

**APPROVED MINUTES
REGULAR MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD
TUESDAY, May 28, 2019**

ADMINISTRATIVE MATTERS

Call to Order

Chairman Cunningham called the meeting to order at 7:32 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: Cashmore, Cunningham, DeGiulio, DeSio, Duffy, Smith, McGinley, Bills, Wray

Not Present: Leckstein, Long, Nott

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

Approval of the May 14 Minutes

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

Ayes: Cashmore, Cunningham, DeGiulio, DeSio, Smith, Bills, Wray

Nays: none

Absent: Leckstein, Long, Nott

Abstain: Duffy, McGinley

Councilman Leckstein joined the Board at 7:38 p.m.

Mr. Nott joined the Board at 7:42 p.m.

ITEMS OF BUSINESS

New Application

PBZB 2019-008

Donald and Patricia Pignataro

414 Ocean Avenue, Block 30, Lot 25

Type of Application: Minor Site Plan Approval and Bulk Variance Relief for Min. Both Side Yards, and Max. Lot Coverage

In attendance for the application were applicants Donald Pignataro, Patricia Pignataro, and architect Matthew T. Cronin, AIA of Red Bank, NJ.

Board Attorney Higgins stated that she had reviewed the jurisdictional packet and found it to be in good order. The Board accepted jurisdiction over the application.

Attorney Higgins entered the following exhibits into evidence:

A-1 Jurisdictional Packet

A-2 Six (6) color photos of the present structure

A-3 Property Tax/Sewer Certification, dated 5/28/19

A-4 Elevation Certificate, dated 8/24/17

A-5 Survey of 414 Ocean Ave., Block 30, Lot 25 and Block 23, Lot 96, prepared by Thomas P. Santry, P.A., P.L.S. Lic. No. 24GS3540000, consisting of one (1) sheet, dated 9/11/17

A-6 Proposed Reconstruction Plan of 414 Ocean Ave., Block 30, Lot 25 and Block 23, Lot 96, prepared by Matthew T. Cronin, AIA, Architect, consisting of five (5) sheets, dated 2/1/19, rev. 1- 2/7/19, rev. 2 - 2/13/19, rev. 3 - 4/3/19

A-7 Photo of existing conditions

Board Attorney Kerry Higgins introduced the application and stated the variance relief sought. Variance relief is needed for minimum lot width where 75 feet is required, 25 feet exists, and 25 feet is requested; minimum setback, both sides, where 25 feet is required, 18.7 feet exists, and 21.1 feet is requested; and maximum impervious surface lot coverage where 50% is required, 23.6% exists, and 77% is requested.

Donald Pignataro, Patricia Pignataro, and Matthew T. Cronin were sworn in to testify. The Board accepted Mr. Cronin as an expert witness.

Mr. Pignataro offered a brief history of the property and the plans he and Mrs. Pignataro are proposing. They wish to demolish the existing structure and build a new house that is compliant to all V-Zone standards, as per FEMA requirements. The footprint of the new structure will be fairly close to the existing footprint. He described the need for a revised survey to show a pervious gravel driveway. Board Engineer Dave Hoder clarified that the correct survey shows a gravel driveway that covers almost the whole front area as well as a brick patio to the south.

Mr. Cronin handed out Exhibit A-7, a photo of existing conditions taken that afternoon. The photo shows a front view of the full width of the property. He discussed lot coverage and parking. There will be a one-car garage underneath the structure. Mr. Cronin exhibited the architectural designs and described the proposed structure, setbacks, and parking.

Boardmember DeSio asked for clarification from Mr. Cronin regarding parking, noting that two parking spaces are required. Mr. Cronin responded that there will be parking in the side yard setback. Mr. DeSio pointed out there is no parking allowed in the side yard setback. Mr. Cronin indicated a waiver is being requested for parking in the front and side yard setbacks.

Mr. DeSio noted that the application includes the lot across the street on the ocean side and asked what the plans for that lot are. Mr. Cronin stated that the plan is to keep it as it is now.

Members of the public offered no questions nor comments.

Boardmembers DeSio, Smith, and Nott offered comments stating that the home will be a good use of and a nice improvement to the property.

Determination:

Councilman Leckstein offered a motion to grant the request for minor site plan approval and bulk variance relief. Second was offered by Boardmember Smith, and the motion was adopted upon the following roll call vote:

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

New Application

PBZB 2019-009

Dogs and Cats, Inc.

13 and 15 East Church Street, Block 22, Lots 4.01 and 4.02

Type of Application: Bulk and Use Variance Approval

Councilman Leckstein stepped down from hearing this application due to a request for a "D" Use variance.

Board Attorney Higgins stated that she had reviewed the jurisdictional packet and found it to be in good order. The Board accepted jurisdiction over the application.

Attorney Higgins entered the following exhibits into evidence:

A-1 Jurisdictional Packet

A-2 Variance Plan, New Residence for Cats & Dogs, Inc., 13 & 15 East Church Street, Block 22, Lots 4.01, 4.02, prepared by Ron Grammer, AIA/NCARB, LEED-AP, NJ License No. 17604, consisting of five (5) sheets, dated 4/3/19

A-3 Architect's Color Rendering

A-4 Zoning Exhibit Photo, date 5/28/19

A-5 Land Use Exhibit, dated 5/20/19

In attendance for the application were attorney Chad Warnken of Archer & Greiner, P.C., architect Ron Grammer of Grammer Designs, LLC. and planning consultant Raymond C. Liotta of Master Consulting. Mr. Grammer was sworn in, listed his credentials, and was accepted by the Board as an expert witness.

Attorney Chad Warnken described the application. The applicant is proposing to construct a 2-family duplex on the property, which is located in the B-1 zone. A "D" Use variance is requested because residential uses are only permitted above businesses in the B-1 zone. 13 and 15 East Church Street had been consolidated. There is currently a vacant building on Lot 4.01, which has been consolidated with Lot 4.02. As part of the application the vacant

building will be demolished. Bulk variance relief is sought for: a front yard setback where 25 feet is required, and 2.1 feet is requested; a rear yard setback where 15 feet is required, 2 feet currently exists, and 5 feet is requested; and building coverage where 50% is permitted, 59.3% currently exists on Lot 4.01, and 60.7% is requested. The applicant is also requesting the continuation of a pre-existing non-conforming condition of lot depth where 60 feet is required, and 49.08 feet exists.

Architect Ron Grammer continued his description. The base flood elevation will be raised from 9 feet to 18 feet. He briefly described each level of the structure. Each unit will have 2 parking spaces in garages underneath, at Level 0. Cars will enter from East Church Street. Each unit will include an elevator. Level 1 of each unit will have 3 bedrooms, a laundry room, 2 bathrooms, and a balcony off the master suite. Level 2 will have a kitchen, bathroom, and great room with covered balcony. The attic level will include a bathroom and deck. Mr. Grammer stated that the mechanicals will be elevated.

Boardmember DeSio asked who owns the property from the property line to the seawall. Mr. Grammer answered that the Borough owns the property next to the seawall. Mr. DeSio asked whether the Borough-owned property will be utilized whatsoever, or will it be left unused. He was answered that it will be left unused. It is Borough property.

Boardmember Nott asked for clarification on the existing building and setbacks.

Boardmember DeGiulio asked whether the depicted loft will have living space and was answered in the affirmative.

Public Questions and Comments:

Richard Perrin, 3 East Church Street, asked why the height of this building, which is taller than the house he was permitted to build in the B-1 zone, is allowable. Attorney Higgins answered that Mr. Perrin's lot on East Church Street is a narrow lot, and, because of the size and narrowness of his lot, the height allowance is reduced. Mr. DeSio added that the applicant's lot is two lots combined and larger; therefore, the full height is allowed.

Janet Hentschel, 2 East Church Street, also commented about the height of the home she and her husband built in the B-1 zone. Mr. DeSio reiterated the answer he had given regarding the height allowed pertaining to the lot size.

The public portion of the hearing was closed.

The next witness, planner Raymond C. Liotta, gave his credentials and was accepted as an expert witness. Mr. Liotta was sworn in by Attorney Higgins.

Mr. Liotta presented Exhibit A-4, a zoning exhibit photo, to give context to the area where the applicant's proposed 2-family home will be located. 13 and 15 East Church Street are located at the "dead end" of Church Street. He also presented Exhibit A-5, a land use exhibit, depicting commercial, single-family residential, 2-family residential, vacant, and exempted properties near the applicant's proposed 2-family home. Mr. Liotta added that the project will not affect any of the parking on the street. Also, the zone allows for multi-family structures. The applicant could have built two smaller single-family homes on two lots but

decided on a 2-family structure, deeming it more resilient. Another benefit is there is no setback needed as there would be if the applicant was building two single family homes. Mr. Liotta reviewed the setbacks, and Boardmember DeSio noted that the plan improves the existing condition of the rear yard setback. The plan also reduces lot coverage.

Mr. Liotta discussed the "D" variance approval requirement of showing positive and negative criteria. On-street parking will be improved because of plans for parking on the property. Also, having a residential nucleus in this neighborhood is beneficial to the neighborhood and helps supports the businesses. Using this property as commercial property, with no frontage on Ocean Avenue, would be not be ideal for a business. Mr. Liotta pointed out that the application needs to show hardship, such as asking for approval of a 2-family home in the B-1 zone, and the application needs to show any detriments.

Board Member Questions and Comments:

Ms. DeGiulio commented that it is a great idea to put 2 homes together and that the plan is very attractive.

Mr. Nott asked Mr. Liotta to go over the positive criteria. Mr. Liotta responded. The hardship is shown in that the property cannot be used as zoned. He also mentioned improving the general welfare of the area.

Attorney Warnken briefly discussed the Board Attorney's Technical Review, which he had received the afternoon of the hearing, with Mr. Hoder, stating specific agreement with the following items: 3. All sidewalks should be replaced, along with the aprons; 4. The grading plan must show a swale between the new building and lot 4.03 to the west and utilities should also be shown; and 5. Mr. Hoder stated that the 25 foot seawall easement should be shown. In pointing out the seawall easement, Ms. Higgins noted that people may be walking in front of the house.

Mr. DeSio noted no. 7 in the Technical Review, regarding the placement of the mechanicals. Attorney Warnken stated that the mechanicals will be elevated and placed on each side of the structure. Board Attorney Higgins stated that elevating the mechanicals will be a condition of approval. Mr. Cashmore asked for a clarification regarding the mechanicals, and Ms. Higgins stated that the mechanicals will not be placed in the setback. It is up to the Board as to whether they would like to grant relief for the placement of the mechanicals adjacent to the parking lot.

Public Questions and Comments:

Janet Hentschel, 2 East Church Street, asked for clarification of the placement of the mechanicals.

The public portion was closed, and Mr. DeSio stated his opinion that the planned 2-family home will be a great improvement to the area. He said that the plans are wonderful.

Board Attorney Higgins summarized the matter and noted the suggestion made by Mr. Warnken to the Board regarding looking at The Master Plan regarding the allowance of residential use in the B-1 zone.

Determination:

Boardmember DeSio offered a motion to approve the request for Bulk and Use variances. Second was offered by Boardmember DeGiulio, and the motion was adopted upon the following roll call vote:

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

General Public Questions and Comments:

No one in the public wished to speak.

CLOSING MATTERS

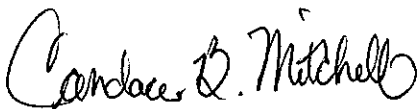
Meeting Announcement:

There being no other business before the Board, the Secretary made an announcement of the next meeting date, which is June 11, 2019.

Adjournment

The meeting was adjourned at 8:42 p.m. on a motion offered by Boardmember DeSio, seconded by Boardmember DeGiulio, and approved upon a unanimous voice vote by the Board members.

Respectfully submitted,



Candace B. Mitchell, Board Secretary