

**APPROVED MINUTES  
VIRTUAL MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD  
TUESDAY, OCTOBER 27, 2020**

**ADMINISTRATIVE MATTERS**

**Call to Order**

Chairman Cunningham called the meeting to order at 7:30 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, Leckstein, Smith, Wray, Gorman, Booker  
Not Present: Kelly, Nott

Also in attendance: Board attorney Kerry E. Higgins, Esq., Board engineer David J. Hoder, PE, PP, CME, Board planner Justin E. Auciello, AICP, PP from Cofone Consulting Group, LLC, and Board secretary Candace B. Mitchell

**Approval of 10/13/20 Minutes**

Vice Chairman DeSio offered a motion to approve the minutes, a second was offered by Boardmember Elizabeth DeGiulio, and the motion was adopted upon the following roll call vote of eligible members:

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

Nays: none

Abstain: Wray

Absent: Kelly, Nott

**Correspondence**

From Rick Brodsky, Esq., dated 10/27/20 - Email Letter Request to carry Extension of Approval scheduled for 10/27/20 to meeting of 11/10/20: PBZB 2017-13, Cole Sea Bright, LLC, 26 New Street, Bl. 12, Lot 13

**ITEMS OF BUSINESS**

**Request for Extension of Approval - carried from 9/08/20 meeting**

PBZB 2017-13

Cole Sea Bright, LLC

26 New Street, Bl. 12, Lot 13

Site Plan and Bulk Variance Approval, Resolution of Approval 5/9/17

After discussion of progress made in improving the appearance of the property, Councilman Leckstein offered a motion to carry the request for an extension of approval to the meeting of 11/10/20, with a second offered by Chairman Cunningham, and approval upon the following roll call vote:

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

Nayes: none

Abstain: Gorman

Absent: Kelly, Nott

### **New Application**

PBZB No. 2020-14

The Break at Sea Bright, LLC

1080 Ocean Avenue, Bl. 15, L. 3

Preliminary and Final Site Plan approval, Waiver of Site Plan approval, Use (D height) variance, and bulk variance approval to build a 4-story mixed use building

Councilman Marc Leckstein stepped down because the application requires approval of a D-use variance.

Attorney Kevin Kennedy, Esq. introduced the application. The proposal is to construct a four-story mixed use building on a currently empty lot which was a Hurricane Sandy-damaged property. The ground level will be parking and building services. The first floor will be retail space, and the second, third, and fourth floors will be residential apartments. The applicant is here seeking preliminary and final site plan approval, use variance approval for height, and bulk variance relief for number of stories, rear yard setback, building coverage, and lot coverage.

Mr. Kennedy offered a brief history of the property vis-à-vis potential redevelopment matters associated with this site and two surrounding lots, which were, for a period of time, the subject of a redevelopment designation. The redevelopment designation and redevelopment plan are no longer in effect. He said he is mentioning it because he wants to be completely transparent and have no confusion. Some of those redevelopment issues and actions were taken before this Board.

The building will be in the B-1 zone, applying the B-1 standards, and testimony and evidence will be offered as to why the applicant believes some of those standards can be relaxed. The applicants are very excited about the project and hope the Board will be excited about the project as well. Mr. Kennedy stated that the principles of the company, Fuller Trip Brooks and Luke Rudowsky, have been the face of this project for a long time and will share their vision and history. Also, Dan Condatore, their architect, Walter Hopkin, their engineer, and Andrew Janiw, their professional planner, will be adding to the discussion.

Board attorney Kerry Higgins stated that she has reviewed the notice and jurisdictional packet, finds it seems to be in good order, and the Board can take jurisdiction in this matter. Ms. Higgins marked the following exhibits into evidence:

A-1 Planning Board Application with Zoning Denial, received 10/2/20

A-2 Jurisdictional Packet, received complete 10/26/20

A-3 Preliminary and Final Site Plan prepared by Walter Joseph Hopkin, NJPE, LIC. No. 40673, WJH Engineering, dated 10/1/20, five (5) pages

A-4 Architectural Plans prepared by Daniel M. Condatore, RA, NJ License #21A10798000, Monmouth Ocean Design Experts, dated 10/1/20, eight (8) sheets

A-5 Architectural Plans prepared by Daniel M. Condatore, RA, NJ License #21A10798000, Monmouth Ocean Design Experts, dated 10/1/20 and revised to 10/13/20, eight (8) sheets

- A-6 Architectural Plans Update Narrative, dated 10-21-20, three (3) pages
- A-7 Phase 1 Environmental Site Assessment prepared by Tulmark, LLC Geothermal & Environmental Services, dated 1/5/18, thirty-six (36) pages
- A-8 Stormwater Management Statement prepared by Walter Joseph Hopkin, NJPE, LIC. No. 40673, WJH Engineering, WJH Engineering, dated 10/1/20 two (2) pages
- A-9 Bureau of Fire Safety Plan Review and Comments prepared by Tomas K. Haege, Fire Official, dated 10/6/20, one (1) page
- A-10 Board Engineer First Technical Review prepared by David J. Hoder, P.E., P.P., C.M.E., Hoder Associates, dated 10/21/20, five (5) pages
- A-11 Board Planner First Technical Review prepared by Christine A. Nazzaro-Coffone, AICP, PP, Cofone Consulting Group, LLC, dated 10/22/20, six (6) pages
- A-12 Aerial Photo of site and surrounding blocks
- A-13 Aerial Photo – close-up of site/vacant lot
- A-14 Aerial Photo – side by side photos of site 11/12 and 4/13
- A-15 Street view/empty lot
- A-16 Street view with rendering of proposed building
- A-17 Street view/vacant lot
- A-18 Street view with rendering of proposed building
- A-19 Street view/vacant lot at night
- A-20 Street view with rendering of proposed building and lighting accents at night

Architect Daniel M. Candatore, RA; Engineer Walter J. Hopkin, N.J.P.E.; Professional Planner Andrew Janiw; and principles of the company Fuller Trip Brooks and Luke Rudowsky were in attendance for the application.

Mr. Brooks and Mr. Rudowsky were sworn in to testify.

Ms. Higgins asked whether there were any other members of the LLC, other than Mr. Brooks and Mr. Rudowsky, who own at least 10 % or 20% of the company. Mr. Brooks named, Joe Caiola, Matt Brady, Shaun Loughrey, and Kevin Hudy. Mr. Rudowsky stated that the names of the members are listed in the application. Ms. Higgins stated that she wanted to review the record so that we know there are no conflicts. There were no conflicts with Board members.

Mr. Brooks was asked to tell about himself and this project. Mr. Brooks stated that he has a history of about thirty-two years in real estate development, predominantly in Monmouth County, New Jersey. His expertise is in finding properties, envisioning what they might be able to do, moving them through the process, and building them. He has also been involved heavily in redevelopment action in the downtown of Asbury Park. Chairman Cunningham asked Mr. Brooks to clarify for the record that, although Mr. Brooks was involved in redevelopment in Asbury Park, this project in Sea Bright is not redevelopment. Mr. Brooks thanked Mr. Cunningham for the clarification.

Exhibit A-12, an aerial view of the site, was shown on the screen. Exhibit A-13 was pulled up. Mr. Brooks described it as a close-up of an aerial photograph of the site. Exhibit A-14, two photographs, was shown. One photo was described as the site in November of 2012, showing the building which was formerly a pharmacy. The other photo shows the site in April of 2013, now a vacant lot. Exhibit A-15 showed the property as Mr. Brooks first saw it. It is a street view with the vacant lot, the school building behind it, and a small one-story building, fifteen feet wide and sixty-five or seventy feet deep on the south. Mr. Brooks had met with the owner of Rooney Plaza and asked him a little bit about how the project was conceived. His team began working on a plan using Rooney Plaza as a guide for unit count, height, and how to approach incorporating the street level with a retail store in a building that sits seven or eight feet in the air. Exhibit A-16 was shown. It is a rendering of a photo realistically inserted into the streetscape with the ground floor, retail floor, and three levels of

residential space. Before asking his architect to speak, Mr. Brooks expressed how excited they were about Sea Bright and to bring their project to the public. They had seen a vacant lot and thought they could do something special here. He said that the architect would speak not only about the architecture and the setbacks, but, also, how they dealt with the issue of having the first level of retail being so high up in the air.

Licensed architect Daniel Condatore was sworn in to testify and was accepted by the Board as an expert witness. His company, Mote Architects, in Asbury Park, has done a lot of coastal residential and mixed use development. Mr. Kennedy asked Mr. Condatore to tell the Board about the project from an architectural standpoint. Mr. Condatore began by explaining that he grew up in Monmouth County, is very familiar with Sea Bright, spent a lot of his childhood in this area, and feels it is a privilege to produce a great project in a community that is part of his life.

Turning his attention to Exhibit A-16, Mr. Condatore stated that they are trying to create a modern, coastal style of architecture, incorporating a lot of transparency because the building faces east towards the ocean. They want to capture a lot of the view of the ocean. One of the bigger parts of the design is how this building addresses the street. One of the key aspects is balancing the pedestrian experience with what they're proposing, the main retail level of the building itself. It is ten feet from the sidewalk; so, how do they buffer that. How do they make the building feel light and create a sense of security and openness to people walking down town. One of the major components is the actual mass of the building. The retail level of the building is set back eight feet from the sidewalk. The successive residential levels are set back another six feet each. There is a transition from the intermediate level, four or five feet above the street, before you get to the interior retail space that is open. That can be used as an accessory space for displaying merchandise, and it creates airflow and light. They will be using a lot of primary light colors, white siding, grays, and a kind of wood composite material to help express the horizontal. They want to make the building feel as horizontal as possible and pull away from the vertical. So, there is a strong wooden band that is along the façade. The lines of the balconies as they go up are expressed in the horizontal. These are the design components to activate the façade and activate the street. Also, the parking will not be visible from the street front.

Exhibit A-17 was pulled up. It is a photograph from the corner, before the building was put into place. The next slide, exhibit A-18, shows the building's clean lines, not very ornate, not a lot of cornice work, and minimalistic style that feels like a "beach modern." A horizontal band of wood and glass wraps around the corner. There is still transparency to activate that corner as well. Farther back is the parking entrance that is as far as possible from the pedestrian area. A-20 shows a rendering of the site at night. There will be minimal lighting for the residential, just some wall sconces. The lighting is more like accenting, and not a lot of lighting is needed for this building to pop.

Architectural plans, Exhibit A-5, page A-100, shows the floor plan at the garage level. You turn off of River Street to enter the parking area. There are twelve parking spaces and one handicap space. In the rear west portion there is an elevator and an egress stair tower for the levels above. The elevator is for the residents and for access to the retail space.

Boardmember Stephen Cashmore asked Mr. Condatore to talk about the parking plan. There are two spaces per unit plus a handicap space. Mr. Cashmore asked for clarification about accessing the handicap space. Mr. Candatore clarified.

Mr. Candatore described the retail level. There is retail space, an elevator, a common corridor near the elevator, residential storage area, utility room divided into a water room and an electrical room, and a trash area for retail and residents, which is above the parking level. There will be individual

containers, and this room will be properly ventilated as required. Cans for both trash and recycling will be brought to the street for pick-up and back up using the elevator. There is also an exit corridor to take residents to the front of the building.

Boardmember Heather Gorman asked a question regarding whether the first floor will be retail or restaurant space. The plans show a restaurant space, and the exhibit shown now indicated retail space. Mr. Candatore explained that there has been no designation as to what is going to be in there. It can be either. It is a rental space. Ms. Gorman asked if there is a difference in terms of parking spaces required for retail and restaurant. If the space has not yet been designated as retail or restaurant, when does the Board evaluate that? Mr. Candatore stated that he would not be able to answer that question. Vice Chairman Dave DeSio explained there is a different requirement for different use of the commercial property, but the applicant is not providing any parking for the commercial use, only for the residential use. The applicants will need a parking variance for using the municipal lot.

Mr. Candatore showed Exhibit A-5, pg. A-101 and discussed the residential units on levels one and two, which are exactly the same. The units use an open floor plan. Their main living areas face east. You would access the apartments by the elevator into a common hallway. On either side of that hallway would be two egress stairs. We want you to enter the unit into your living space rather than at the rear where the bedrooms and bathrooms are. There is a master bedroom and master suite. There is a second bedroom and full bath across the hall. The design for the kitchen is open, and there is an area that can be used as a study or den or even a dining room. Along the front, along the ocean side, is a six-foot balcony. It's not oversized and serves to pull the building back from the street.

The next page, A-102, is the third floor. The arrangements are very similar to the floors below with a few upgrades and changes. The units are not as deep. They are six feet shorter. Residents on the third floor have access to a roof deck by a central staircase. The stair towers encompass 96 square feet of enclosed space. You exit the stair tower onto a patio area, which is about 500 square feet per resident. Chairman Cunningham asked if those areas are communal. Mr. Candatore answered that they are individual, that only the two units below have access to the roof deck. The roof is open with some shading. Each of the areas will have a 10 by 12 foot open, louvered pergola. The decking itself will have a guardrail. People on the deck won't be able to see down to the street, and people on the street won't be able to see the roof decks. Also, on the roof, in a back area, is a screened mechanicals area for the retail or restaurant space. There will be a ladder in the stairwell from the floor below the staircase. The rear staircases do not continue up to the roof. The elevator protrudes 4 feet above the roof for the elevator overrun. Chairman Cunningham asked how high the fence is. The fence is 6 feet high. That would be a total of 56 feet in height. Boardmember Karolyn Wray stated that she is having a hard time visualizing what the roof is actually going to look like. Mr. Candatore explained that it is a flat roof except for the staircases that pop up and the pergolas. He said that he will be discussing this more when we look at the elevations.

Mr. Candatore displayed Exhibit A-5, page A-200, the Elevations. Boardmember Cashmore stated that he couldn't find the rendering showing the pergola. Mr. Candatore stated that the artist's renderings do not show the pergola as they were done prior to adding the pergolas. Attorney Higgins asked how far above the roof the elevator shaft goes. Mr. Candatore answered, 4 feet above the roof. Mr. Candatore went on to explain that they were very conscious of building heights. If you look at the levels from floor to floor, he feels they did a really efficient job of squeezing the most out of each level. The parking level, retail level, and residential levels are each 10 feet. The flat roof is at 50 feet, including a 2 foot parapet above the roof. The pergolas are set back. Everything is grouped in the middle of the building. Both Ms. Higgins and Mr. Cunningham asked for clarification on the pergolas. Mr. Candatore said that the pergolas are basically posts with slats on the top. They have

no sides. There is a privacy screen in between the units themselves. Ms. Higgins asked the height of the pergolas. Mr. Candatore said that the pergolas and staircases are at a maximum height of 10 feet. Chairman Cunningham commented that they will also be 60 feet above the street level. Boardmember DeGiulio questioned the need for pergolas since they are only for the residents on the top floor. Mr. Candatore said that the pergolas are just to provide some screening and shade for them. Ms. DeGiulio said that she doesn't understand why they are necessary. Boardmember Bills asked whether the roof decks are for the third level residents because their living spaces are smaller. Mr. Candatore said that they want to keep it more intimate, and they thought that if you open up the roof deck to the entire building, it would be harder to control the number of people using it. You would get larger groups of people up there. Ms. DeGiulio expressed her opinion that the pergolas seem unnecessary and they add so much height. Boardmember Cashmore commented that the pergolas are stepped back from the roof, similar to the way the building levels are stepped back. The retail front has been brought back from the edge of the sidewalk, and they have stepped the top floor back to give the building the appearance that it has. He said he understands the height concern, but it looks like they have done a nice job with the design. Ms. DeGiulio asked what the roof is composed of. Mr. Candatore told the Board that the material is a membrane. They typically use a white membrane because it deflects heat, which is part of being sustainable. The darker part in the middle would be a decking system that floats on top.

Vice Chairman DeSio asked whether Mr. Candatore knew the height of the building next door. He did not. Mr. DeSio stated that looking at the angles in the renderings are a little deceiving. It's hard to get a perspective of how high this building is going to be in comparison to the adjacent buildings. He said what he is trying to bring up is that the perspective makes the building look not as overwhelming as he thinks it is going to be. He has no objection to the building as is. He just thinks it is going to be too high, but it's hard to establish that. The engineer who is going to testify possibly has some elevations of the building next door so that we can get a relation to it. Chairman Cunningham agreed and said he thinks the added stuff on the roof, although it is set back, looks like they're making efforts to go up. Mr. DeSio mentioned that the Rooney building is only 47 feet to the ridge. Ms. Higgins said that she thinks the Rooney building is 49 feet. Mr. DeSio said that even the Mad Hatter is only 43 feet high. This building is 52 feet high plus 10 feet on top. That's the point in comparing to the other buildings. Mr. Cashmore stated that the rendering on page 4 of 6 might give a little better perspective. You see the corner of the hardware store.

Engineer Walter H. Hopkin was sworn in to testify, stated that he is a licensed professional engineer in the states of NJ, NY, PA, DE, and MD, and his credentials are up to date. Though Mr. Hopkin has not testified before this Board, he has testified before Boards in a lot of the surrounding municipalities. Chairman Cunningham welcomed Mr. Hopkin without objection from the Board members. Mr. Kennedy asked Mr. Hopkin to give the engineering details regarding this proposal and, then, address some the questions the Board members had.

Mr. Hopkin described the project as a re-use of the property already there. Mr. Cunningham clarified that this project was not part of any redevelopment. This is a new application before the Planning/Zoning Board. Mr. Hopkin described the elevations of the different levels. He confirmed that the base flood elevation is 9 feet regardless of the use. The retail space will be at 15 feet.

Mr. Hopkin addressed the variances required and gave his engineering review. The ordinance requires 50% building coverage. The previous building, the pharmacy had to be, we project, at 97%. We're proposing 97% building coverage. It is clear from your ordinance that the parking level is not counted as a story. We incorrectly listed the building to have 5 stories. As for parking, we have the required number of residential parking spaces, providing 12 spaces plus a handicap space on site. There is a difference between what is required for retail and restaurant parking, but this application is not proposing to accommodate that on site. There is insignificant traffic impact with

this application. There is streetscape that is proposed along River Street, and we are proposing to match exactly what exists along Ocean Avenue with the band of pavers and lighting fixtures identical to the ones on Ocean Avenue. There will be curb and sidewalk repair along River Street. The roof leaders as well as parking lot run-off would be collected in a drain and pipe to the existing outlet on Ocean Avenue, which is at the inlet, with the same drainage patterns that exist today. The site will continue to use public water, sewer, and gas, which are available to the site, and electricity would be brought to the site underground. Ms. Higgins requested that Mr. Hopkin complete the variances requested. In the rear of the property, the ordinance requires 15 feet, where proposing 0 feet. Ms. Higgins revisited the variance for lot coverage, stating that in the B-1 zone the maximum is 75%.

Mr. DeSio had a question for Mr. Higgins. If they are requesting variances for additional parking, we have to designate a specific number and a specific use. Ms. Higgins said that retail would require a variance for 14 spaces. They are offering no retail parking. All of their parking is designated for residential use. Boardmember Jeffery Booker had a question that was raised earlier as to whether or not the first floor of the project would be restaurant or retail. He wondered whether it might make sense to explore the possibility of seeing whether or not the Board could have a stipulation that it be one or the other, because the traffic impact to the area will be different with a restaurant as opposed to retail. He said he has concerns about a restaurant. Ms. Higgins stated that Mr. Booker was absolutely right. She said that the applicant is assuming that the parking requirements were based on retail, and the parking requirement would be different for a restaurant. Ms. Higgins said that Mr. Booker was absolutely correct and that she thinks the applicant needs to identify what they are looking for in terms of use there. She asked the applicant whether they were willing to stipulate the use. There are other issues than just parking. There's traffic to consider. Chairman Cunningham said that this needs to be discussed. If the applicant decides on a restaurant, then that changes his whole approach. Engineer Justin Auciello, a professional planner representing Board planning group Cofone Consulting Group, answered with the standard for a restaurant. Restaurant use is 1 space per 3 persons of legal capacity plus 1 space per employee, or if 1 per 200 square feet of total floor area is greater, then this greater amount shall be provided. Mr. Brooks stated that, as an owner, they want to keep whatever potential tenant options open to them. He thinks that on this strategic corner, it would be a retail location or some kind of café or restaurant. He said they need to try to find a way to keep that as an option to make this viable to lease. Chairman Cunningham said that he doesn't think any of the Board members are disagreeing with what Mr. Brooks wants to put there. The issue for the Board members is parking. It has been an issue with many of the restaurants in town. The Board has to figure out how the project is going to add to everything else in the area that is already pretty busy.

Ms. DeGiulio asked a question about whether the trash situation is different for retail and restaurant, and if the trash is on the second level and the space is going to be a restaurant, is that going to be a problem? With retail, you have cleaner trash. Mr. Candatore answered that it is actually better to have the trash on that level because it is going to be in an enclosed environment and properly vented. From the outside, there will be less view of trash and a little more work on the operator standpoint. Ms. Gorman added that, from the operator's standpoint, they're going to be taking trash up and down, using the elevator that is used by residents. She asked Mr. Candatore for confirmation. He confirmed her point.

Chairman Cunningham asked for additional answers on the additional parking. Is the applicant considering additional use of the Borough lot? Mr. Brooks decided that the planner could answer this question for Mr. Cunningham.

Professional planner Andrew Janiw was sworn in to testify and was accepted as an expert witness, having testified before this Board many times. Mr. Janiw went through the background of the

property, and the pharmacy that existed there occupied about 100% of the site. The zone permits multi-story mixed use, residential uses, and commercial uses. This location is intended to be a bolster for the downtown. The Master Plan was really looking to establish a central business district in the downtown. The site is about 4,674 square feet and meets all the bulk requirements for a lot, dimensionally. Mr. Janiw reiterated the basic structure of the building. He said that this project seems to be not only the wave of the future here but the type of downtown development the town has been seeking for years. He said he thinks it is good for the community because it establishes residences along the downtown. The location is a special location, directly across from the Atlantic Ocean. It could become a very vibrant year-round destination. Asbury Park, Red Bank, and Long Branch have all been very successful with the technique of having mixed-use buildings. It is something that works.

With respect to variances requested, a D (use) height variance is requested. The zone permits 3 stories up to 42 feet. This project is a 4-story building that is approximately 52 feet. With regard to rear yard setback, this project requests about 0.25 feet where 50 feet is required, building coverage of 97% with 50% required, lot coverage of 87% with 75% required. As for parking, Mr. Janiw believes the parking calculation was established based on a retail use. In terms of the review letter, the project is seeking to provide 13 spaces that will be dedicated to residential use whereas 26 would be required.

This property has been viewed as an important element to the downtown as evidenced by the rendering of this building that was on the cover of the now-rescinded redevelopment plan. This is a signature site, and the applicant is being careful about how to approach this project. There is an opportunity to bring a vacant property on track with the Master Plan by adding to the vitality of the downtown. Smart growth talks about the need to put population where infrastructure can accommodate. This project is on point with smart growth principles. The central business district is intended to accommodate local shopping in a wide variety of retail businesses, attracting new population while maintaining a Main Street character. This project was also envisioned in the town's redevelopment plan: take the property to reestablish it with a use that would be vibrant.

Mr. Janiw then enumerated on several sections of the Municipal Land Use Law. He stressed that this project is going to be something that meets all of the objectives to the Master Plan, Examination Report, and Infill Reports.

As far as the height, Mr. Janiw stated that the project is very consistent with the neighborhood character of what the maximum envelope of height would be. People will take advantage of the outdoor space provided by the roof decks, and the views will be spectacular. He stated that it is his professional opinion that the application satisfies the rationale behind the height requested. He discussed the bulk variances requested, and, finally, stated that the benefits of the project outweigh any detriment. It satisfies the positive criteria of promoting the purposes of the Master Plan. Regarding parking, Sea Bright does have very vibrant restaurants that rely on the town's public parking. He expressed his opinion that the project could be something that is so special that it warrants the type of consideration for which they are asking.

#### Board Questions:

Mr. DeSio questioned whether the trash facility was adequate to handle 6 apartments and commercial use. It is only 7 feet by 16 feet. Also, Mr. DeSio stated that Mr. Janiw had compared the height of the project to the new fire house across the street. That building starts at elevation 11; so, the building is only 43 feet tall. Also, Mr. DeSio stated that he had pulled the plans, and the Mad Hatter is only 43 feet. Rooney Plaza is 49 feet to the ridge. Your building is 52 feet plus. Mr. DeSio stated that he thinks the building is wonderful. He just has a problem with the height. You've actually added a floor to the building. It's a five story building, and he thinks it is excessive.



Board attorney Higgins said that she had a couple of questions. She asked if there is a loading zone. Mr. Janiw answered that there is not a designated loading zone. He doesn't anticipate the need for deliveries by tractor trailers. Small box trucks will be making deliveries. The deliveries would have to be carefully coordinated so that Ocean Avenue is not blocked. Ms. Higgins asked about Mr. Janiw's statement about the state plan indicating the population where infrastructure can accommodate, and the road networks, but Sea Bright really doesn't have a road network. It is, basically, one road. Does infrastructure include parking? Mr. Janiw answered that in the state plan's definition of infrastructure they talk about street frontage. Ms. Higgins asked whether Mr. Janiw had done any research on the users of the public lot, as in how many people are using that public lot? The application is proposing a parking variance. We've got to identify exactly what the applicant is looking for. Sea Bright has a lot of people vying for parking in the public lot. Mr. Janiw stated that he had not had that study. Also, Ms. Higgins asked Mr. Janiw if he knew the height of the Bain's building. He did not. Ms. Higgins asked whether the applicant can come down at all on the building's proposed height. You are starting at 15 feet on your first floor, and the base flood elevation there is 9 feet. Mr. Janiw said that he would have to defer to the architect.

Mr. Cunningham asked if he might jump in and ask about the space between the buildings. Mr. Janiw explained that the building was intended to accommodate essentially zero. There really isn't any design constraint with going to zero on that side of the building.

Trip Brooks wanted to address a few things. Regarding the trash room, he said they may have to expand that room. Retail would create much less trash than a restaurant. Regarding the height, the parapet is more of a decorative feature than anything else. It could be left off.

Ms. Higgins addressed Mr. Janiw stating that, in the Master Plan, flat roofs were not favored. Mr. Janiw stated that he understands the comment, but we also have to understand what the character of Ocean Avenue is.

Christine Nazzaro- Cofone, Board planner, had joined the meeting at 9:55 p.m., and Mr. Cunningham asked if she could comment on some of the planning aspects of the application. Ms. Cofone was sworn in to testify. She stated that the issue for the applicant at this point is two things that they are already struggling with: the parking and the height. The Board is being asked to evaluate a parking variance, but they can't really do that because the applicant doesn't know what is going to go into the bottom floor, and there is more concern if it is a restaurant because of the parking demands associated with that. The Board needs some testimony on how the ground floor is going to be used.

The Board's other concern is the height. The Board is concerned and doesn't want to see a structure that overpowers the other structures in town. So, she would ask the architect to understand that this is a concern of the Board and ask whether there is anything that can be done to bring down the height of the building without losing any of the parameters of your development.

Mr. Brooks spoke about the restaurant/retail parking issue. He expressed the idea that perhaps he should specify a restaurant for the first floor, and if a retailer comes in, that would be great, but they would be covered for a restaurant. Ms. Higgins explained that the Board can't just give an open-ended variance depending on what might go in there. So, you need to determine what you're asking for. It is your application, and you have to tell the Board.

Mr. Brooks answered that they would have to ask for the restaurant use. Ms. Higgins gave him considerations that must be specified when asking, such as how many square feet, occupancy, and how many employees.

Mr. Cashmore added that the Board can't determine what the parking requirement is without the actual proposal. He also added that the Rooney application had been mentioned several times this evening, and he remembers not restricting the use of the retail level. We would have to reference the resolution. We would have to find the parking calculation used. They did have to come in for variances when they wanted to put a gym in because of the higher use occupants. Mr. Cunningham added that applicants have come back many times calculating from restaurant to non-restaurant properties.

Mr. DeSio also wondered how desirable is a retail space that you have to climb up 10 feet to get to. The only reason Mr. DeSio said he was bringing this up is because they are raising the building to allow parking underneath. Ms. Cofone answered that it is 10 feet above the street across from the Atlantic Ocean, and that does not make it not a desirable element of the plan. Ms. Higgins said to Mr. DeSio that our Master Plan recommends mixed use, but we have to be careful about not redesigning their project. The Board needs to evaluate what the applicant is asking for.

Mr. Booker asked whether the Board has sufficient information to render a decision on this, or is there additional testimony forthcoming?

Mr. Kennedy stated there were no additional witnesses to testify and deferred to Mr. Brooks as to how he would like to proceed. Mr. Brooks said they would like to proceed with the variances as requested. We are willing to take the parapet off the top. Ms. Higgins stated that she didn't think anyone had a problem with the parapet.

Board engineer Dave Hoder asked Mr. Hopkin to address water issues, with the possibility of the applicant proposing to do another pump station in addition to the one that's in the downtown. Could the applicant make some type of contribution to that computation. He is not required to, but Mr. Hoder thinks it is important for all applicants to know, going forward, that we need to figure out how this pump station will be paid for, by taxes, or is it going to be paid with the help of developers and developers' agreements. Mr. Brooks said they will take up that conversation at the time of resolution compliance. Ms. Higgins added that there will be a contribution to the Borough's affordable housing plan. That would be in the developer's agreement, also.

Chairman Cunningham asked for questions and statements from members of the public.

#### Public Comments and Testimony:

Kevin Birdsall, 9 New Street, commented that the rooftop deck is 50 feet plus the staircase going up, adding another 10 feet. There's also a fence line running north and south and one east-west. So. Basically, you're putting a big plus sign in the middle of a building that's about 10 feet tall. With the mechanicals and the fencing around the mechanicals, you're basically putting this building at about 60 feet. To say that this building is 50 or 52 feet is unfair. Also, the applicant did not address the fact that the building is built on the property line on the south side. The windows on that side in that spacing have to be fire rated windows that cannot open. This creates a problem as far as fire safety because there is only one means of egress from that bedroom, which is the main stairway in the middle of the building. Mr. Candatore addressed these issues. The pergolas on either side of the stair tower are the items that extend at 10 feet above the roof. Everything else is well below that. The guardrail that surrounds the decking area is 42 inches high. So, it is not the entire deck area that is 10 feet above the roof, and the mechanical area is surrounded by a 6-foot screen wall. The mechanical units wouldn't be seen, regardless of the screen wall, from the ground. With regards to the light well, when the windows are perpendicular to the property line, they are allowed to be operable. Also, as far as egress, you can't egress out of windows for a building this tall. So, once you get a residential building that is higher than four stories, there have to be two means of egress. That's why we have the two stair tower. Mr. Birdsall asked how the two deck areas are being

separated. Mr. Candatore answered that they are being separated by the staircase north and south and by a screen wall in between the two. Mr. Birdsall commented that the screen wall is essentially another 6 to 10-foot wall facing east and west. So, you basically have a 10-foot sign in the middle of the building. To say that this building is 50 feet is unfair.

Mr. Cunningham asked for any other public comments. Being no further comments, Mr. Cunningham closed the public portion of the meeting.

#### Board Discussion:

Stephen Cashmore: It's very easy to get lost in the details, and the details are very important for us to consider. If you look at the overall project, then start thinking about what is the best use for this corner, I agree that the retail up so high definitely takes away some of the desirability, but, if you lower the retail, then you'll have no parking under the building. So, again, all these details are important, but, if you look at the overall project, it is a very attractive project. I can't think of a better use to put on this corner.

Vice Chairman DeSio: Steve, I agree that this is the right use for that property. I just believe it is too tall for our ordinance. We have a Master Plan, and we created certain guidelines on bulk variances and bulk requirements. We did establish 42 feet to be allowed and 3 stories. This is really almost a 5-story building, 50 or more feet tall. I'm in favor of the building, I'm not in favor of the height, and I think it should be lowered.

Peggy Bills: Peggy said that she totally agreed with Dave Desio. She loves the building but thinks it's a little too high.

Jeff Booker: Jeff stated that he shared those concerns. He would still like to know a definitive answer to the height of the hardware store building right next door, just for a side-by-side comparison. There seems to be some level of agreement that the building looks nice. It is a nice addition to the downtown, where there's an issue of height. Is there any sort of adjustment that can be made to address the height issue and have the character of the building maintained? He agreed with the concern over height.

Vice Chairman DeSio: If you calculated the building next door with each floor at 12 feet, the building is still under 42 feet. That may not be accurate.

Karolyn Wray: Ms. Wray said that she thinks there has been so much redundancy. The building is too high, and she is worried about the building behind it. The building is beautiful but imposing. Also, she asked whether it is setting a precedent?

Elizabeth DeGiulio: Ms. DeGiulio said that she thinks it is a beautiful building, and it fits in beautifully with the downtown, but she does think it is too high. She thinks the pergolas are totally unnecessary. She agrees with Dave DeSio that the retail level is too high. She has a concern whether people will walk up that high to go shopping.

Heather Gorman: Ms. Gorman stated that she will echo what everyone else is saying. She said that we tried not to use the word redevelopment, because this is no longer a redevelopment, but, if you actually go back and look at the redevelopment bulk variances, the height allotment they were asking for was 55 feet. This is just 2 ½ feet lower than the redevelopment; so, that's a concern. It is pushing the height capacity. She thinks the retail piece would be a tremendous asset to downtown. She doesn't think walking up to go shopping is that big an issue. The building is gorgeous. It just has to come down in height.

Stephen Smith: Mr. Smith thinks the building has great attributes, so successfully accomplished, but it remains tall in comparison to our downtown. He said he is sure that, given the wonderful abilities and creativity of the architects and planners, they will find a way to meet everyone's feeling about the height.

Chairman Cunningham: The step-back design is really great for downtown, especially for an oversized building. He thinks the height issues are clearly part of the Board's problem right now. He said to Mr. Brooks that we're getting pretty close.

Mr. Brooks asked if he could speak now. He said he thinks it's best to carry it, to go back and do a little work, a little homework based on this meeting. We appreciate the confidence in our ability to turn around and answer the concerns that the Board has, and we're going to take that charge to heart.

Mr. Kennedy said that he echoes what Mr. Books indicated, and that he totally appreciates the intensity and passion and the spirit with which the Board reviewed this application. He said that he knows that everyone is happy with many aspects of the application, but he wants everybody to be happy with all aspects of the application. He requested an adjournment with no further notice required.

Chairman Cunningham said to let the record show that this application will be carried to the December 8, 2020 regularly scheduled meeting with no further notice.

## **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 November 10, 2020 at 7:30 p.m.

### **Adjournment**

The meeting was adjourned at 10:45 p.m. on a motion offered by Chairman Cunningham, a second offered by Board member Bills, and approval upon a unanimous voice vote by the Board members.

Respectfully submitted,

Candace B. Mitchell  
Board Secretary