

MINUTES
REGULAR MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD
TUESDAY, November 13, 2018, 7:30 p.m.

ADMINISTRATIVE MATTERS

Call to Order

Chairman Cunningham called the meeting to order at 7:36 p.m. and requested those present to join in the Pledge of Allegiance.

Attendance Roll Call

Present: Cashmore, Cunningham, DeGiulio, DeSio, Duffy, Smith, McGinley, Wray

Not Present: Leckstein, Long, Nott, Bills

Also in attendance: Board Attorney Kerry E. Higgins, Esq.

Board Engineer David Hoder, P.E, P.P., C.M.E.

Board Secretary Candace B. Mitchell

Chairman's Opening Statement

Chairman Cunningham read the following Compliance Statement:

The Borough of Sea Bright, in compliance with the Open Public Meetings Act has provided the time, date and location of this meeting to at least two designated newspapers, published same in the Asbury Park Press, the official newspaper, filed it with the Borough Clerk and posted notice on the bulletin board in the Borough Office.

Boardmember Bills joined the meeting at 7:38 p.m.

Approval of 10/23/18 Minutes

Vice Chairman DeSio offered a motion to approve the minutes, seconded by Boardmember Smith, and approved on the following roll call vote:

Aye: Cashmore, Cunningham, DeGiulio, DeSio, Duffy, Smith, McGinley, Bills, Wray

Nay: none

Not Present: Leckstein, Long, Nott

ITEMS OF BUSINESS

Memorialization of Resolution

RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD
GRANTING EXTENSION OF AMENDED SITE PLAN AND VARIANCE APPROVAL

RE:

Victor Scudiery
150 Ocean Avenue
Block 34 Lot 4, 4.01
Sea Bright, New Jersey

WHEREAS, at a meeting on June 23, 2015, the Sea Bright Planning Board memorialized a Resolution Granting Amended Site Plan and Variance Approval to the Applicant Victor Scudiery ; and

WHEREAS, the Applicant had been unable to proceed with the approved site plan due to CAFRA issues and for reasons placed on the record and requested an extension of the period of protection of the site plan approval and variances pursuant to N.J.S.A. 40:55D-52;

WHEREAS, by resolution memorialized on May 23, 2017, the Board granted a one year extension; and

WHEREAS, additional CAFRA and other issues have further slowed the ability of the Applicant to move forward; and

WHEREAS, the Applicant provided a status to the Board, including the delivery of pilings to the site and represented that the work was about to commence immediately; and

WHEREAS, The Applicant requested a further extension to allow the building department to issue the permits necessary to commence construction; and

WHEREAS, the Board found that the Applicant has been diligently pursuing all outside approvals and has been moving the project forward.

NOW, THEREFORE, BE IT RESOLVED by the Planning Zoning Board of the Borough of Sea Bright that it hereby grants an extension of one year for the approval of the amended site plan and variance approval.

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 November 13, 2017.

Candace B. Mitchell, Secretary
Sea Bright Planning/Zoning Board

Adopted on a roll call on a motion by Boardmember Smith, and Seconded by Boardmember Duffy

AYES: Cashmore, Cunningham, DeGiulio, DeSio, Duffy, Smith, McGinley, Bills, Wray

NAYS: None

NOT PRESENT: Leckstein, Long, Nott

C. Lance Cunningham, Chairman
Sea Bright Planning/Zoning Board

Memorialization of Resolution

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD
GRANTING AMENDED SITE PLAN AND BULK VARIANCE APPROVAL**

RE:

**Maurice Lefkort
460 Ocean Avenue
Block 30 Lot 18
Sea Bright, New Jersey**

WHEREAS, by resolution memorialized November 9, 2016, Maurice Lefkort (the "Applicant") received site plan and bulk variance approval for property known as Block 30, Lot 18 on the Tax Map of the Borough of Sea Bright, also known as 460 Ocean Avenue to construct additions to a pre-existing nonconforming single family home; and

WHEREAS, as Applicant was preparing building plans, it was discovered that the design for the front door area would result in the open door conflicting with a door to an office area; and

WHEREAS, the Applicant's architect re-designed the home to allow the proper door clearance, which requires the home to be extended an additional 28 to 30 inches to the front; and

WHEREAS, as a result the existing approved side variances of 5' where 10' is required and combined sideyard of 14.9' where 25' is required will be extended for that distance; 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 hearings on the matter at a meetings on October 23, 2018 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 9-4-18

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

1. Applicant seeks to amend the prior site plan and bulk variance approval in order to extend the front of the home an additional 28" to 30" to allow for the proper doorway clearance.

2. Applicant and the architect Anthony Condouris testified that the approved design was in conflict with the doorway clearance of the desired door and the door to an office area.

3. Applicant and Condouris testified that the new proposal would add approximately 28" to the front of the home.

3. The Applicant and his expert testified that the approved plans called for a 5' side yard setback for the portion of the home housing the elevator shaft. The elevator shaft extends for approximately 6' along the side yard. Thereafter the side yard setback is 8.4' to the piano room "jut out" which runs a distance of 17 ½' and the remaining length of the house is set back 10.4'. Under the revised plans, the elevator shaft will be moved forward slightly but not extended. On the other side, the existing 9.9' side yard setback will be extended by adding the 30 inches to the front of the home.

4. The Board noted that even with the extension to the front, the front setback will still more than 90' where only 25' is required. The Board found the proposed to be de minimus.

5. The Board noted that the reasons for the previous variance approval were still applicable to this minor extension to the plans and that same would have no adverse impact.

6. The Board noted that the new design with the minor extension led to safer and better layout of the home.

7. The Board found that the variance could be granted without any negative impact on the zoning ordinance or zone plan. The proposal is aesthetically pleasing and the design is such that the extension of the side yard setback will not be noticeable.

8. 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.

9. The Board found that the new design was a better design for this particular property and a safer and more practical layout for the home.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that the Application for the amended site plan and bulk variance described 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.

10. No mechanicals will be located in the setbacks.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of October 23, 2018; 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, 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.

I certify the foregoing to be a true copy of a Resolution by the Sea Bright Planning/Zoning Board memorialized on November 13, 2018.

Candace B. Mitchell, Secretary
Sea Bright Planning/Zoning Board

Adopted on a roll call on a motion by Boardmember Smith, and Seconded by Boardmember DeGiulio.

AYES: Cashmore, Cunningham, DeGiulio, DeSio, Duffy, Smith, McGinley, Bills, Wray
NAYS: None
NOT PRESENT: Leckstein, Long, Nott

Lance Cunningham, Chairman
Sea Bright Planning/Zoning Board

At this point in the meeting, Chairman Cunningham stepped down and recused himself as Board Chair for the next matter to be heard due a conflict presented by the location of property he owns that is within 200 feet of the below captioned property. Boardmember DeSio recused himself due to a professional conflict.

On a motion offered by Boardmember Smith, seconded by Boardmember DeGiulio, and carried upon a unanimous voice vote, Boardmember Duffy was appointed to serve as Chair for the following application.

Application PBZB 2018-018, carried from 10/9/18
Request for Site Plan Approval and Use and Bulk Variance Relief

James Lobiondo
3 Osborne Place
Block 9, Lot 3

James LoBiondo, the applicant, was present. The applicant's attorney, Thomas J. Hirsch, Esq., who intended to be present, notified the applicant and the Board Attorney that he would be unable to attend the meeting due to circumstances of a personal nature. Board Attorney Higgins announced the matter will be carried to the 12/4/18 meeting, with no further noticing requirement, due to the unavailability of the applicant's attorney.

Boardmember Duffy stepped down as Board Chair. Chairman Cunningham and Boardmember DeSio rejoined the Board for the next matter to be heard.

Board Engineer David Hoder, who was no longer needed to testify on the above matter, left the meeting.

A member of the public, Janet Thorpe Sanders, 12 Center Street, wished to speak about the decision to carry the LoBiondo application. Chairman Cunningham informed the speaker that the comment should be saved for the Public Comments portion of the meeting that occurs at the end of the meeting.

PBZB 2018-021, New Application
Bulk Variance Relief for side yard setbacks and lot coverage

Linda and Kevin Hirsch
10 Tradewinds Lane
Block 4, Lot 7.23

Applicant Kevin Hirsch was sworn in to testify by Board Attorney Higgins.

Ms. Higgins stated that she had reviewed the jurisdictional packet and determined that the Notice of Hearing did not include the variances which had been specified on the Zoning Officer's report and which are sought by the applicants. Therefore, the neighbors were not noticed for any variances.

The applicants are seeking approval to put in a pool and deck. The property is considered to have 2 front yards, 2 side yards, and no rear yard.

As submitted, the applicant needed to notice for variances for a total side yard set-back of 15 feet, where 25 feet is required, and for lot coverage of 56%, where 50% maximum is permitted. After discussion, it was determined the notice could be accepted as is and the matter could proceed because, firstly, the proposed deck will be no more than 18 inches above ground and will not require variance approval. Additionally, the applicant has stated that he will revise the plan, reducing lot coverage to no more than 50% in order to avoid the need to request variance approval for lot coverage. Ms. Higgins stated that, with these changes, the applicants can proceed with site plan approval with no variances required.

Attorney Higgins entered the following items into evidence:

Exhibit A-1 Jurisdictional Packet

Exhibit A-2 Plot Plan with hand-written markings by Mr. Hirsch

Exhibit A-3 Survey, dated 10/02/06, Thomas P. Santry, P.A., Rumson, NJ

Exhibit A-4 Elevation Certificate, Certified 10/19/06, Thomas P. Santry, Jr.

Exhibit A-5 Photo of property

Applicant Linda Hirsch was sworn in to testify by Board Attorney Higgins.

Attorney Higgins determined the site plan can be approved with the following stipulations agreed upon by Mr. and Mrs. Hirsch:

1. The pool will be at least 25 five feet from the Ocean Avenue setback.
2. The decking will be no higher than 18 inches above the ground.
3. Lot coverage will be reduced so that it does not exceed 50%.
4. Revised plans to reflect the above items must be re-submitted to the Zoning Officer.

With the above-stated stipulations, no variance approval will be required.

No Boardmember comments were offered.

A public comment was made by Janet Thorpe Sanders of 12 Center Street, Sea Bright, NJ. Mrs. Sanders commented that she endorses the project proposed by the applicants.

Determination

On a motion offered by Boardmember DeSio and seconded by Boardmember DeGiulio, a determination was made to approve the site plan, provided the applicants comply with the four above-stated stipulations, and the motion was carried on the following roll call vote:

Aye: Cashmore, Cunningham, DeGiulio, DeSio, Duffy, Smith, McGinley, Bills, Wray

Nay: none

Public Comments

Janet Thorpe Sanders, 12 Center Street, Sea Bright, NJ, commented that there should be a penalty for applicants who carry applications to excess. Chairman Cunningham pointed out that the board is a judicial board and follows the letter of the New Jersey state zoning laws in deciding to carry applications. Attorney Higgins informed the commenter that the LoBiondo application was re-noticed, and, technically, it is a new, not a carried, application.

Approval of 2019 Schedule of Meeting Dates

**MEETING DATES OF UNIFIED PLANNING BOARD
BOROUGH OF SEA BRIGHT**

2019 ANNUAL SCHEDULE NOTICE

The dates, as set forth below, comprise the Annual Unified Planning Board Schedule Notice of regular meetings which will be held at 7:30 P.M. prevailing time, at the Cecile F. Norton Community Center, 1167 Ocean Avenue, Sea Bright, New Jersey:

January	Tuesday 08, 22
February	Tuesday 12, 26
March	Tuesday 12, 26
April	Tuesday 09, 23
May	Tuesday 14, 28
June	Tuesday 11, 25
July	Tuesday 9
August	Tuesday 27
September	Tuesday 10, 24
October	Tuesday 08, 22
November	Tuesday 12
December	Tuesday 10
Reorganization	Tuesday, January 7, 2020

Thursday meetings, if added, will be advertised.

Workshops, if necessary, will be held prior to the first meeting of each month and will start at 7:00 p.m. Action may be taken at regular and workshop meetings.

Interested persons should check with the Unified Planning Board Secretary or Borough website.

The 2019 Schedule of Meetings was approved on a motion offered by Boardmember DeSio, seconded by Boardmember Bills, and carried on the following roll call vote:

Aye: Cashmore, Cunningham, DeGiulio, DeSio, Duffy, Smith, McGinley, Bills, Wray

Nay: none

CLOSING MATTERS

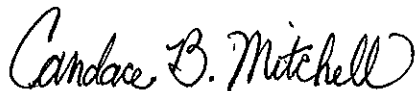
Meeting Announcement

There being no other business before the Board, the Secretary made an announcement of the next meeting date, which is December 4, 2018.

Adjournment

The meeting was adjourned at 8:10 p.m. on a motion offered by Boardmember Smith, seconded by Boardmember Duffy, and approved upon a unanimous voice vote by the Boardmembers.

Respectfully submitted,



Candace B. Mitchell
Board Secretary