

**APPROVED MINUTES
VIRTUAL MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD
TUESDAY, OCTOBER 13, 2020**

ADMINISTRATIVE MATTERS

Call to Order

Chairman Cunningham called the meeting to order at 7:31 p.m. and requested those present join him in the Pledge of Allegiance.

Chairman's Opening Statements

Chairman Cunningham read the following Compliance Statements:

This meeting will be conducted by electronic means in accordance with the "Senator Byron M. Baer Open Public Meetings Act" of 2020, which explicitly permits a public body to conduct a meeting electronically during a state of emergency. Governor Murphy issued Executive Orders 103 and 107 declaring a "Public Health Emergency and State of Emergency" and directing residents to quarantine and practice social distancing.

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 notice with the Borough Clerk, and posted notice on the Borough website and in the Borough Office.

Attendance Roll Call

Present: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Kelly, Leckstein, Smith, Gorman, Booker
Not Present: Nott, Wray

Also in attendance: Board attorney Kerry E. Higgins, Esq., Board engineer David J. Hoder, P.E., and Board secretary Candace B. Mitchell

Approval of 9/22/20 Minutes

Councilman Leckstein offered a motion to approve the minutes, with a second was offered by Boardmember Bills, and the motion was adopted upon the following roll call vote of eligible members:

Ayes: Bills, Cunningham, DeGiulio, DeSio, Kelly, Leckstein, Smith, Gorman, Booker

Nays: none

Abstain: Cashmore

Absent: Nott, Wray

Correspondence

From Board Attorney Kerry Higgins and Family to Sea Bright Planning Board - Note of thanks for condolence floral arrangement

From Rick Brodsky, Esq., dated 10/6/20 - Email Letter Request to carry Extension of Approval scheduled for 10/13/20 to meeting of 10/27/20: PBZB 2017-13, Cole Sea Bright, LLC, 26 New Street, Bl. 12, Lot 13

ITEMS OF BUSINESS

Memorialization of Resolution

**RESOLUTION OF THE SEA BRIGHT UNIFIED PLANNING BOARD
GRANTING SITE PLAN AND VARIANCE APPROVAL
RE: 1030 PARTNERS LLC
1030 OCEAN AVENUE
BLOCK 17, LOT 4**

WHEREAS, 1030 Partners, LLC, owner of the premises commonly known as 1030 Ocean Avenue, Block 17, Lot 4, Sea Bright, New Jersey has applied to the Unified Planning Board for Site Plan and Variance; and

WHEREAS, the Applicant has provided due notice to the public and all surrounding properties 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 in accordance with the Senator Byron M, Baer Open Public Meetings Act” of 2020, this Board gaining jurisdiction therein and a public hearing having been held on this matter at the meeting conducted by electronic means on September 22, 2020, 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 Application and Zoning denial
- A-3 Resolution #2017-21 Granting Amended Site Plan Approval, lot 4 and Use Variance lot 5
- A-4 Survey with green highlight
- A-5 Architectural Plans for Alteration/Addition by Monteforte dated 12-4-19
- A-6 a-f, 6 photographs
- A-7 Board engineer David Hoder, PE, letter 9-18-20
- A-8 Resolution Granting Bulk Variance and Site Plan dated 3-24-15
- A-9 Resolution Partially Granting and Partially Denying Site Plan dated 12-8-15
- A-10 Resolution Granting Temporary Waiver of Conditions dated 6-16-20

WHEREAS, the Robert F. Munoz Esq. appeared on behalf of the Applicant and presented testimony from Thomas Bonfiglio, representative of Applicant and James Monteforte, Architect; and

WHEREAS, members of the public were given the opportunity to be heard; and

WHEREAS, the Board having considered the evidence presented, made the following findings:

1. The owner of lot 4 is 1030 Partners LLC. The Applicant previously received amended site plan approval for a restaurant with outdoor seating in the front and a portion of the rear. The prior resolutions are incorporated herein by reference.

2. The applicant is proposing a 464 square foot addition to the first floor, a 1037 square foot addition to the covered patio, a 2,068 square foot addition on the second floor and a 1,094 square foot deck on the second floor.

3. The new first floor improvements include a take-out area, a new vestibule and a covered paver patio.

4. A 20 foot by 62.5 foot open deck is proposed for the second floor in the front of the building.

5. Mr. Bonfiglio testified that the improvements are necessary to improve the operational aspects of the restaurant. He stated there will be no increase in the seating. The plans include the addition of employee bathrooms, an elevator to the banquet room, and extension on the kitchen which will allow service to the 2nd floor banquet room directly from the kitchen.

The extension to the kitchen will square off the building. Currently only buffet style can be served in the banquet room as employees must carry the food up from the kitchen. The expanded kitchen will allow individual meals to be served in the banquet room. Particularly in Covid conditions, buffet style is not favored.

6. Thomas Bonfiglio testified the deck above the covered patio will be used for cocktails and gathering space for the banquet guests. The Applicant **STIPULATED** that this deck will only be used in conjunction with the banquet room and only when the banquet room is in use. It will not provide additional seating for the banquet room. Mr. Bonfiglio further **STIPULATED** that the approved number of seats for the banquet room and the remainder of the restaurant set forth in the prior resolutions and approved plans will remain the same, to wit: 195 indoor restaurant seats, 80 2nd floor banquet room seating and 104 outdoor seats.

7. The Applicant testified that the new take-out area will allow better social distancing for patrons.

8. The Architect Monteforte described the proposed improvements. Upon questioning, he noted that the covered patio measures 2' from the front property line to the cornices and 3' from property line to columns, necessitating a variance for front yard setback where 25' are required.

9. Variances are required for side yard setback where 7' is required and 0' is proposed; combined side yard setback where 15' is required and 0' is proposed.

10. Two new signs are proposed for the front of the building:

- a) "Tommys" (27 Square Feet)
- b) "Tommys To Go" (13 Square Feet)

Under Section 130-72B a variance will be required for these signs where only one sign is allowed on a façade and three are proposed.

11. The Applicant requested a waiver of the Environmental Impact Statement and upon the recommendation of the Board Engineer, the Board agreed to waive same.

12. Board member noted that a notch on the building extended over the property line and the Architect agreed to revise the plans so that same does not extend over the line.

13. The Board found that the improvements provided a safer layout of the operation, allowed better social distancing for employees and patrons alike. The elevator made the banquet room accessible and the expanded kitchen allowed for better and safer service to the second floor.

14. The Board finds that the new vestibule and take-out area make it more aesthetically pleasing and roomier for patrons and servers. Take-out customers will not be mingling near dining patrons.

15. The front setback is only to the deck above the covered patio which is open and not intrusive. The Board found that the granting of the bulk 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.

16. The Board finds that the changes made in the plans address many of the current issues surrounding the restaurant and will improve current conditions.

NOW THEREFORE BE IT RESOLVED, that the Unified Planning Board of the Borough of Sea Bright, based upon the findings of fact set forth herein, site plan with the bulk variances, design waivers and sign variances set forth above, design waivers and waiver from EIS be approved subject to the following conditions;
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 applicable 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 other than as specifically approved.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Unified Planning Board at its meeting of October 13, 2020.

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;

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, tax 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 October 13, 2020.

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

Adopted on a roll call on a motion by Board member Councilman Marc A. Leckstein and Seconded by Board member Elizabeth DeGiulio

Roll call vote:

Bills – Aye	Cashmore – Aye	Cunningham - Aye	DeGiulio - Aye
DeSio – Aye	Kelly – Aye	Leckstein – Aye	Nott – Absent
Smith - Aye	Wray - Absent	Gorman – Aye	Booker - Aye

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

Memorialization of Resolution

**RESOLUTION OF THE SEA BRIGHT PLANNING BOARD/ZONING BOARD
GRANTING EXTENSION TO PERFECT MINOR SUBDIVISION
Charles Rooney III and Marisol Rooney
Block 33, lot 2.01**

WHEREAS, by resolution dated May 14, 2019 the Board granted minor subdivision approval to the Applicants Charles and Marisol Rooney ("Applicants"), to create two fully conforming lots for real property designated as Block 33, Lot 2.01 on the Borough of Sea Bright Tax Map; and

WHEREAS, the subdivision should have been perfected November 14, 2019; and

WHEREAS, due to issues and complications associated with the prevailing public COVID-19 Pandemic, and Governmental Restrictions and Limitations associated therewith (including a Construction Moratorium), the necessity for demolition and removal of an existing structure, the Applicant has requested an extension of the timeframe within which to perfect the Subdivision; and

WHEREAS, the Board takes notice of the difficulties resulting from the numerous limitations and restrictions imposed by the COVID-19 virus and the various ensuing Executive Orders.

WHEREAS, the existing one-story building has been removed, which was a requirement prior to the perfection of the subdivision.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that it does hereby grant an extension for an initial period of one (1) year to November 14, 2020 and an additional period of one (1) year to November 14, 2021 for the perfection of the subdivision.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting October 13, 2020.

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 October 13, 2020.

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

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

Roll call vote:

Bills – Aye Cashmore – Aye Cunningham - Aye DeGiulio - Aye
DeSio – Aye Kelly – Aye Leckstein – Aye Nott – Absent
Smith - Aye Wray - Absent Gorman – Aye Booker - Aye

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

Request for Extension of Approvals to be carried to 10/27/20

PBZB 2017-13 – Carried from 8/25/20 and 9/8/20 to 10/13/20

Cole Sea Bright, LLC

26 New Street, Bl. 12, Lot 13

Site Plan and Bulk Variance Approval

Councilman Leckstein offered a motion to carry the matter to the meeting of 10/27/20, with a second offered by Boardmember Smith. The motion was adopted upon the following roll call vote:

Ayes: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Kelly, Leckstein, Smith, Booker
Nayes: none
Abstain: Gorman
Absent: Nott, Wray

Application Carried From 8/25/20

PBZB 2020-10

Mountain View Villas at Sea Bright, LLC

Mountain View Way, Bl. 33, Lot 20.02; Block 34, Lot 3.03, and Block 34, Lot 3.02

Preliminary and final major subdivision approval to form 5 single-family building lots from 3 existing lots in the R-2 zone; subject to bulk variance approval

Attorney Robert J. McGowan, Esq., engineer Jaclyn J. Flor, P.E., P.P., C.M.E, and architect Anthony M. Condouris were in attendance for the application.

The following exhibits had been marked into evidence on 8/25/20:

A-1 Jurisdictional Packet, received 8/19/20

A-2 Preliminary & Final Major Site Plan & Subdivision Plans for Mountain View Villas at Sea Bright, LLC, prepared by Jaclyn J. Flor, dated June 12, 2020, consisting of 11 (eleven) sheets

A-3 Architectural Drawings, prepared by Anthony M. Condouris, NJ STATE LIC # AI13804, dated 7/29/20, consisting of 6 (six) sheets

A-4 Boundary and Topography Survey, prepared by James J. Heiser, P.L.S., N.J. Lic.: 24GS04331100, DPK Consulting, LLC, dated 4/27/2020, consisting of 1 (one) sheet

A-5 Existing Conditions with Aerial (pdf) dated 8/20/20

A-6 Proposed Conditions with Aerial (pdf) dated 8/20/20
A-7 Birds Eye View (pdf) dated 8/20/20
A-8 Turning Template (pdf) dated 8/20/20
A-9 Landscape Plans from plan set (pdf) dated 8/20/20
A-10 Density Comparison (pdf) dated 8/20/20
A-11 Planning Testimony in Support of c(1) & c(2) Bulk Variances (Lot Size & Depth, Setbacks) R-2 Zone, prepared by David Glynn Roberts, PP, AICP, LLA, undated, consisting of 17 (seventeen) pages
B-1 Technical Review, prepared by David J. Hoder, P.E., P.P., C.M.E, Unified Planning Board Engineer, dated August 20, 2020, consisting of 6 (six) pages
A-12 Mountain View Villas at Sea Bright – First Technical Review Response Letter, prepared by Jaclyn J. Flor, dated 8/25/20, consisting of 8 (eight) pages

Mr. McGowan provided a review of the progress of the application from the meeting of 8/25/20. He announced that he would like to start off this evening by having their architect, Anthony Condouris, sworn in and having him demonstrate the conceptual view of the homes they're proposing. Mr. Condouris has developed a virtual tour both from the ground level and above, from different angles, of how this community will fit into the area that they're proposing to develop.

While the applicants readied their presentation, Corey Klein, attorney for the Land's End Condominium Association, offered comments, stating his clients had met with Mr. McGowan earlier that day at the proposed site of the development. They discussed buffering between the two properties and are continuing to negotiate. Mr. Klein stated Land's End continues to object to the application as it stands today. Mr. McGowan stated he will continue to meet and report back to the Board. He stated that the applicant is not asking the Board for a decision tonight. Chairman Cunningham stated that it seems they are still negotiating and will renegotiate, and he asked Mr. McGowan to determine whether or not he wants to go forward this evening. Mr. McGowan stated that he did want to go forward this evening.

Architect Anthony Condouris was sworn in to testify. He stated his credentials and was accepted as an expert witness.

Mr. Condouris shared a conceptual drawing showing an aerial view of the proposed development, located between Gaiter's and Land's End. He said that he had talked to the residents living on Water View Way and discussed plans to protect their river views and described trees to be planted as a buffer. He described a sidewalk along the lots which he said will give better access to the public, and a walkway between the two houses proposed on the riverfront. He stated that the new buildings will comply with the height requirements and will actually be a little bit lower than the allowed height. He pointed out in the aerial view conceptual drawing that there is a lot of open space around the units.

Public Comments and Testimony:

A member of the public, Theresa T. Hoang, 164 Ocean Avenue, opened public comments and stated she had not been noticed for this application. Attorney Higgins assured Ms. Hoang that she had been noticed. Ms. Higgins verified the mail service, finding the certified mail receipt for Ms. Hoang and Mr. Phan at 164 Ocean Avenue.

Ms. Hoang wanted to know what public land had been bought for this development. Chairman Cunningham stated there had been no transfer of public land from the Borough. Mr. McGowan clarified that they are proposing to shorten the road that ends at the river. In exchange, a hammerhead turnaround will be created. That is the only exchange of land and is to improve the

roadway condition. The applicant would have to have a street vacation acceptance by the Borough for the two "wings" of the hammerhead turnaround. The Board approval would have to be conditioned upon the applicant then going to Council and requesting they vacate the terminus of Mountain View Way and accept the public access right of way they are proposing.

Mr. Cunningham affirmed the Board does not have the authority to transfer land. Mr. McGowan clarified it would be necessary to approach Council for a vacation of land.

Ms. Hoang was sworn in to testify. She expressed her concern about an exchange of land. She stated that she has been living at her current address for twenty years and would like to keep the public street going all the way to the end, to the water. Ms. Higgins assured Ms. Hoang that the applicant would have to go to the Borough Council if the application is approved by the Board, and Ms. Hoang would be able to go to the Mayor and Council to express her concerns. The application would be conditioned on the applicant getting approval from the town.

A member of the public, Ruth Fialko, 158 Ocean Avenue, was sworn in to testify. She asked whether the applicant usually asks the Board to approve an application before the applicant owns the land. Ms. Higgins said that it is up to the applicant to either go to Council first or to the Board first. Ms. Fialko pointed out that there is an easement between the two houses. Mr. McGowan clarified that they are proposing a ten-foot easement to the river and to improve the area at the river's edge so that people will have benches to use and a sitting area to relax and enjoy the river.

The applicant is proposing public access at both the ocean and river end of Mountain View Way, a significant improvement in both public access and public usability. They will be changing a dead-end street with no turn-around into a street that has a cul de sac which would accommodate the turn-around of garbage trucks, emergency vehicles, and other vehicles. There will be access to the river, with benches, and a crossover over the seawall to the ocean.

Ms. Fialko continued that she has lived at her home, which is located on the corner of Ocean Avenue and Mountain View Way, for sixteen years. She stated that putting two homes on the riverfront with a little path in between and no place for the public to park is not something she thinks of as public access to the river and a public benefit.

Vice Chairman DeSio asked whether the applicant means to take the street and the tidelands plain. Mr. McGowan said that is not unusual. He believes the tidelands plain is beyond the bulkhead area. That is not an issue they are here to address today. There are a number of applications they will need to make. Mr. DeSio stated that the Board needs all the facts so that everybody understands the situation, that they have to vacate the street and have a tidelands change for their proposals here.

Corey Klein, the attorney representing the Land's End Condominium Association, addressed the Board. He had a question for the architect. He wanted to know about the area where Land's End abuts the two smaller lots on the south side of the street, asking whether there will be a buffer between Land's End and those homes. Mr. Condouris answered that they were talking about planting some narrower, taller trees. Mr. Condouris summarized that they would like to work with the adjoining properties so that they are satisfied with what the applicant is proposing and whether that's appropriate or not. They do not have a proposal to increase landscaping tonight and expect to return to the Board with the proposal.

Chairman Cunningham stated that it sounds like we are not ready to make any decisions tonight.

Ron Bevan, 630 Ocean Avenue, was sworn in to testify. He asked why there was so much time between meetings between the applicant and Land's End. Mr. McGowan communicated the

circumstances, that they tried numerous times to set up a meeting, someone was out of town, and the first opportunity for everyone to meet last weekend. Mr. McGowan reported they had a productive discussion today.

Vice Chairman DeSio commented that this is really a question of whether or not Land's End likes this project.

Mr. Bevan continued. He inquired about the public land at the end of the street and whether people can enjoy that waterfront today. He said it was his understanding that the extension of that street today is not an area people are allowed to use for sitting and relaxing and enjoying the river. Chairman Cunningham stated that he believes they can. Mr. McGowan said that, even though the right-of-way continues beyond the paved street, it appears to be a private parking lot. So, the public would think they were trespassing if they were to walk beyond the pavement. Chairman Cunningham agreed and said that he believes it is that way because the people who live there put their stuff there, but, ultimately, it is the Borough who owns it, and we have to make perfectly clear that people know the changes the applicant wants to make. You want it to change from Borough property to private property. Mr. McGowan agreed. By shortening the road, people would be less inclined to use it in spite of the fact that we are improving it.

Vice Chairman DeSio stated that the survey shows a street that goes all the way to the bulkhead. Mr. McGowan concurred.

Ms. Fialko stated that she had asked at a Council meeting in September 2019, why they didn't pave the whole road. She was told that, although it was only partly paved, the twenty-foot right-of-way would be landscaped and clearly marked for public use for that part. Now, we're told that someone wants to build some homes on it, where the town hasn't even given them ownership of the land. Chairman Cunningham offered that the applicant would have to ask Council to vacate the land, and if Council does not agree to it, then the applicant has to change the design of the homes, because it is not enough space to build that size home unless they are using town land.

Tom, 174 Land's End, asked how many homes there will be. Chairman Cunningham verified that Land's End Homeowner's Association is represented by an attorney, and, since they are, questions should be asked by the attorney. Chairman Cunningham answered that there will be seven houses, and two are already there. The applicant is asking to build five.

Ms. Higgins explained that previous subdivision approval was for three lots. Mr. McGowan added that the applicant wants to take three building lots and make them into five lots. The other two lots already exist and were approved. Mr. Cunningham said the application seems to have a lot of issues with the southern neighbors and with the tidelands. He suggested to Mr. McGowan that they should get things together and come back. Mr. McGowan stated he would like to continue this evening. Ms. Higgins added that the applicant does not have the landscaping down. Mr. Cunningham stated that his application is incomplete. He does not feel comfortable with the hammerhead turn-around design, the two houses on the south side are jammed in, and the Borough will have to give away land. Vice Chairman DeSio agreed with Chairman Cunningham. Mr. Cunningham asked whether there were any conforming lots, and Mr. McGowan answered that the lot on the river closest to Gaiter's Village is conforming. However, someone added, it is only conforming if you reduce the 20-foot right-of-way to 10 feet.

Councilman Leckstein offered comments: It is important to decide whether there will be any negative impact on Land's End, and the landscaping issue should be settled. The tidelands issue is normal planning and zoning. The Borough issue should not hold up the application. As for the turn-around, the Board preferred the cul de sac design, and the Fire Marshal preferred the hammerhead

design. Mr. DeSio added that the Board engineer's report states a preference for the cul de sac design. Councilman Leckstein disclosed that he also prefers the cul de sac design. Attorney Higgins added that the hammerhead design is consistent with the town, but the Fire Marshal didn't say that the cul de sac design could not be used.

Former Sea Bright Mayor, Dina Long, 20 New Street, attending the meeting as a member of the public, stated she thinks the hammerhead design is fine.

Chairman Cunningham added there are zoning issues on the south side, there is a tiny walkway between people's homes, and there is no public parking.

Mayor Kelly stated that the applicant and Board know there will not be a vote tonight, but the Board wants to make sure that everything is addressed that can be addressed. He said he thinks the hammerhead design is fine.

Mr. DeSio discussed the traffic problem that has been particularly horrible this summer. People coming to Sandy Hook are being restricted to going into Sandy Hook on the loop. So, everybody is going straight, finding themselves stranded, and having to go into our side streets to turn around and then head back. The cul de sac makes an easier condition for a turn-around.

Councilman Leckstein asserted the Board should take an informal poll just to give the applicant some direction.

Mr. DeSio said that if the applicant designed a cul de sac and eliminated that house on the south side, they would have a large lot.

Boardmembers Heather Gorman, Peggy Bills, Vice Chairman DeSio, Councilman Leckstein, Chairman Cunningham, and Jeffery Booker stated they prefer the cul de sac design. Mr. Booker added that the Board should get clarity before the application goes forward.

Chairman Cunningham stated that he had ridden his bike to Water View Way on a weekend day and observed. He said that within ten minutes, twenty cars turned around on Mountain View Way. So, there are issues with that, and there are issues with the south side of the property. The south side is just too small to build big houses. They are building big houses on small property. Councilman Leckstein agreed with Mr. Cunningham and said he thought that's one of the reasons to know what the applicant is putting in between Land's End and this site. Mr. Cunningham stated that the turn-around design is one of the many issues. He would prefer to see a nice Borough property at the end of the street. He said, "We are not telling them (the applicant) what to do. We're telling them what we like and don't like."

Kristen Maloney, 630 Ocean Avenue, was sworn in to testify. She had a question about the hammerhead and cul de sac. She stated that she is renting in Sea Bright and considering purchasing, and this development is of interest to her. She thinks the hammerhead is a solid compromise. She wondered why there was this energy for a cul de sac when there are no other cul de sacs in town, and no place for a firetruck to turn around. Councilman Leckstein answered that this development is being built from scratch, and just because older streets may have been developed without cul de sacs doesn't mean we should continue along those lines if there is a better design available. Also, Mountain View is near Sandy Hook. The hammerhead design is not as easy as turning around in a cul de sac. Ms. Maloney offered that cones could prevent people using the street to turn around. Councilman Leckstein indicated that could be done if it was private property, but Water View Way would still be a public street.

Theresa Hoang, 164 Ocean Avenue, stated that their land will be negatively impacted. She does not want the public street taken away, she enjoys the public land, and the people who live here will be impacted the most. She was wondering how the people living at the end of Waterview Way are going to turn into their driveway or garage. She said that we are looking at a street with a hammerhead, but we do not see a driveway that goes to those houses. She said she knows the we want to accommodate the developer, who will turn the neighborhood into a beautiful development, but they would not like to have the public street taken away, being presented with a plan on their public street, and she and her neighbors' lives will be negatively impacted by the lack of the public space that will be there. They enjoy going down to watch the boats go by. They have lived in the neighborhood for many years and pay taxes here. She is hoping the Board will do the right thing, the sensible thing, and that we can all live in harmony.

A speaker, identified on the screen as Caller 02, stated that, during the summer, cars are backed up from Sandy Hook. Ocean Avenue is bumper-to-bumper cars. Cars are driving on the grass to turn around. The speaker also stated that he has photos of bumper-to-bumper cars coming in, one behind the other. There are only two homes where you are proposing to build seven. The large homes on small lots will add to the congestion. She suggested using the cul de sac design and eliminating some housing from the plan on the south end of the street.

Ron Bevin, 630 Ocean Avenue, asked about density, whereas, in other parts of town, three to five feet between houses is acceptable. How did the homeowners get that approved when, here, there is twenty feet between houses. Councilman Leckstein answered that a lot of these lots date back a long time. Board engineer Hoder said that it has all changed over the years. Board attorney Higgins explained that this property is in the R-2 zone, with minimum lot depth and setbacks specific to this zone. Each application has to be judged on its own merits. Mr. Bevin said the two houses on the south side look to be twenty feet apart. Boardmember Cashmore said he doesn't think these houses are twenty feet apart.

Mr. McGowan stated that he thinks they have gotten some valuable input from the Board tonight. They will talk about how they can best address the concerns they heard expressed. He realizes the concerns and suggested adjourning for tonight.

Chairman Cunningham suggested to Mr. McGowan that they reconnoiter and try to figure out some of these issues you have with the Board and with some of the neighbors and offered the meeting date of November 10th for the next hearing.

Boardmember Heather Gorman suggested it might be helpful if the team who is putting this application together could review the minutes from the original presentation they gave the Board. She has found that the Board's feedback has been pretty consistent from the first time; so, we are having very similar conversations.

Mr. McGowan agreed to carry the application to November 10, 2020, and agreed to an extension of the statutory time limits.

Chairman Cunningham announced that the matter will be carried with no further notice.

Planning Board Review

Planning Board Review of Ordinance No. 09-2020, Introduced 9/15/20

Amending Chapter 130, "Land Use," Article IX, "Design Standards For Specific Uses," of the Code of the Borough of Sea Bright, to Establish Bulkhead Maintenance Regulations

The Board offered comments and recommendations, as follows:

(1) *Maintenance and duty to repair*

D. *Indications that a bulkhead has deteriorated shall include but shall not be limited to:*

i. *Members which are bowed, bent, leaning or leaking*

Comments:

The language is too general. Language needs to be stringent and just for bulkheads that are deteriorating or failing and not just bowed, bent, leaning, or leaking. This is an enormous expense for people that own bulkheads. The bulkhead should be failing before action is taken.

Recommendation:

D. i. should be removed.

(2) *Inspection by Borough Engineer*

B. *When notified by the Borough Engineer of a defective or deteriorated bulkhead, the property owner shall submit a plan of corrective action to the Borough Engineer no later than 30 days from the receipt of the notice.*

Comment:

The time limits, the response, should be increased a little bit to give people the chance to get financing together, get contractors together without being burdened with bureaucracy. It may not be possible to find a contractor and put a plan in place within 30 days.

Recommendation:

Change 30 days to 60 days.

C. *Upon approval of the plan of corrective action, the property owner shall complete all necessary repairs within sixty (60) days.*

Recommendation:

Change 60 days to 90 days.

(3) *Repair by Borough; costs established as a lien*

B. *...administrative fee in the amount of \$2,500...*

Comment: The administrative fee is too high.

The Board offered no further comments and recommendations, and a motion was offered by Boardmember DeGiulio to have the Board Secretary send a letter with the Board's comments and recommendations to the Borough Council. The motion was seconded by Boardmember Bills and adopted on the following roll call vote:

Ayes: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Kelly, Leckstein, Smith, Gorman, Booker

Nays: none

Absent: Nott, Wray

Planning Board Review of Ordinance No. 10-2020, Introduced 10/6/20

Amending the Code of the Borough of Sea Bright to Adopt the Redevelopment Plan for the Property Known as Shrewsbury River Properties, Block 13, Lots 13, 14, 15, 18, 20, 21, and 22; Block 14, Lots 12 and 14; and Block 15, Lots 5, 8, 10, 11 and 12

Councilman Leckstein explained that the Board had previously approved the River Properties Redevelopment Plan, a Concept Plan, as being consistent with the Borough's Master Plan. The only change here is language added on page 13 of the Concept Plan regarding the building mix, which says, "The developer shall construct 25 single family attached townhouse units, or single family

detached units and 15 condominium units." The only reason that this is back here is for the addition of that language because the Council wanted to make sure that what's inside the plan is what the developer is going to build. Council wrote this amendment to make sure there is no miscommunication. They want to make sure the developer is locked into that concept plan.

Questions were asked by the Board members to clarify the change to the Concept Plan and to understand what input the Board would have in the future of the development as it progressed. Attorney Higgins and Chairman Cunningham assured the Board they will have the opportunity to have input on the design when the site plans come before the Board for approval.

Former Sea Bright Mayor, Dina Long, attended the meeting as a member of the public. Mayor Long offered the following comments to the Board:

"I am disappointed in what I perceived to be endorsement of this redevelopment plan. The very fact that it's back before this Board because it lacked this specific building mixture, to me, is really telling, and I don't agree that this plan is consistent with the Borough Master Plan, nor is it consistent with the character of downtown Sea Bright. In particular, I'm talking about the bulk standards that are featured on page 14 of the Redevelopment Plan. Those bulk standards that are being proposed for this entire zone, all the mixture buildings, is a maximum height of 42 feet flat roof, with an extra 10 feet for accessory structures, including mezzanines and roof decks. Three years, I have heard this Board reject flat roofs, have told applicants not to build roof decks. Moreover, every time an applicant comes to this Board asking to exceed the height limit, you make them show why they need it, and you carefully consider the impact on the neighbors. So, here's the concern. By creating a Redevelopment Plan, you, the Planning Board are now bypassed in the process with the exception of a site plan approval, because the Council has already given a green light to a set of bulk standards that do not conform with our existing zoning, that are not consistent with the downtown, and they went ahead and introduced this ordinance, anyway, in spite of a simple request to just revisit the bulk standards, not to mention the lack of public notice to the public, to the property owners that are being directly affected by this plan. So, I know at this point, the horse is way out of the barn, but if there is anything that you can do as a Planning Board to help make it consistent with the existing downtown neighborhoods, please can you do it?"

The Board Chairman thanked Mayor Long.

Chairman Cunningham commented that he has no problem agreeing to the suggested change in the ordinance regarding building mixture. The Board offered no recommendations.

A motion was offered by Councilman Leckstein to have the Board Secretary send a letter with the Board's comments to the Borough Council. The motion was seconded by Chairman Cunningham and adopted on the following roll call vote:

Ayes: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Kelly, Leckstein, Smith, Gorman, Booker
Nayes: none
Absent: Nott, Wray

CLOSING MATTERS

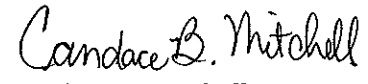
Meeting Announcement

There being no other business before the Board and no general public comments, the Chairman announced the next regular meeting of the Planning Board is scheduled for October 27, 2020 at 7:30 p.m.

Adjournment

The meeting was adjourned at 10:08 p.m. on a motion offered by Councilman Leckstein, seconded by Chairman Cunningham, and approved upon a unanimous voice vote by the Board members.

Respectfully submitted,



Candace B. Mitchell
Board Secretary