

**APPROVED MINUTES
REGULAR MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD
TUESDAY, March 26, 2019**

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.

Vice Chairman's Opening Statement

Chairman Cunningham offered 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, which is the official newspaper, filed notice with the Borough Clerk, and posted notice on the bulletin board in the Borough Office and on the Borough website.

Attendance Roll Call

Present: Cashmore, Cunningham, DeGiulio, DeSio, Duffy, Leckstein, Nott, Smith, Bills, Wray

Not Present: Long, McGinley

Also in attendance: Board Attorney Kerry E. Higgins, Esq.
Board Secretary Candace B. Mitchell

Approval of the March 12 Minutes

Boardmember Smith offered a motion to approve the minutes. Second offered by Boardmember Wray, and approved on the following roll call vote of eligible members:

Aye: Cashmore, DeGiulio, DeSio, Duffy, Leckstein, Nott, Smith, Bills, Wray

Nay: none

Abstain: Cunningham

Absent: Long, McGinley

ITEMS OF BUSINESS

New Application

PBZB 2018-026

Alice Marie Gaffney

216 Ocean Avenue

Block 32, Lot 2 and Block 23, Lot 124

Type of Application: Major subdivision, bulk and use variance approval

Councilman Leckstein recused himself from hearing this application because the application seeks approval for a D "use" variance.

Chairman Cunningham recused himself from hearing this application due to ownership of property within 200 feet of the applicant's subject property.

Vice Chairman DeSio stepped in as Chairman.

Attorney Rick Brodsky, Esq. , Planner James Higgins, PP, and applicant Alice Marie Gaffney were in attendance for the application.

Board Attorney Higgins stated that she had reviewed the jurisdictional packet and found it to be in good order. The public notice indicates the application is for a minor subdivision; however, in the Sea Bright ordinance, if a 2-lot subdivision requires variance approval, the application becomes a technical major subdivision. Attorney Higgins accepted the notice as satisfactory, stating that it was extremely specific about the subdivision to be approved and the variance approvals sought.

Attorney Higgins entered the following exhibits into evidence:

A-1 Jurisdictional Packet

A-2 Survey of Property, Bl. 32, L. 2 and Bl. 23, L. 124, prepared by Charles Surmonte PE and PLS, NJ Lic. No. 35885, dated 8/13/18; consisting of one (1) sheet

A-3 Minor Subdivision Plan, Bl. 32, L. 2 and Bl. 23, L. 124, prepared by Charles Surmonte PE and PLS, NJ Lic. No. 35885, dated 9/9/18, consisting of one (1) sheet

A-4 Photo taken by Rick Brodsky, 3/26/19

Ms. Higgins listed the variance approvals sought for minimum lot width, minimum each side yard setback, minimum both side yards setback, and a use variance to permit the pre-existing, non-conforming two-family use to continue in the existing residential structure.

Mr. Brodsky noted that the two lots, the main lot located at 216 Ocean Avenue, Block 32, Lot 2, and the second lot, a beach access lot, located on East Ocean Avenue, Block 23, Lot 124, would be subdivided into four lots.

Mr. DeSio stated that it has come up previously that waterfront and oceanfront properties require public access. He asked Mr. Brodsky whether he has looked into this requirement. Mr. Brodsky answered that he has looked into it, and it is not a problem. Mr. Brodsky continued describing the approvals sought, namely the D2 "use" variance for maintaining the existing home as a two-family home. The new lot will be used for a proposed home to be built for Ms. Gaffney's son.

Ms. Higgins clarified with Mr. Brodsky that lot No. 2.1 would meet all setback requirements. She also asked whether the beach access lots located on the east side of Ocean Avenue would be attached to the two main lots on the west side of Ocean Avenue and was told they would.

Mr. DeSio also let Mr. Brodsky know that he will need to seek NJDOT approval.

Alice Marie Gaffney was sworn in to testify. Mr. Brodsky asked Ms. Gaffney to tell the Board about the history of the property and house. Ms. Gaffney stated that her home was built in 1931 as a 2-family home. A second lot, next to her lot, was purchased in 1933 and merged with her lot. Her family has lived in the home for thirty years. Mr. Brodsky asked for the motivation for subdividing, and Ms. Gaffney stated that her son would like to build a home on the subdivided lot. No changes are planned for the existing home.

A discussion about parking requirements took place. Mr. Brodsky stated that there is a garage which accommodates two cars, and the lot on the east side of Ocean Avenue accommodates the tenants' vehicles. Boardmember DeSio stated a concern that there would not be adequate parking since the lot on the east side of Ocean Avenue is supposed to be used for overflow and emergency parking. Mr. Brodsky noted that the ordinance permits parking on the east side of Ocean Avenue. Board Attorney Higgins pointed out the long-time ownership of the property and that parking on the east side of Ocean Avenue has been permitted for others. Mr. Brodsky added that the new lot will also include parking.

Ms. Higgins stated that the Board Engineer's report states that the sidewalks are in poor condition and need to be replaced. Approval will also stipulate repairs to any curbing that is broken up as part of utility connections.

There were no further comments or questions by the Board.

The public was asked whether they had any questions.

Marc Leckstein, 1340 Ocean Avenue, stood and clarified that lots located to the east of Ocean Avenue are in the C.P. zone. Parking in that zone is for owner-parking only.

Rob Martonfalvy, 224 Ocean Avenue, was concerned with setbacks on the sides, since his property is located next door on the south side of Ms. Gaffney's property. Ms. Higgins stated that the south side setbacks are conforming.

Joan Tagliafero, 1 Via Ripa, was sworn in to testify after stating her concern that the lot will be undersized. Ms. Higgins stated that the lot is not undersized. Ms. Tagliafero stated that the width is 25% less than is required, that the garage is right on the property line, that North Beach has historically had larger properties, and, now large buildings are being built on small lots. Boardmember DeSio explained that the two existing lots on either side are 37 feet wide. Ms. Tagliafero stated that this subdivision will allow too much in a small space.

The public portion of the meeting was closed.

Ms. Higgins asked Mr. Brodsky about the proposed easement between the two lots. Mr. Brodsky explained that the easement is needed to accommodate the existing staircase enclosure that leads to the second floor apartment and also an outdoor shower located on the same side as the stairs. The proposed subdivision line would result in the shower and

steps encroaching on the property line. The plan is to leave everything intact and have less than a 1 ½ inch encroachment, and a 2 inch easement. Boardmember DeSio pointed out that setbacks are based on vertical walls on the structure, and the walls enclosing the staircase impact the setbacks, creating a need to adjust the setback easement if the building stays as is. Ms. Higgins suggested moving the outdoor shower to the back of the house, and Boardmember DeSio suggested removing the walls enclosing the staircase. Ms. Higgins stated that no easement would be needed if these changes were made.

The public was asked whether they had any questions.

There were no further comments or questions by the Board.

Planner James Higgins was sworn in to testify, and his credentials were accepted. He is considered an expert witness who has testified before the Board many times. Mr. Higgins reviewed the lots and dimensions involved in the subdivision application. He discussed the surrounding land uses. Many surrounding properties have non-conforming lot widths, and two properties within 200 feet of the subject property are multifamily residences. What is being proposed is consistent with the neighborhood. Mr. Higgins reviewed the variances needed, including the D2 "use" variance. He summarized by saying that what exists now is out of character with the neighborhood, and this application gives reasonable consistency with the characteristics of the neighborhood. What is being proposed makes a lot of sense. Attorney Higgins asked Mr. Higgins to clarify the following: on this lot a new single family home could be built that is much larger. Mr. Higgins stated that what is being proposed is superior to what would be allowed.

Mr. Brodsky stated that the density is less than the ordinance allows. The ordinance allows more intensity than what is being proposed, and what is being proposed makes sense. The variances are justified.

Statements by the Board:

Boardmember DeSio stated that the stairwell enclosure will have to be removed and outdoor shower relocated before the subdivision can be done.

Boardmember Smith stated that Mr. Higgins was effective in explaining how the subdivision would work with the adjacent properties.

Determination:

Boardmember Cashmore offered a motion to approve the application and variances sought. Second was offered by Boardmember Nott, and the approval was adopted upon the following roll call vote:

Ayes:	Cashmore, DeGiulio, DeSio, Duffy, Nott, Smith, Bills, Wray
Nays:	none
Abstain:	Leckstein, Cunningham
Absent:	Long, McGinley

New Application

PB 2019-005

James LoBiondo

3 Osborne Place, Block 9, Lot 3

Type of Application: Fully conforming minor subdivision approval

Councilman Leckstein rejoined the Board.

Chairman Cunningham had recused himself from this application due to ownership of property within 200 feet of the applicant's subject property.

Vice Chairman DeSio recused himself due to a conflict of interest.

Boardmember Nott stepped in as Chairman.

Applicant James LoBiondo was in attendance.

Attorney Higgins stated that the applicant is seeking approval for a fully conforming minor subdivision and no public noticing is required for this type of application.

Attorney Higgins entered the following exhibit into evidence:

A-1 Project Survey: Proposed Minor Subdivision, Bl. 9, L.3, prepared by Steven E. Macher, PLS, NJ License # 24GS02680400, dated 12/06/16, consisting of one (1) sheet

Mr. LoBiondo briefly described his application for a fully conforming minor subdivision, stating that the two lots will be equal in size, with dimensions of 31.5 feet in width and 82.3 feet in depth.

The Board offered no questions or comments.

No one in the public offered questions or comments.

Determination:

Councilman Leckstein offered a motion to approve the application for a fully conforming subdivision. Second was offered by Boardmember DeGiulio, and the approval was adopted upon the following roll call vote:

Ayes: Cashmore, DeGiulio, Duffy, Leckstein, Nott, Smith, Bills, Wray

Nays: none

Abstain: Cunningham, DeSio

Absent: Long, McGinley

There were no general comments from the public.

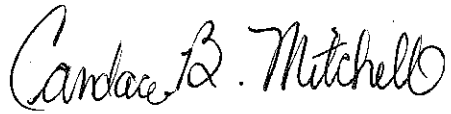
CLOSING MATTERS

Meeting Announcement: There being no other business before the Board, the Board Secretary made an announcement of the next meeting date, which is April 9, 2019.

Adjournment

The meeting was adjourned at 8:43 p.m. on a motion offered by Councilman Leckstein, seconded by Boardmember DeGiulio, and approved upon a unanimous voice vote by the Board members.

Respectfully submitted,

A handwritten signature in cursive script that reads "Candace B. Mitchell". The signature is written in black ink and is positioned above the typed name.

Candace B. Mitchell, Board Secretary