

**APPROVED MINUTES
REGULAR MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD
TUESDAY, April 9, 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.

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 date, time, 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: Cunningham, DeGiulio, DeSio, Duffy, Leckstein, Nott, Smith, Bills, Wray

Not Present: Cashmore, Long, McGinley

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

Approval of the March 26 Minutes

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

Aye: DeGiulio, Duffy, Nott, Smith, Bills, Wray

Nay: none

Abstain: Cunningham, DeSio, Leckstein

Absent: Cashmore, Long, McGinley

ITEMS OF BUSINESS

Memorialization of Resolution

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

**RESOLUTION OF THE SEA BRIGHT PLANNING BOARD/ZONING BOARD
GRANTING SUBDIVISION, BULK AND USE VARIANCE APPROVAL**

Alice Gaffney

Block 23, lot 124; Block 32, lot 2

WHEREAS, the applicant Alice Gaffney (“Applicant”), is the owner of certain real property designated as Block 23, Lot 124 and Block 32, lot 2 on the Borough of Sea Bright Tax Map; and

WHEREAS, the Applicant proposes that Block 32, lot 2 is to be divided into two non-conforming residential lots as shown on the Minor Subdivision map prepared by Charles Surmonte dated 9-9-18; and

WHEREAS, the Applicant proposes that Block 23, lot 124 is to be divided into two beach access lots as shown on the Minor Subdivision map prepared by Charles Surmonte dated 9-9-18; 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 its meeting on March 26, 2019, at which time all persons having an interest in said application were given an opportunity to be heard; and

WHEREAS, the Applicant marked into evidence certain documents including the following:

A-1 Jurisdictional Packet

A-2 Survey prepared by Charles Surmonte dated 8-13-18

A-3 Minor Subdivision Plan prepared by Charles Surmonte dated 9-9-18

A-4 Aerial photo

WHEREAS, the Planning Board/Zoning Board of the Borough of Sea Bright held a hearing on March 26, 2019, at which time it made the following findings:

1. The land to be subdivided is Block 23, Lot 124 and Block 32, lot 2 on the Borough of Sea Bright Tax Map as shown on the Minor Subdivision Plan, prepared by Charles Surmonte dated 9-9-18. Although the plans reference Minor Subdivision, the application is technically a major subdivision under Sea Bright Ordinances due to the existence of variances.

2. The plan proposes subdividing Block 32, lot 2 into two non-conforming residential lots as shown on the Minor Subdivision map prepared by Charles Surmonte dated 9-9-18.

3. The plan proposes subdividing Block 23, lot 124 into two beach access lots as shown on the Minor Subdivision map prepared by Charles Surmonte dated 9-9-18.

4. Block 32, lot 2 is in the R-2 Residential zone. Applicant proposes subdividing into proposed lot 2.01 and 2.02. Applicant seeks bulk variances as follows:

Lot 2.01 – lot width where 50’ is required and 37.5’ is proposed;

Lot 2.02 – lot width where 50' is required and 37.5' is proposed; side yard setback where 7' is required and 4.2' is proposed; combined side yard setback where 15' is required and 11' is proposed.

5. There is a pre-existing non-conforming two-family home located on proposed lot 2.02 which will remain. Two-family homes are not permitted in the R-2 zone and the proposed subdivision creates an expansion of the non-conforming use giving rise to a "D" use variance.

6. Block 23, lot 124 will be subdivided into two fully conforming lots in the CP zone. Applicant STIPULATED that the lots on the east side of Ocean Avenue will remain in common ownership with the "mother" lots on the west side of Ocean Avenue, to wit: block 32, lot 2.01 will be in common ownership with block 23, lot 124.01 and block 32, lot 2.02 will be in common ownership with block 23, lot 124.02. Neither lots on the east side of Ocean Avenue may be sold separate from the "mother" lot.

7. Applicant STIPULATED and the Board made it a CONDITION of approval that all building and structures on lot 2.01 will conform to all zoning, code and building requirements.

8. Applicant STIPULATED that at the time of construction on lot 2.01, Applicant will repair or replace the sidewalk along the entire frontage of lots 2.01 and 2.02.

9. The plans originally called for an easement in favor of new lot 2.02 for an existing shower and covered stairwell on the existing home. At the Board's request, the Applicant STIPULATED and agreed that the shower enclosure and covered stairwell will be removed PRIOR TO THE PERFECTION OF THE SUBDIVISION, thus eliminating the need for the easement. The Applicant will revise the plans to show the elimination of the shower, covered stairwell and easement.

10. The Applicant's planner, James W. Higgins, P,P, testified on behalf of the Applicant. Mr. Higgins noted that the lot area is two times larger than required. While the width of the subdivided lots will be deficient, the over lot area is conforming. The area of each new lot will exceed the minimum required lot area. He testified that of the 27 parcels in close proximity to the subject, 14 are deficient in width.

11. Higgins stated that the 50' lot width is out of character in this immediate area. The lots on either side of the subject are 37.5' and are corner lots. He believed that the subject property had also at one time been two 37.5' lots that merged when the ownership became common. He noted that the new lots measuring 37.5' in width will fit into the area with its adjoining lots also measuring 37.5'.

12. Planner Higgins testified that on Ocean Avenue in this area there are two other two-family homes. The existing two-family home has been in existence since the 1930's. He stated that it is a technical D2 variance because the lot size is being reduced. It was his opinion that the use will remain the same with no intensification. He noted that the subject property could be developed with a very large conforming single-family home that could cover 50% of the combined lots with a total 15' side yard setback. Such development would have a far greater impact on the neighborhood and zone plan.

13. Mr. Higgins opined that the subject property is a unique lot in that it is far deeper than it is wide. The proposed subdivision and development is less intense than could occur if developed with one large single family home. The proposed subdivision and development provides more open space, air and light.

14. Neighbor Joan Tagliaferro expressed concern that the proposed lots were 25% narrower than required. The Board noted that the adjacent lots were also 37.5' as the proposed lots. Neighbor Rob Martonfalvy questioned the side setback of the proposed new home on lot 2.01 and was satisfied when told that it will conform with all setback requirements.

15. The Board agreed that the proposed subdivision and development with the pre-existing two-family and proposed single family home is particularly suited for this lot. The lot is oversized and much deeper than wide. The existing two-family home has been on the property for many years with no negative impact. The adjacent lots on Ocean Avenue are also 37.5' in width.

16. 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 Coventry Square v. Westwood regarding expansion of non-conforming uses.

The subdivision with a single-family home on one lot and the existing two-family residence on the other lot will have no impact on the existing provision of adequate light, air and open space. The Board found the proposed use would better provide light, air and open space than the permitted development of the entire lot with one very large single-family home with combined 15' side setback and 50% lot coverage.

17. The continuation of the two-family use will not impede the specific intent and purpose of the zone, as it has been in existence for years. There are other multi-family uses in the neighborhood.

18. The "D" variance relief sought can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Master Plan, Zone Plan and Zoning Ordinance for the reasons set forth above.

NOW, THEREFORE, BE IT RESOLVED by the Sea Bright Planning Board/Zoning Board of the Borough of Sea Bright, County of Monmouth, State of New Jersey, as follows:

The Major Subdivision of Block 32, Lot2 to create two 37.5' wide lots and Block 23, lot 124 to create two fully conforming lots as set forth above and on the subdivision map referred to above and marked as Exhibit A-3 and incorporated herein, together with the D2 expansion of non-conforming two-family home and bulk variances as set forth above, be and is hereby approved by the Borough of Sea Bright Planning/Zoning Board, subject to the noted 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 prior to constructing any homes on the property.

3. The applicant shall comply with all building, FEMA and fire codes including but not limited to, entrances and exits for any homes constructed on the newly created lots.

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 within any setback.

11. Applicant shall perfect the minor subdivision within the time prescribed by law.

SPECIFIC CONDITIONS

1. The lots on the east side of Ocean Avenue will remain in common ownership with the “mother” lots on the west side of Ocean Avenue, to wit: block 32, lot 2.01 will be in common ownership with block 23, lot 124.01 and block 32, lot 2.02 will be in common ownership with block 23, lot 124.02. Neither lots on the east side of Ocean Avenue may be sold separate from the “mother” lot.

2. All building and structures on Block 32 lot 2.01 will conform to all zoning, code and building requirements.

3. Applicant STIPULATED that at the time of construction on lot 2.01, Applicant will repair or replace the sidewalk along the entire frontage of lots 2.01 and 2.02.

4. The plans originally called for an easement in favor of new lot 2.02 for an existing shower and covered stairwell on the existing home. At the Board’s request, the Applicant STIPULATED and agreed that the shower enclosure and covered stairwell will be removed PRIOR TO THE PERFECTION OF THE SUBDIVISION, thus eliminating the need for the easement. The Applicant will revise the plans to show the elimination of the shower, covered stairwell and easement.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of March 26, 2019; 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 April 9, 2019.

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

Adopted on a roll call on a motion by Boardmember DeSio and Seconded by Boardmember Duffy

Vote: Cashmore – Absent	Cunningham - Abstain	DeGiulio - Yes
DeSio – Yes	Duffy - Yes	Leckstein - Abstain
Long - Absent	Nott - Yes	Smith - Yes
McGinley – Absent	Bills - Yes	Wray – Yes

David DeSio
David DeSio, Acting Chairman
Sea Bright Planning/Zoning Board

Memorialization of Resolution

PB 2019-005

James LoBiondo

3 Osborne Place, Block 9, Lot 3

Type of Application: Fully conforming minor subdivision approval

**RESOLUTION OF THE SEA BRIGHT PLANNING BOARD/ZONING BOARD
GRANTING MINOR SUBDIVISION APPROVAL
JAMES LOBIONDO
BLOCK 9, LOT 3**

WHEREAS, the applicant, James Lobiondo, is the owner of certain real property designated as Block 9, Lot 3 on the Borough of Sea Bright Tax Map, known as 3 Osborne Place; and

WHEREAS, the Applicant has applied to the Planning/Zoning Board of the Borough of Sea Bright for minor subdivision approval of Block 9, Lot 3 to create two new fully conforming lots; and

WHEREAS, no notice is required for this fully conforming minor subdivision; and

WHEREAS, the applicant appeared on March 26, 2019 and marked into evidence certain documents including the following:

A-1 Minor Subdivision Plan prepared by Grant Engineering and Construction, Steven Macher, dated 12-6-16

WHEREAS, the Planning Board/Zoning Board of the Borough of Sea Bright held a hearing on March 26, 2019, at which time it considered the testimony and evidence presented and made the following findings of fact and conclusion:

1. The land to be subdivided is as shown on the Minor Subdivision Plan prepared by Grant Engineering and Construction, Steven Macher, dated 12-6-16.

2. The property will be subdivided into two fully conforming lots to contain a single family residence on each.

3. It is **STIPULATED** that the proposed dwellings and all construction will comply with all zoning, setback, construction, design standards and parking requirements of the Borough of Sea Bright.

NOW, THEREFORE, BE IT RESOLVED by the Sea Bright Planning Board/Zoning Board of the Borough of Sea Bright, County of Monmouth, State of New Jersey, as follows:

1. The minor subdivision approval of Block 9, Lot 3 to create two new fully conforming lots as set forth above and on the Minor Subdivision Plan prepared by Grant Engineering and Construction, Steven Macher, dated 12-6-16 and incorporated by reference herein, be and is hereby approved by the Borough of Sea Bright Planning/Zoning Board, subject to the following conditions:

a. The proposed dwellings and all construction will comply with all zoning, setback, construction, design standards and parking requirements of the Borough of Sea Bright. The applicant shall comply with all Borough Ordinances relative to construction of any improvements on the lots.

b. The construction of any dwellings on the lots is conditioned upon obtaining all CAFRA and other necessary permits.

c. The applicant shall obtain the approval of all necessary and appropriate governmental agencies.

d. 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 in connection with the review of this application prior to and subsequent to the approval of this application.

e. The applicant shall be bound by all representations made in testimony before the Board as set forth in the minutes of the hearings on the dates referred to above.

f. The accuracy and completeness of the submissions, 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 upon by the Board in granting this approval. This condition shall be a continuing condition subsequent which shall be deemed satisfied unless and until the Board determines (on notice to applicant) that breach hereof has occurred.

g. Applicant shall perfect the subdivision according to law. The metes and bounds description or final subdivision map shall be reviewed and approved by the Borough engineer.

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 Tax Assessor and to make same available to all other interested parties and that the Board Secretary shall cause same 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 April 9, 2019.

Candace B. Mitchell

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

Adopted on a roll call on a motion by Councilman Leckstein and Seconded by Boardmember Nott

Vote: Cashmore - Absent	Cunningham - Abstain	DeGiulio - Yes
DeSio - Abstain	Duffy - Yes	Leckstein - Yes
Long - Absent	Nott - Yes	Smith - Yes
McGinley - Absent	Bills - Yes	Wray - Yes

Robert Nott

Robert Nott, Acting Chairman
Sea Bright Planning/Zoning Board

Board Review of Borough Ordinance

Ordinance No. 06-2019

An Ordinance Amending Chapter 130, "Land Use," Article VII, "Area, Bulk and Use Requirements," of The Code of The Borough of Sea Bright, Section 130-49F, "Temporary Uses," Pertaining to Seasonal Parking Facilities, Introduced March 19, 2019, Public Hearing April 2, 2019, Adopted April 2, 2019

Board Comments

Councilman Leckstein explained the changes made to the Borough Code with the new ordinance regarding guidelines for paid parking on private property.

Chairman Cunningham offered a motion to authorize the Board Secretary to draft a letter to the Mayor and Council, recommending passage of Ordinance No. 06-2019 as written, second offered by Councilman Leckstein, and approved upon a unanimous voice vote.

New Application

PBZB No. 2019-001

River Street Realty, LLC

4 River Street, Block 15, Lot 4

Type of Application: Preliminary and Final Approval for fully conforming Major Subdivision

Boardmember Nott stepped down from the Board for this application due to ownership of property located within 200 feet of the subject property.

In attendance for the application were John B. Anderson, III, Esq. and Michael Cannon, P.E.

Attorney Higgins stated that she had reviewed the jurisdictional packet and found it to be in order, and that the Board has accepted jurisdiction of the application.

The following exhibits were entered into evidence:

A-1 Jurisdictional Packet

A-2 Preliminary/Final Major Subdivision Plat, Bl. 4, L. 15, prepared by Michael T. Cannon, PE, NJ Lic. No. 34691, dated 12/7/18, consisting of four (4) sheets

A-3 First Technical Review, prepared by Board Engineer David J. Hoder, P.E., P.P., P.P., C.M.E., dated 3/20/19

A-4 Zoning Permit Denial, prepared by Mary Tangolics, dated 1/9/19

A-5 Subdivision Application, dated 1/7/19

A-6 Monmouth County Planning Board Preliminary Approval, prepared by Victor Furmanec, P.P., A.I.P.C., Principal Planner for the Development Review Committee, consisting of 1 page, dated 2/11/19

A-7 Letter from State of New Jersey Department of Environmental Protection Division of Land Use Regulation, RE: LURP File No.: 1343-06-0003.1 ADP 060001, Response to request for jurisdictional determination, prepared by Evelyn M. Hall, Principal Environmental Specialist, Division of Land Use Regulation, dated 4/24/06, consisting of two (2) pages

A-8 Report: ANS-1692 Subsurface Soil Investigation, Block 15, Lot 4, Prepared for River Street Realty, LLC, Prepared by ANS Consultants, Inc., consisting of 31 pages, dated 5/5/06

Attorney Higgins stated that the applicant has requested several waivers and listed them.

The applicant is asking for the following waivers:

Section 130-65.A 9 Environmental Impact Statement

Section 130-65.B 7 Boundary of wooded areas within 200 Ft.

Section 130-65.B 8 Existing Utilities within 200 Ft.

Section 130-65.B 9 Existing Structures within 200 Ft.

Section 130-65.B 13 Onsite Drainage Plan

Section 130-65.A 14 Offsite Drainage Plan

Section 130-65.B 15 Centerline Profiles on adjacent streets

Section 130-65.B 25 Exterior Lighting Plan

Section 130-65. B 26 Landscaping and screening Plan

Board Engineer David Hoder commented that the first waiver requested by the applicant, an Environmental Impact Statement (EIS), should be required before a determination is made by the Board. In his Technical Review, Mr. Hoder stated that the other eight requested items may be waived if the recommendations relevant to them in the Technical Review are followed. The other waived items will be reviewed with the "Plot Plan Review" system that Sea Bright has put in place.

Chairman Cunningham commented that there is a lot of concern coming from the residents about flooding issues and that the Board will make a decision when the Environmental Impact Statement (EIS) has been received. Councilman Leckstein agreed with Chairman Cunningham.

Attorney for the applicant, John Anderson, asked to be heard by the Board this evening just on the subdivision of the property. His client is hoping that the EIS can be a condition of approval. He proceeded to describe the current property as fully developed. His client is proposing a fully conforming eight-lot subdivision of the 16,000 square foot lot that straddles River Street to the north and South Street to the south. No buildings are being proposed. Structures shown on the plans are for illustrative purposes.

Mr. Anderson described a conflict regarding a proposal submitted in response to the Borough's Request for Proposals by another developer, The Break at Sea Bright, LLC, which is comprised of the following entities: Sea Bright Ocean Avenue Partners, LLC; Onward Venture Properties, LLC; Sarah Church, LLC; and Trip Brooks, LLC. This developer has submitted a proposal through the RFP process and is looking to acquire, through the Redevelopment process, the lot that Mr. Anderson's client owns. The redevelopment of this land has not yet been adopted.

The applicant's Engineer, Michael Cannon, was sworn in and accepted by Chairman Cunningham as an expert who has appeared before the Board many times. Mr. Cannon described the property, located on the west side of Ocean Avenue between River Street and South Street. The property is located in the R-3 zone. The lot is completely covered by the buildings and asphalt. There is no vegetation on the property. He stated there are no environmentally sensitive areas in answer to an inquiry by Mr. Anderson.

Vice Chairman DeSio discussed the setbacks presented on the plan and asked whether the applicant is asking for them to be approved tonight. Attorney Higgins stated that the Board shouldn't approve any setbacks or footprints for this application since they may change, and that the setbacks are included in the subdivision plan to show that the owner could build conforming structures on these lots. Mr. Hoder asked whether there is data behind the shown setbacks? Mr. Anderson suggested that the data can be included in the EIS.

The property is located on dedicated public streets. Of the eight lots in the subdivision, four would have frontage on River Street and four would have frontage on South Street. Mr. Cannon went on to say that no new streets are proposed with the subdivision. Councilman Leckstein suggested including a condition that would require the applicant to replace sidewalks and curbing. Mr. Anderson answered that the condition would transfer to whoever develops the property. Mr. Cannon also discussed an improvement in drainage,

because, currently, the whole lot is covered with impervious material. With the subdivision into eight lots, each lot would have its own recharge system. Dry wells would be installed.

Councilman Leckstein described the historical significance of the present buildings to the Borough. He asked that a dated plaque which is still located inside the structure be removed and donated to the Borough. Mr. Anderson stated that would be done.

A brief discussion on the history of approvals for this property took place.

Ms. Higgins asked whether the plans should be amended to include water and sewer mains, and Mr. Hoder stated that he doesn't feel it is necessary at this point. Approved plans will go to the Sewerage Authority for their approval. Ms. Higgins stated that the Board's approval of the application would not include a requirement for water and sewer mains. Building comes later, and approvals will be sought at that time.

Mr. Hoder expressed concern over what has gone on in the past with this property, and stated that this application is the last chance for the town to know that the property is clear. He discussed the fact that any oil tank spills can be found on the NJDEP database, and noted that the standard for residential properties is much higher than for commercial properties. Mr. Anderson stated that environmental concerns are usually the buyer's concern. Chairman Cunningham stated there are a lot of environmental concerns from the residents in a coastal town. The EIS is a simple environmental study, and he asked whether the client has a problem doing that. Boardmember Smith added that environmental concerns haven't been proactively addressed in the past, and they need to be addressed.

Mr. Anderson stated his client is asking for approval of a fully conforming subdivision which could be subject, as a condition of approval, to the inclusion of the EIS, and he asked whether the applicant must have an EIS in order to have a vote this evening. Ms. Higgins polled the Board members, and stated to Mr. Anderson, "Yes, it seems that is their position." It is a major subdivision, and there are certain requirements under the Ordinance that must be met even when the subdivision is fully conforming, one being the inclusion of an EIS.

Ms. Higgins summarized what was discussed: No structures and no setbacks are proposed, a condition of the issuance of Certificates of Occupancy to the individual lots will include the replacement of curbs and sidewalks on River Street and South Street, the plans will reflect the recharge method to the satisfaction of the Board Engineer for each lot, the applicant will preserve the dedication plaque from the school to the extent that they can during the demolition, and give it to the Borough, the applicant will meet all parking requirements, the plans will show the existing water and sewer mains in the streets, grading will be such that all storm water flows to the streets and grading will be reflected on the plans. Accordingly, the applicant would then be entitled to Board's approval subject to an EIS. The Board would be willing to grant all other waivers.

Councilman Leckstein stated that the applicant has requested nine waivers, and the Board will be willing to grant eight of them. He pointed out that, as per the Board Engineer's review, Outside Agency approvals will be required including: Freehold Soil Conservation

District, Monmouth County Planning Board, Coastal Area Facilities Review Act (if applicable), and Sea Bright Fire Department and Flood Official.

Mr. Anderson indicated that his client is hoping for a decision based on the testimony because of the possible impact of the town's redevelopment plans that are in the works. The application would no longer fall under the jurisdiction of the Board once the decision is made regarding redevelopment. A Town Hall meeting discussing redevelopment is taking place on April 16th.

Chairman Cunningham stated that the Board can only make a decision based on what is before us.

Councilman Leckstein added that, since 2012, this property became a very environmentally sensitive area, and an EIS should have been submitted.

Public Questions and Comments:

Janet Sanders, 12 Center Street, asked who prepared the plans and on what date, and was told that Engineer Michael Cannon prepared them, and they are dated 12/7/18. Ms. Sanders asked whether this property used to have a dry cleaning business on it, and was told that lot is not part of the applicant's lot. Ms. Sanders asked what's under the asphalt on the property, and Mr. Cannon answered that no one knows what is under the asphalt. A Subsurface Soil Investigation from 5/6/06 was entered into evidence as Exhibit A-8 by Mr. Anderson. Ms. Sanders asked about the impact of eight lots on flooding. Mr. Cannon explained that the impervious surface area is going to be reduced, which will be an improvement to the permeability of the surface of the property. Mr. Hoder added that the "flow" will be reduced by 30%, which will help a little in that area.

Ms. Sanders was sworn in to make a comment. She stated that this property has been a complete hazard and an eyesore for a long time, and she asked what is the time-line. Attorney Higgins stated that there are statutory time limits on perfecting the subdivision. Mr. Anderson stated that the application needs to be approved and that the time-line also depends on the timing of the regulatory agencies. So, the time-line is hard to determine.

With no additional members of the public wishing to speak the public portion of the hearing was closed.

Determination:

After conferring with Mr. Anderson, Chairman Cunningham announced that this application is carried to the meeting on May 14, 2019, with no further notice required.

Boardmember Robert Nott rejoined the Board.

General Public Questions and Comments:

Butch Hentschel, 7 East Church Street, asked a question about the Master Plan. He and his neighbors would prefer not to have businesses approved there. Of the properties on East Church Street, twenty are residential and two are businesses. Councilman Leckstein answered that there are more than two businesses, and that the latest Master Plan made residences a permitted use in the zone. Vice Chairman DeSio added that the current Master

Plan carved out a two-block area for “residential.” Councilman Leckstein added that the area is proposed as residential and that Council is in the process of doing the Ordinances.

With no additional members of the public wishing to speak the public portion of the meeting was closed.

CLOSING MATTERS

Meeting Announcement: There being no other business before the Board, the Secretary made an announcement of the next meeting date, which is April 23, 2019.

Adjournment

The meeting was adjourned at 9:10 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,
Candace B. Mitchell, Board Secretary