**Sea Bright, New Jersey**

**Unified Planning Board Minutes**

**August 11, 2015**

**7:30 p.m.**

Vice Chairman Desio 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, Desio, Leckstein, Long, Schwartz, Smith

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

**ABSENT:** Cunningham, Nott, Schussheim

**4.** Vice Chairman Desio carried the approval of the July 14, 2015 minutes.

**5.** Vice Chairman Desio made an announcement that the River Street School application, 4 River Street Block 15 Lot 4 continued from the June 23, 2015 hearing will be carried to the October 27, 2015 meeting date.

**6. MEMORIALIZATION OF RESOLUTION:**

Boardmember Smith introduced a motion approving the following application.

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

**GRANTING SITE PLAN, BULK AND USE VARIANCE APPROVAL**

**RE: Michael Chambers**

**39 Shrewsbury Way**

**Block 27 Lot 2**

**Sea Bright, New Jersey**

**WHEREAS,** Michael Chambers (the “Applicant”) made application to the Planning/Zoning Board of Sea Bright (the “Board”) for property known as Block 27, Lot 2 on the Tax Map of the Borough of Sea Bright, also known as 39 Shrewsbury Way for site plan, use and bulk variances to demolish the existing storm damaged rear house and elevate and expand the front house to create a new flood compliant two family house; and

**WHEREAS,** the Applicant seeks bulk variances for minimum lot area where 4,000 s.f. is required and 3,045 s.f. is existing and proposed; lot width where 50 ft is required and 43.5’ ft is existing and proposed; front setback where 25’ is required and 10.63’ is existing and proposed; side setback where 7’ is required and 1.7’ and 14’ is existing and 1.7’ and 13’ is proposed; both sides setback where 15’ is required and 15.7’ is existing and 14.7’ is proposed; rear setback where 15’ is required and 8’ is proposed; height variance where 33.5’ maximum is permitted and 37.85’ is proposed; and

**WHEREAS,** the Applicant seeks use variance for the proposed two family use where such is not permitted in the R-2 zone.

**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 July 14, 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 6-9-15

**A-3:** Color rendering

**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 seeks to demolish the existing storm damaged rear house and elevate and expand the front house to create a new flood compliant two family house.
2. The Applicant requests bulk variances for minimum lot area where 4,000 s.f. is required and 3,045 s.f. is existing and proposed; lot width where 50 ft is required and 43.5’ ft is existing and proposed; front setback where 25’ is required and 10.63’ is existing and proposed; side setback where 7’ is required and 1.7’ and 14’ is existing and 1.7’ and 13’ is proposed; both sides setback where 15’ is required and 15.7’ is existing and 14.7’ is proposed; rear setback where 15’ is required and 8’ is proposed; height variance where 33.5’ maximum is permitted and 36.85’ is proposed.
3. The Applicant also seeks a Use Variance to permit the two family home in the R-2 zone where same is not permitted.
4. Applicant previously submitted plans to keep both structures, elevate both and expand the front structure. The Board felt that the rear 1 ½ story house on the property line was overwhelming and possibly encroached onto neighboring property. The Applicant sought to carry the application to explore other options. The Applicant re-noticed for the present application which eliminated the rear structure and proposed on two family dwelling
5. The Applicant testified that the existing two residential structures had been damaged by Superstorm Sandy. Both existing structures are undersized. The existing lot is undersized. Applicant proposes to demolish the existing rear house and elevate and expand the front house to create a new flood compliant two family house.
6. The total square footage of the proposed new two family structure is about the same as the previous two separate structures and is better situated on the property.
7. The new home will have a garage under each unit which will accommodate 1 car in each. Three cars can be parked in the driveway but will violate the front and side yard setbacks. The Board felt this was favorable in order to provide for more parking off-street and granted a parking variance for same.
8. 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.

9**.** 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.

10. The Board found that the new two family home improved the square foot non-conformity and the rear and side setback non-conformities by removing the rear structure which is almost on the property line.

11. The Board found that the property had accommodated multifamily use for many years and consolidating the two structures into one structure made better planning sense, provided for a better layout and improved the square foot non-conformity. Eliminating the existing rear structure and combining the two family use in one structure improves the existing conditions.

12. 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.

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

14. 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.

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

16. The Applicant **STIPULATED** that it will comply with the requirements of the Flood Plain Manager.

17. The Applicant **STIPULATED** that there will be no mechanicals in the setbacks.

18. The Applicant **STIPULATED** that the garage level will be non-habitable.

19. After evaluating all of the evidence and testimony the Board found that the Applicant has met the enhanced burden of proof as to the positive and negative criteria as set forth in Medici v. BPR Co., 107 N.J. 1 (1987).

20. 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, improves existing conditions and will further protect the property and its critical services from danger of flooding.

21. 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.

22. The Board found that the Applicant had met his 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 use and bulk variances set forth above 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. There will be no mechanicals in the setback.

2. The garage level shall be non-habitable.

3. The height shall not exceed 36.85’.

**BE IT FURTHER RESOLVED** that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of July 14, 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 August 11, 2015.

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Kathy Morris, Secretary

Sea Bright Planning/Zoning Board

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

and

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

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Lance Cunningham, Chairman

Sea Bright Planning/Zoning Board

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

Ayes: Cashmore, Desio, Schwartz, Smith, Isoldi-Jany(Alt1), Beer (Alt2) Marrone (Alt3)

Nays: DiGiulio (Alt4)

Abstain: Leckstein, Long

Absent: Cunningham, Nott, Schussheim,

**7. MEMORIALIZATION OF RESOLUTION:**

Councilman Leckstein introduced a motion approving the hiring of a conflict Engineer for the Unified Planning Board.

**RESOLUTION OF THE SEA BRIGHT UNIFIED PLANNING BOARD APPOINTING CONFLICT ENGINEER**

**WHEREAS,** from time to time, applications are presented to the Board for which the duly appointed Board Engineer cannot participate due to a conflict or various other reasons; and

**WHEREAS,** RFP’s were submitted to the Board for the position of Board Engineer and the Board selected Jaclyn Flor of T&M Associates; and

**WHEREAS,** An RFP was submitted by David Hoder of Hoder Associates of Fair Haven, NJ; and

**WHEREAS,** the Board is familiar with David Hoder, as he has served as Board Engineer in the past and the Board wishes to name David Hoder of Hoder Associates as the conflict engineer to handle all matters for which T&M Associates is unable to participate in due to a conflict.

**NOW, THEREFORE, BE IT RESOLVED** by the Sea Bright Unified Planning Board that it does hereby appoint David Hoder of Hoder Associates as the conflict engineer to handle all matters for which T&M Associates is unable to participate in due to a conflict or other reason upon the terms and conditions submitted in the “Proposal Coverage Page” submitted and on file in the Board Secretary’s office.

**BE IT FURTHER RESOLVED** that the Board secretary provide a certified copy of this resolution to David Hoder, Jaclyn Flor, the Borough Administrator, Borough Clerk and Finance Officer.

I certify the foregoing to be a true copy of a Resolution by the Sea Bright Planning/Zoning Board memorialized on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2015.

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Kathy Morris, Secretary

Sea Bright Planning/Zoning Board

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

and

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

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Lance Cunningham, Chairman, Sea Bright Planning/Zoning Board

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

Ayes: Cashmore , Desio, Leckstein, Long, Schwartz, Smith, Isoldi-Jany(Alt1),

Beer (Alt 2), Marrone (Alt 3), DiGiulio (Alt 4)

Nays: None

Abstain: None

Absent: Cunningham, Nott, Schussheim.

There being no further business before the Planning Board Boardmember Smith made a motion to Adjourn the meeting at 9:15 pm. Seconded by Councilman Leckstein and approved on a unanimous vote.

Respectfully Submitted

Kathy Morris

Board Secretary