**Sea Bright, New Jersey**

**Unified Planning Board Minutes**

**May 28, 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, Nott, Schussheim, Schwartz, Smith Isoldi-Jany(Alt.#1) Beer (Alt.2)

**ABSENT:** ( Marrone (Alt.3), DiGiulio (

**4**. Chairman Cunningham announced that the application for Michael Chambers 39 Shrewsbury Way Block 27 Lot 2 will not be heard at the may 26, 2015 meeting and applicant will need to re notice.

**5.** Chairman Cunningham announced that the April 28, 2015 and May 12, 2015 minutes will be carried to the June 9, 2015 meeting.

**6. MEMORIALIZATION OF RESOLUTION:**

Vice Chairman Desio introduced a motion approving the following application.

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

**GRANTING SITE PLAN AND VARIANCE APPROVAL**

**RE: Thomas Viggiano**

**13 Atlantic Way**

**Block 29 Lot 4**

**Sea Bright, New Jersey**

**WHEREAS,** Thomas Viggiano (the “Applicant”) made application to the Planning/Zoning Board of Sea Bright (the “Board”) for property known as Block 29, Lot 4 on the Tax Map of the Borough of Sea Bright, also known as 13 Atlantic Way for bulk variances to raise and renovate the existing house in the R-2 zone; and

**WHEREAS,** the Applicant seeks bulk variances for minimum lot area where 4,000 s.f. is required and 2.437 s.f. is existing and proposed; lot width where 50 ft is required and 32.5 ft is is existing and proposed; front yard setback where 25 ft. is required and 15.52 ft is existing and 11.52 ft is proposed; rear yard setback where 15’ is required and .5’ is existing; side yard setback where 7/15’ is required and 3.15/7.81’ is existing and proposed; building height where 2.5 stories/33ft mean is permitted and 2.5 stories/34.83 ft mean 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 May 12, 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 2-14-15

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

1. The Applicant wishes to raise and renovate the existing 1 ½ story home which was damaged by Superstorm Sandy to create a 2 ½ story home. 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 bulk variances for minimum lot area where 4,000 s.f. is required and 2.437 s.f. is existing and proposed; lot width where 50 ft is required and 32.5 ft is is existing and proposed; front yard setback where 25 ft. is required and 15.52 ft is existing and 11.52 ft is proposed; rear yard setback where 15’ is required and .5’ is existing; side yard setback where 7/15’ is required and 3.15/7.81’ is existing and proposed; building height where 2.5 stories/33ft mean is permitted and 2.5 stories/34.83 ft mean is proposed.
3. The Applicant testified that the proposed 2 ½ story home is similar to the other homes on the street. The height will be in line with other homes on the block.
4. The current home has no garage, whereas the proposed dwelling will have a garage providing for off-street parking.. There will parking for an additional car in the driveway.
5. The existing ground floor of the home contains only 736 s.f. where 880 s.f. is required and the additions to the home will bring it into conformity with 919 s.f.
6. The existing front setback is 15.52’ and the proposed is 11.52’. It will still be set back further from the street than the other homes on the street.
7. There is an existing fireplace 3.3’ from the sideyard. As the house is raised, this will continue in the same footprint.
8. Upon questioning by the Board, it was **STIPULATED** that the plans will be revised to reconfigure the rear stairs to not protrude beyond the side of the existing building or beyond the rear of the existing deck. This is a **CONDITION** of approval.

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

10. Neighbor John McCauley spoke in favor of the plan, noting that the house will not be out of character with the other homes on the street.

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. The additional floor space will bring the home into compliance with the minimum floor area requirements.

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 plans will be revised to reconfigure the rear stairs to not protrude beyond the side of the existing building or beyond the rear of the existing deck.

**BE IT FURTHER RESOLVED** that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of May 12, 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, Long, Schussheim, Smith, Isoldi-Jany, Beer, Marrone

Nays: None

Abstain: None

Absent: Cashmore ,Nott, Schussheim.

**Mohammad Younesi**

**6 River View Place**

**Block 24 Lot 57**

No Member of the Board had a conflict or was within 200ft of 6 River Street Block 24 Lot 57.

The Applicant appeared and the following were marked into evidence

**A-1**: Jurisdictional Packet

**A-2:** Survey by Charles Bell dated 9-2-99 with 2 pages of enlargements

**A-3:** Architectural Plans by Joseph Primiano dated 2-12-15

A-4: Photo of flat roof at 12 Beach St.

A-5: Photo of flat roof on River Way

A-6: Photo of flat roof at Shrewsbury Way

Mohammad Younesi testified that he is seeking use and bulk variances to demolish his existing house damaged by Superstorm Sandy and to construct a new house with a garage underneath. The applicant seeks bulk variances for minimum lot area where 4,000 s.f. is required and 3,810 s.f. is existing and proposed lot witdth where 50 ft is required and 30ft is existing and proposed. A d use variance for building height where 2.5 stories 37 ft is permitted and 42ft is proposed.

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

The Board found that the bulk variances are consistent with the neighborhood and the pre-existing dwelling The Board found that the variances could be granted without any negative impact on the zoning ordinance.

Boardmember Schussheim introduced a motion approving the Younesi application. Seconded by Boardmember Smith and approved on the following roll call vote.

Ayes: Cunningham, Schussheim, Schwartz, Smith, Beer (Alt2) Marrone(Alt3) DiGiulio (Alt4)

Nayes: Desio, Isoldi-Jany (Alt. 1)

Abstain: None

Absent: Cashmore, Leckstein , Long, Nott

**7. 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