**Sea Bright, New Jersey**

**Unified Planning Board Minutes**

**July 14, 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, Schussheim, Schwartz, Smith

Isoldi-Jany (Alt.#1) Beer (Alt.2) ( Marrone (Alt.3) DiGiulio.

**ABSENT:** Leckstein, Long, Nott,

**4. MEMORIALIZATION OF RESOLUTION:**

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

**GRANTING SITE PLAN AND VARIANCE APPROVAL**

**RE: Linda Boyce**

**32 Waterview Way**

**Block 32 Lot 8**

**Sea Bright, New Jersey**

**WHEREAS,** Linda Boyce (the “Applicants”) made application to the Planning/Zoning Board of Sea Bright (the “Board”) for property known as Block 32, Lot 8 on the Tax Map of the Borough of Sea Bright, also known as 32 Waterview Way for bulk variances to demolish the existing storm damaged house and construct a new flood compliant single family house; and

**WHEREAS,** the Applicants seek bulk variances for minimum lot area where 4,000 s.f. is required and 2,250 s.f. is existing and proposed; lot width where 50 ft is required and 30 ft is existing and proposed; front setback where 25’ is required and 5’ is existing and proposed; side setback where 7’ is required and 2.4’ and 6’ is existing and 3’ and 4’ is proposed; both sides setback where 15’ is required and 8.4’ is existing and 7’ is proposed; building where 50% maximum is permitted and 56% is proposed; the existing garage which will not be moved is located on the property line and the shared driveway is on the property line; and

**WHEREAS**, Applicants have 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 June 22, 2015, at which time all persons having an interest in said application were given an opportunity to be heard; and

WHEREAS, the Applicants appeared and marked into evidence certain documents including the following:

**A-1**: Jurisdictional Packet

**A-2:** Architectural Plans by Kinetic Architects dated 5-4-15

**A-3:** Survey by Anthony Sereno dated 12-6-13

**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 wish to demolish the existing storm damaged house and and construct a new flood compliant house with garage.
2. The Applicants request bulk variances for minimum lot area where 4,000 s.f. is required and 2,250 s.f. is existing and proposed; lot width where 50 ft is required and 30 ft is existing and proposed; front setback where 25’ is required and 5’ is existing and proposed; side setback where 7’ is required and 2.4’ and 6’ is existing and 3’ and 4’ is proposed; both sides setback where 15’ is required and 8.4’ is existing and 7’ is proposed; building where 50% maximum is permitted and 56% is proposed; the existing garage which will not be moved is located on the property line and the shared driveway is on the property line.
3. The Applicant testified that the existing house has been damaged by Superstorm Sandy and must be demolished. The existing lot is undersized. Applicant proposes to construct a single family residence with a garage underneath.
4. The current garage is situated on the property line and will remain. The new structure with garage underneath will allow more cars to be parked off-street.
5. The height of the home will be 36.6’. No mechanicals will be located in the setbacks.
6. The front setback will remain and is consistent with the other homes on the street. The side setbacks are similar to the existing and are also consistent with the neighborhood.

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

8. 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 and will prevent future flooding.

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

10. 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.

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

12. The Board found that the Applicants had met their burden of proof as to the positive and negative criteria.

**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.

**BE IT FURTHER RESOLVED** that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of June 22, 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 July 14, 2015.

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

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

**5. NEW APPLICATION**

Micheal Chambers

39 Shrewsbury Way

Block 27 Lot 2

No Member of the Board had a conflict or was within 200ft of 39 Shrewsbury Way Block 27 Lot 2.

The Applicant appeared and the following were marked into evidence

**A-1:** Jurisdictional Packet.

**A-2:** Architectural Plans by Anthony Condouris dated 6-9-15.

**A-3:** Color rendering.

Michael Chambers the applicant is seeking site plan approval, use and bulk variances to demolish his existing rear house and elevate and expand the front house and create a new flood compliant two family home. The applicant seeks a use variance for the proposed two family home.

Kevin Kennedy Esq. testified that the applicant previously submitted plans to keep both buildings on the property. The Board felt that the rear house on the property was overwhelming and possibly could encroach onto neighboring property. The applicant decided to carry the application to explore other options. The applicant re-noticed and submitted new plans for this application.

Anthony Condouris testified that the applicant proposes to demolish the existing rear house and elevate and expand the front house. The total square footage of the proposed new two family home is about the same size as the two previous structures and is better situated on the property. The new structure will have a garage which will accommodate 1 car under each unit and three additional parking spaces will be added in the driveway.

Chairman Cunningham opened the meeting to the public there was no public comment. Chairman Cunningham closed the public portion of the meeting.

Vice Chairman Desio commented the applicant did a great job with the new plans and the structure will look less dense and looks more appealing.

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. The proposal improves existing conditions.

Vice Chairman Desio introduced a motion approving the Chambers application. Seconded by Boardmember Cashmore and approved on the following roll call vote.

Ayes: Cashmore ,Cunningham, Desio, Schwartz, Smith, Isoldi-Jany (Alt. 1) Beer (Alt2) Marrone (Alt 3), DiGiulio (Alt. 4).

Nayes: Schussheim

Abstain:

Absent: Leckstein, Long, Nott.

**7. ADJOURNMENT:** There being no further business before the Planning Board Vice Chairman Desio made a motion to adjourn the meeting at 8:21 P.M. Second by Boardmember Cashmore and approved upon unanimous voice vote.