**‘‘Sea Bright, New Jersey**

**Unified Planning Board Minutes**

**March 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:** Cunningham, Desio, Leckstein, Long, Nott, Schussheim, Isoldi-Jany(Alt.#1) Beer (Alt 2 )

 **Engineer Flor**

 **ABSENT:**  Cashmore, Marrone (Alt. 3) Smith

**4.** Chairman Cunningham introduced a motion approving the January 13, 2015 Minutes Seconded by Councilman Leckstein and approved by unanimous voice vote.

**5**. **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: Christopher Lobiondo**

**5 Osborne Place**

**Block 9 Lot 4**

**Sea Bright, New Jersey**

**WHEREAS,** Christopher Lobiondo (the “Applicant”) made application to the Planning/Zoning Board of Sea Bright (the “Board”) for property known as Block 9, Lot 4 on the Tax Map of the Borough of Sea Bright, also known as 5 Osborne Place for bulk variances to demolish the existing house, and construct a new, raised 2-family home in the R-3 zone; and

**WHEREAS,** the Applicant seeks bulk variances for front yard setback where 5’-12’ is required and 4’ is proposed and rear yard where 15’ is required and 6.49’ is proposed; building coverage where 50% is permitted and 66.58% is proposed and lot coverage where 70% is permitted and 74.69% 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 a meeting on February 24, 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 Jeremiah Ryan dated 1-11-15, revised to 2-10-15

**A-3:** Color rendering of proposed

**A-4:** Photo of 19 Osborne Place with property record card

**A-5:** Photo of Waterways Condo

**A-6:** Photo of Ocean Ridge Condo

 **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 home which was damaged by Superstorm Sandy. The Applicant proposes constructing a new two family home that will be elevated above the BFE and will provide parking underneath.
2. The Applicant requests the following variances: front yard setback where 5’-12’ is required and 4’ is proposed; rear yard where 15’ is required and 6.49’ is proposed; building coverage where 50% is permitted and 66.58% is proposed and lot coverage where 70% is permitted and 74.69% is proposed
3. The Applicant testified that the proposed 2 ½ story home is similar to the other homes on the street. The Applicant also produced photos of several multi-family dwellings in the immediate neighborhood. Multi-family is permitted in the R-3 zone provided minimum lot size is met. The subject lot exceeds the minimum lot size.
4. The current home has no garage, whereas the proposed dwelling will have a garage for each unit that will accommodate 2 cars in each. There will parking for an additional car in the driveway.
5. The existing shed, which is on the property line will be removed, bringing the overall development of the lot more into compliance. The rear patio which extends to the property line will also be removed.
6. The existing front setback to the front step is 3’ and the proposed will be 4’.
7. As to the coverage issues, the Applicant pointed out that included in the calculation is the uncovered rear deck. Though the ordinance requires it to be included, it is technically pervious and will permit drainage so that the coverage is not as impacted as it would appear.
8. Neighbor Bob Newhoff expressed concern about parking on Osborne Place. He indicated that parking is not permitted on the north side but that the signs had been destroyed in Sandy and not replaced. He would like the signs replaced and the no parking enforced. Board Member, Councilman Leckstein advised that he would relate this concern to the governing body and Administrator.

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

 10. A portion of the attic is habitable space and the Board was concerned that this could become a separate apartment. The Applicant **STIPULATED** that there would be no kitchen in the attic spaces and no separate entrance to the attic space other than through the main body of the homes.

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

 12. The Board found that the proposed plan will protect the living space from flood danger and provide a safer living environment.

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

 14. The Board found that the variances could be granted without any negative impact on the zoning ordinance or zone plan.

 15. 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.

**SPECIFIC CONDITIONS**

 1. The shed and existing patio will be removed from the subject property.

 2. There will be no kitchen in the attic portion of the units.

 3. There will be no separate entrance to the attic areas. The only access to the attic shall be through the units.

**BE IT FURTHER RESOLVED** that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of February 24, 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 Beer and adopted on the following roll call vote:

Ayes: Cunningham, Leckstein, Isoldi-Jany (Alt 1), Beer(Alt. 2)

Nayes: None

Abstain: Desio

Absent: Cashmore, Long, Nott, Schussheim, Smith, Marrone (Alt. 3)

 **1030 OCEAN AVENUE PARTNERS, LLC**

**1030 OCEAN AVENUE**

**BLOCK 17 LOT 4**

No member of the Board had a conflict or was within 200ft of 1030 Ocean Avenue. Block 17 Lot 4.

A-1 Jurisdictional Packet

A-2 Minor Site Plan prepared by Marc Leber, East Point Engineering, LLC dated

 12-17-14 consisting of 4 sheets

 A-3 Architectural plans prepared by Anthony Condouris dated 7-25-14

 A-4 Survey by James Goddard dated 9-9-14

 A-5 Photo

 A-6 Photo

 A-7 Photo

 A-8 Photo

 A-9 T& M review letter dated 3-16-15

 A-10 Color rendering.

 A-11 Photo of existing building from front

 A-12 Modified site layout plan, revised to 3-10-15 in handout form

 A-13 Color rendering of Modified site layout plan

 A-14 Deed of easement with map

 A-15 Aerial of site pre-Sandy

 A-16 Aerial of site post-Sandy

The contract purchaser is 1030 Partners LLC. The owner Rita McKeown Revocable Trust has consented to this application.

Prior to Superstorm Sandy the property was a mixed use residential. The three back buildings on the site were severely damaged by Superstorm Sandy and have been removed from the property. The existing building is the former post office and is approximately 100 years old.

The Applicant seeks site plan approval to renovate the existing storm damaged structure and to change the use from a mixed use to commercial/residential to a single use restaurant on the first floor with dry storage on the second floor/and restaurant office. The structure will be rehabbed to be code compliant including electrical, plumbing and structurally.

The property is located in the BR Zone. The Application requires “bulk” variance relief to permit:

a. A front yard of 23.19 ft., which is existing where 25 ft. is required,

b. Side yard of 9.94’ which is existing where 15’ is required

c. Total Side yard of .21’ which is existing where 7’ is required

d. Applicant proposes no parking spaces where 135 spaces are required.

The applicant proposed outdoor entertainment including live bands the Board had major concerns with the proposal and the effects on the neighbors of Nautilus Condominiums. The applicant did not show the location of the entertainment on the plans and could not offer any testimony regarding parking, noise and lighting. The applicant withdrew his request for entertainment at this hearing.

The following Appeared before the Board on behalf of the applicant.

Martin McGann, Esq.

Tom Bonfiglio, Operating Partner

Anthony Conduoris, Architect

Marc Leber, Engineer

John Jahr, Traffic Engineer

Chairman Cunningham opened the meeting to the public. The following public statements were made.

*Public:* Tom Patterson Unit 8 in Nautilus Condos was the distance between the residential units taken in to consideration. How far would the lights be from the windows of the apartments?

Janet Henchell: 7 East Church St. Will the outdoor freezer be close to Nautilus Condos Condo?

*Tom Bonfiglio*: Operating partner of the restaurant Compressors will have to be up on the roof and will make no noise. The original plan was not to have the box outside, however there was no space inside. It would limit the amount of seats. There will be keg tap lines that run into the building from the outside cooler. There will be two doors, one of the outside for deliveries

*Thomas Patterson*: Concerned about the noise from the compressors on the roof.

Chairman Cunningham closed the public portion of the meeting.

The Board was concerned with the lack of parking the Board did note that the prime time use of the restaurants parking will be off peak of the beach parking. The Board noted that the use is clearly appropriate for the location, as it is a permitted use.

Councilman Leckstein introduced a motion approving the 1030 Ocean Avenue Partners, LLC application. Seconded by Boardmember Desio and approved on the following roll call vote.

Ayes: Cunningham, Desio, Leckstein, Nott, Schussheim, Beer (Alt. 2)

Nays: Long, Isoldi-Jany (Alt.2)

Abstain: None

Absent: Cashmore, Smith, Marrone (Alt.3)

 **ADJOURNMENT:**

There being no further business before the Planning Board Boardmember Desio made a motion to Adjourn the meeting at 10:45 pm. Seconded by Councilman Leckstein and approved on a unanimous voice vote.

Respectfully Submitted

Kathy Morris

Board Secretary