**Sea Bright, New Jersey**

**Unified Planning Board Minutes**

**February 10, 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 December 11, 2015 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, Long, Schussheim, Smith,

Isoldi- Jany(Alt.#1)Beer (Alt.3)

**Engineer Flor.**

**ABSENT:**  (Alt 2 ), Marrone, Nott

**4.** Chairman Cunningham carried the approval of the January 13, 2015 minutes

**5**. **MEMORIALIZATION OF RESOLUTION:**

Boardmember Smith introduced a motion approving the following application.

**RESOLUTION OF THE SEA BRIGHT UNIFIED PLANNING BOARD**

**GRANTING SITE PLAN APPROVAL**

**RE: RAKUGO REALTY, llc**

**1 CHURCH STREET**

**BLOCK 14, LOT 2**

**WHEREAS,** Rakugo Realty, LLC, owner of the premises commonly known as 1 Church Street, Block 14, Lot 2, Sea Bright, New Jersey has applied to the Unified Planning Board for site plan approval to construct a new 2 family home; and

**WHEREAS,** the property is located in the R-3 Zone which allows multi-family homes as a conditional use provided minimum lot size is met; and

**WHEREAS,** site plan approval is required for the conditional use; 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 Unified Board meeting of January 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 prepared by Anthony Condouris dated 12-10-14

A-3 Survey prepared by D.P. Sweeney dated July 24-14

A-4 Photo of prior home

A-5 Revised plans by Condouris dated 1-13-14

**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. Rakugo Realty, LLC is the Owner of the property located at 1 Church Street, Sea Bright, NJ (Block 14, Lot 2).

2. There was a single family home on this site which was demolished after extensive damage from Superstorm Sandy.

3. The site is located in the R-3 zone and the proposed use is permitted as a conditional use provided minimum lot size is met. The subject lot exceeds minimum lot requirements.

4. The subject property contains a total of 4,520 SF, with a conforming frontage of 40 ft. The minimum lot size for the R-3 zone is 1,800 s.f.

5. No variances are needed for this application. The revised plans reduce the size of the deck from 12’ to 8’ to comply with the lot coverage requirements. The garage can accommodate 3 spaces for each unit, parked in tandem.

6. The Applicant testified that the neighborhood consists of single family and two-family homes.

7. Board members expressed concern that the garage only be used for parking of cars and not for storage or any other use that would interfere with the ability to park 3 cars in the garage. The Applicant **STIPULATED** and the Board made it a **CONDITION** of approval that the garage not be used for any purpose other than parking of cars so as to always accommodate 3 cars parked in tandem in each garage unit.

8. Board members noted that the drawings depicted brick face to match the neighboring building. The Applicant **STIPULATED** and the Board made it a **CONDITION** of approval that the front of the building be covered with brick face to match the neighboring building.

9. The architect testified that the units would contain 3 bedrooms each and a ½ story finished attic. The Board was concerned that the attic could be used for an additional bedroom. The Applicant **STIPULATED** and the Board made it a **CONDITION** of approval that the attic will not contain plumbing and will not be used as a bedroom.

10. The Board noted that the proposed two-family home fits in with the neighborhood and that the use was not contrary to the intent and purpose of the zoning ordinance.

11. Board members noted that the proposed new two-family home would provide for off-street parking, which was an improvement and benefit to the neighborhood.

12. Resident Janet Henschel wanted to make certain that the home would be brickfaced to match the neighboring building.

13. The Board found that the multi-family use was a permitted conditional use which met the condition of minimum lot size and that the application required no variances.

**NOW THEREFORE BE IT RESOLVED,** that the Unified Planning Board of the Borough of Sea Bright, based upon the findings of fact set forth herein, that the site plan be approved 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.

11. Applicant shall provide 4 copies of the final revisions to the Board Secretary.

**SPECIFIC CONDITIONS.**

1. The garage shall not be used for any purpose other than parking of cars so as to always accommodate 3 cars parked in tandem in each garage unit.

2. The front of the building will be covered with brick face to match the neighboring building.

3. The attic will not contain plumbing fixtures and will not be used as a bedroom.

**BE IT FURTHER RESOLVED,** that this Resolution memorializes the action taken by the Unified Planning Board at its meeting of January 13, 2015.

**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, tax 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 January 27, 2014.

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

Kathy Morris, Secretary

Sea Bright Planning/Zoning Board

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

Ayes: Cashmore, Cunningham, Leckstein, Long, Schussheim, Smith, Isoldi-Jany, Beer.

Nays: None

Abstain: None

Absent: Marrone, Nott.

**6**. **MEMORIALIZATION OF RESOLUTION:**

Councilman Leckstein introduced a motion approving the following application.

**RESOLUTION OF THE SEA BRIGHT UNIFIED PLANNING BOARD**

**GRANTING VARIANCE AND SITE PLAN APPROVAL**

**RE: ILENE WINTERS**

**1006 OCEAN AVENUE**

**BLOCK 18, LOT 2**

**WHEREAS,** Ilene Winters, d/b/a Crossfit OAR, lessee of a portion of the premises commonly known as 1006 Ocean Avenue, Block 18, Lot 2, Sea Bright, New Jersey has applied to the Unified Planning Board for variance and site plan approval to renovate a portion of the building for use as a crossfit training center; and

**WHEREAS,** the Applicant is not proposing any changes to the existing building, however the following pre-existing non-conformities are present: front yard setback where 25’ are required and 17.57’ are existing; rear yard setback where 15’ are required and 8.81’ are existing and proposed; lot coverage where 70% maximum is permitted and 85% is existing and proposed; parking in a front yard; 15’ buffering requirement; and

**WHEREAS,** Applicant requests variance relief for parking where 24 spaces are required and 14 total parking stalls, not exclusive to this Applicant, are proposed; 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 Unified Board meeting of January 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 prepared by Anthony Condouris dated 12-29-14

**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 owner of the subject property is John E. Regan who consented to the application. A portion of the property is currently used for a Dunkin Donuts.

2. The Applicant seeks to renovate a portion of the building for use as crossfit training center.

3. The site is located in the BR zone and the proposed use is permitted.

4. The Applicant is not proposing any changes to the existing building, however the following pre-existing non-conformities are present: front yard setback where 25’ are required and 17.57’ are existing; rear yard setback where 15’ are required and 8.81’ are existing and proposed; lot coverage where 70% maximum is permitted and 85% is existing and proposed; parking in a front yard; 15’ buffering requirement.

5. Applicant requests variance relief parking where 24 spaces are required and 14 total parking stalls, not exclusive to this Applicant, are proposed.

6. Ilene Winters testified that she proposes a crossfit training center which will have 10 rowing machines in one area, a personal training room and a group training room. She believes that the maximum number of people on site at any one time will be 21; 19 customers and 2 employees.

She stated that her peak hours are generally 5:30 – 6:30 a.m.; approximately 9:30 – 10:30 a.m. and approximately 4:30 – 5:30 p.m. She will have a maximum of two employees at any time. She believed that the availability of parking stalls will not be overly stressed.

7. Board members expressed concern with the number of parking stalls and suggested that additional stalls could be added to the left/south side of the entry to the training center. Patricia Ryan, the daughter of the owner was present and testified that she assisted in the management of the property. She indicated that the landlord had no objection to the placement of the additional stalls. The Board made it a **CONDITION** of approval that the additional stalls be added to the left/south side of the entrance to the training center.

As to the parking stalls that abut the building, the board was concerned with safety. The Board made it a **CONDITION** of approval that some type of planters and/or bollards be placed separating the parking stalls from building.

8. Board members expressed their feeling that the parking on the site would accommodate both uses, Dunkin Donuts and the Applicant. The peak hours of the two uses did not coincide at all times. The uses are permitted and the Board felt that a parking variance for total number of required spaces as well as parking in the front yard was warranted. There is no ability to park in the rear as the building abuts the river. Parking has always occurred in the front yard on the site.

9. This site was the subject of a prior application for Boondocks Fishery. For that application, the Board Engineer prepared a review. The Board engineer noted that the six parking stalls located along Ocean Avenue appear to be within the DOT Right of Way. The Applicant is not proposing to take any action as to these stalls as they are not under their control. The Board makes no findings as to these spaces, but notes that they are included in the Applicants parking count.

10. The Board noted that the parking stalls along Ocean Avenue and ingress and egress from the site are unrestricted across the highway. The Board noted this has always been present on the site and the Applicant was taking no action to change it.

11. Board members were concerned with handicapped access to the building. The Applicant **STIPULATED** and the Board made it a **CONDITION** of approval that the architect verify to the building official that the entry threshold will meet code requirements for ADA access.

The Applicant also **STIPULATED** and the Board made it a **CONDITION** of approval that the architect verify to the building official the access route from the handicapped parking stall to the building.

12. The Applicant **STIPULATED** and the Board made it a **CONDITION** of approval that the sign will comply with all Borough ordinances.

13. The Applicant testified that no new lighting is proposed.

14. Residents Janet Henschel, Linda Lamia and John Lamia stated that the proposed business would be a welcome sight and a benefit to the town.

15. The Board found that the parking variances were warranted for the proposed site.

16. The Board found that the requirement for the 15’ buffering was not necessary as there was no immediate neighbor to benefit from said buffering. The front and rear yard setback and lot coverage variances are for pre-existing conditions that are not being exacerbated by this application.

17. The Board found that the variances could be granted without any negative impact on the zoning ordinance or zone plan. The proposal is aesthetically pleasing, takes advantage of the river views and improves existing conditions

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,** that the Unified Planning Board of the Borough of Sea Bright, based upon the findings of fact set forth herein, that the variances requested and the site plan be approved 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.

11. Applicant shall provide 4 copies of the final revisions to the Board Secretary.

**SPECIFIC CONDITIONS.**

1. Additional parking stalls will be added to the left/south side of the entry to the training center.

2. Applicant will install some type of planters and/or bollards separating the parking stalls from the building.

3. Applicant will submit revised plans showing the additional parking stalls to the left/south side of the entry to the training center and the protective bollards separating the stalls from the building.

4. The architect shall verify to the building official that the entry threshold will meet code requirements for ADA access and will verify the access route from the handicapped parking stall to the building.

5. The sign will comply with all Borough ordinances.

**BE IT FURTHER RESOLVED,** that this Resolution memorializes the action taken by the Unified Planning Board at its meeting of January 13, 2015.

**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, tax 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 January 27, 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, Leckstein, Long, Schussheim, Smith, Isoldi-Jany, Beer.

Nays: None

Abstain: None

Absent: Marrone, Nott.

**7. NEW BUSINESS**

**MATTHEW KEAN**

**10 CENTER STREET**

**BLOCK 9 LOT 14**

No Member of the Board had a conflict or was within 200ft of 10 Center Street Block 9 Lot 14

The Applicant appeared and the following were marked into evidence

**A-1** Jurisdictional Packet

**A-2** Survey BY Seneca Survey dated 1-28-14

**A-3** Plot Plan by Gravatt Consulting dated 8-15-14

**A-4** Floor plans, undated, prepared by Applicant.

**A-5** Elevations prepared by Applicant

**A-6** Photos of subject property

**A-7** Photos of rear of subject property

Matthew Kean testified that he wishes to raise and move the existing move it back two feet and add a first and second floor deck to the front of house and a platform in the rear for a air conditioning unit.

Board members felt that Mr. Kean needed more information and would need to update his plans the application was carried to February 24, 2015 without further noticing.

Chairman Cunningham opened the meeting to the public there were no public comments. Chairman Cunningham closed the public portion of the meeting.

Chairman Cunningham announced that the Kean application will be carried to the February 24, 2015 without further noticing.

**8. NEW BUSINESS**

**RIVER STREET REALTY (AKA- SEA BRIGHT SCHOOL)**

**4 RIVER STREET**

**BLOCK 15 LOT 4**

Councilman Leckstein and Mayor Long stepped down from this application as it is a D Variance no other member of the Board had a conflict or was within 200ft of 4 River Street Block 15 Lot 4

A-1 Jurisdictional Packet

A-2 Architectural plans by Darius Toraby dated 8/29/14 revised 9/9/14

A-3 Survey Azimuth Land Surveying Co. Inc. 4/10/04

A-4 Site plan Michael T. Cannon 7/18/14

A-5 Engineering letter from T&M Associates October 17, 2014

A-6 Borough of Sea Bright Resolution 1/23/2007 Use Variance

A-7 Borough of Sea Bright Resolution 5/8/2007 Site plan

Martin McGann Esq. testified that applicant is seeking amended site plan application from 2007 planning board approval.

Chairman Cunningham made an announcement that this application will be carried to the April 14, 2015 regular scheduled planning board meeting without any further noticing. Applicant will be submitting revised plans.

Chairman Cunningham opened the meeting to the public there were no public comments. Chairman Cunningham closed the public portion of the meeting.

**9. ADJOURNMENT:** There being no further business before the Planning Board. Chairman Cunningham made a motion to adjourn the meeting at 10:00 P.M. Second by Councilman Leckstein and approved upon unanimous voice vote.

Respectfully Submitted,

Kathy Morris

Unified Planning Board Secretary