** the Applicant seeks bulk variances for lot width where 75’ is required and 46.01’’ is existing and proposed; minimum side yard where 10’ is required and 2.1/10 is existing and 2/12 is proposed;’ both side yards where 25’ is required and 12.1’ is existing and 14’ is proposed; height where 33’/2 ½ story is permitted and 30’/s story is existing and 35.5’/3 story is proposed;; maximum lot coverage where 50% is permitted and 55% is existing and 52.7% 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 hearing on the matter at meetings on October 13, 2015, 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 Anthony Condouris dated 9-17-14

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

1. The Applicant wishes to demolish the existing single family home and demolish the existing storm damaged home and construct a new, elevated single family home in the R-1 zone.
2. The home was damaged by Superstorm Sandy. The new home will be raised to comply with the BFE. This will allow for a garage under the home. Two cars may be parked in a stacked fashion. A prior detached garage has been removed and will not be replaced.
3. The Applicant seeks bulk variances for lot width where 75’ is required and 46.01’’ is existing and proposed; minimum side yard where 10’ is required and 2.1/10 is existing and 2/12 is proposed;’ both side yards where 25’ is required and 12.1’ is existing and 14’ is proposed; height where 33’/2 ½ story is permitted and 30’/s story is existing and 35.5’/3 story is proposed;; maximum lot coverage where 50% is permitted and 55% is existing and 52.7% is proposed.
4. The raising of the home will protect it from future flooding.
5. The new home will be located in the same basic footprint as the existing home. The lot coverage will be reduced as the detached garage will be removed.
6. The side yard will be improved as the current home is located 2.1’ from the side property line and the new home will be 4’ from the property line. Only the chimney extends out into the side yard, making the setback 2.1’.
7. The configuration of the home makes it a technical 3 story home, with a height of 35.5’.

8**.** The Board found that the requested bulk variances were not excessive and improved the safety, enjoyment and layout of the home.

9. The subject property has been subject to flooding and was damaged by Superstorm Sandy. The elevated house with the bulk variances is consistent with the other homes in the neighborhood.

10. The Board found that the proposed plan will protect the living space from flood danger and provide a safer living environment. The proposal will not have a negative impact on the neighborhood or on the zone plan.

11. The Board found that the bulk variances are consistent with the neighborhood and the pre-existing dwelling. The proposed design and layout will add to the safety of the property and make for a better and more aesthetically pleasing home.

12. 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 and improves existing conditions.

13. 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 with the bulk variances set forth above described 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.

**BE IT FURTHER RESOLVED** that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of October 13, 2015; 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.

I certify the foregoing to be a true copy of a Resolution by the Sea Bright Planning/Zoning Board memorialized on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Kathy Morris, Secretary

Sea Bright Planning/Zoning Board

Adopted on a roll call on a motion by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

and

Seconded by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Lance Cunningham, Chairman

Sea Bright Planning/Zoning Board

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

Ayes: Cunningham, Desio, Leckstein, Smith, Isoldi-Jany, Beer, DiGiulio

Nays: None

Abstain: None

Absent: Cashmore, Long, Nott, Schussheim, Schwartz, Marrone.

**11. ADJOURNMENT:** There being no further business before the Planning Board. Chairman Cunningham made a motion to adjourn the meeting at 7:44 P.M. Second by Boardmember Smith and approved upon unanimous voice vote.

Respectfully Submitted,

Kathy Morris

Unified Planning Board Secretary