

**APPROVED MINUTES  
VIRTUAL MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD  
TUESDAY, NOVEMBER 10, 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, Leckstein, Smith, Gorman, Booker

Not Present: Kelly, Nott, Wray

Also in attendance were Board attorney Kerry E. Higgins, Esq., Board engineer David J. Hoder, PE, PP, CME, and Board secretary Candace B. Mitchell

**Approval of 10/27/20 Minutes**

Boardmember Stephen Smith 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, Smith, Booker

Nays: none

Abstain: Leckstein,

Absent: Kelly, Nott, Wray

**ITEMS OF BUSINESS**

**New Application**

PBZB No. 2020-16

Heather Gorman

13 New Street, Block 13, Lot 5

Rear yard setback variance relief for a deck to create an exit from the 2nd floor

Heather Gorman stepped down from the Board.

Heather Gorman, the applicant, was in attendance to present the application and was sworn in to testify.

The following exhibits were entered into evidence:

A-1 Jurisdictional Packet

A-2 Site Plan prepared by Anthony Scalise, AIA, dated 10/20/20, consisting of 4 sheets

A-3 a. and b. Photographs of the property

The applicant is requesting permission to add a new rear deck which will provide egress from the second floor. The following pre-existing bulk variances are requested: minimum lot area, where 1,800 square ft. is required and 1,367 square ft. is existing and proposed; lot depth where 60 ft. is required, and 54.4 ft. is existing and proposed; maximum building coverage where 50% is permitted and 54% is proposed; and maximum lot coverage where 70% is permitted and 71% is existing and proposed. A new bulk variance for rear yard setback is requested where 15ft. is required, 7.5 ft. is existing, and 3.6' is proposed.

Ms. Gorman explained that the only current means of ingress and egress is on the first floor. If there were an emergency on the third floor, the occupants would have to go all the way down to the first floor to exit. The new entrance will provide another means of egress and ingress from the second floor.

The Board agreed that adding a second means of ingress and egress will provide a safer condition in the event of an emergency.

The Board agreed that the new deck is aesthetically pleasing, and it will provide the benefit of an additional means of ingress and egress. The proposed deck and stairway will improve safety conditions in the residence.

There were no further comments from the Board or from the public.

Boardmember Smith offered a motion to approve the application, with a second offered by Councilman Leckstein, and approval upon the following roll call vote:

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

Nayes: none

Absent: Kelly, Nott, Wray

Recused: Gorman

### **New Application**

PBZB No. 2020-15

Alyce Glennon

250 Ocean Avenue, Bl. 30, L. 52

Use and Bulk variance relief for demolition of two-family structure and construction of a new two-family structure

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

The following exhibits were entered into evidence:

A-1 Jurisdictional Packet

A-2 Survey prepared by James B. Goddard, License No. 37588, dated 9/5/17, consisting of one sheet

A-3 Site Plan prepared by Apex Homes of PA, LLC, STF 7/2/20, Rev. Final 8/3/20, drawn by MS, consisting of ten sheets

A-4 Grading Plan prepared by Ray Carpenter, P.E., N.J. Lic. No. GE23223, dated 8/11/20, consisting of one sheet

A-5 Photo of property as it exists

B-1 Board engineer David J. Hoder's Technical Review, dated 11/6/20, consisting of four pages

Attorney Kevin E. Kennedy, applicant Alyce Glennon, Ms. Glennon's son James Jahnsen, builder Pandora Jacoubs, and engineer and planner Raymond Carpenter were in attendance for the application.

Mr. Kennedy opened the hearing by describing the subject home as a two-family structure built many decades ago which is in need of some tender loving care for the modern family. The applicant is proposing to demolish the existing structure and replace it with a new two-family structure. Because the home is located in the R-2 zone, use variance approval is required to build a new two-family structure.

Alyce Glennon was sworn in to testify. Ms. Glennon testified that she has owned the home for fifty years, since 1963, and the home has pretty much been utilized as a two-family home. Ms. Glennon described coming to Sea Bright as a little girl when there were train tracks running in front of her house. She stated she is 87-years-old. Four generations of her family have grown up in, or experienced, the house, and her daughter lives in the house next door, which was demolished two years ago to build a bigger house. She stated she would like to do what her daughter has done.

Mr. Kennedy suggested the house was not built to accommodate a modern family. Ms. Glennon agreed and spoke of the tiny closets, and the size of the bedrooms which can fit a small dresser and bed only. She would like to build a home in which she would live in the downstairs unit and her son would live in the upstairs unit. Having her daughter living next door is helpful to her as well.

Mr. Kennedy called on Ms. Glennon's son to testify. James Jahnsen was sworn in to testify. He described a large property having five homes and a shared driveway. Mr. Kennedy asked Mr. Jahnsen to describe some of the deficiencies and limitations of the existing structure. Mr. Jahnsen stated that the home was built in 1940 as an uninsulated summer bungalow, as many Sea Bright homes were. There is a furnace for heat, but the house wasn't built for year-round efficiency. In the basement are located the furnace, water heater, electrical panel, and washer and dryer. If there is any kind of a storm the basement is flooded, especially with a full moon at high tide. The water can flood four, five, or six feet, going all the way up to the ceiling. Over the years the family has had to replace furnaces, water heaters, washers, dryers, and electrical panels. The washer and dryer are now located on the first floor to avoid having to replace them, and the furnace is bolted to the basement ceiling. Even so, the water does sometimes flood the furnace at that height. The house is damp as a result of the basement, and the basement steps have been damaged by the water and repaired over the years. The home has a narrow spiral staircase for access from the first to the second floor, which makes it difficult to get furnishings, such as a mattress and box spring, to the upstairs bedroom.

Mr. Jahnsen discussed the parking on the property. There is currently no dedicated parking area. They park where they can, along the side or front of the house. The plan is to have a parking area that will fit three cars, to be located under the house. Mr. Jahnsen and his wife will occupy the second floor apartment. They plan on building a home that is almost a mirror image of his sister's home next door. The original houses on the property were twin houses.

Chairman Cunningham asked for Board and Public input. There being none, Mr. Kennedy brought in Pandora Jacoubs from the building company. Ms. Jacoubs was sworn in to testify. She stated that she works for RBA Homes, which is the building company for the Glennon home. Mr. Kennedy made it clear that, although Ms. Jacoubs is not an architect, she is familiar with the property and the plans that have been submitted. She presented a walk-through of the plans. The house has been designed as a two-family residence with two bedrooms and two baths on each floor. There will be a very good size staircase, which is four feet wide and addresses the narrowness of the existing home and how inadequate it was. There will also be circular exterior stairs, and that complies with the

construction code for a second means of egress for a two-family home. The plans were pulled up onto the screen for everyone to see as Ms. Jacobs described them. There will be a garage underneath the house to accommodate three cars. The circular outdoor staircase meets the construction code requirement for a two-family home. The house is raised and will meet the FEMA requirement, and it is well above the flood zone in the area. The furnaces will no longer be in the flood zone, and the new home will have all of the energy efficient features you would expect for full-time, year-round residents, meaning extra insulation. Water heaters will also be placed well above flood level. The apartments will each have two bedrooms, two baths, a living room, and an eat-in kitchen area that opens onto the ocean. Discussing materials to be used, Ms. Jacobs stated that the siding will be low maintenance vinyl, and the lower level will be enclosed with pressure treated materials to provide access and protection for the cars that will be parked there.

No one from the Board or the Public had questions for Ms. Jacobs.

Mr. Raymond Carpenter, of RC Associates, who is an engineer and planner, was sworn in to testify. His credentials were accepted by the Board. Mr. Carpenter was asked to describe the surrounding uses and the engineering details of the home, including stormwater management. Mr. Carpenter stated that he took an aerial photograph to be able to see the surrounding properties. He found on one lot to the north of this site a two-family house and two single-family homes, a total of four units on one lot just to the north of the subject property. The house directly behind the subject property is a single-family home, the house across the street is also a single-family home, Mrs. Glennon's daughter's home next door is a two-family home, and directly to the south of the property is a set of 50 condominium units. So, this area of Sea Bright has mixed-use occupancy of single family and multi-family homes.

Mr. Kennedy asked Mr. Carpenter to describe some of the engineering details of the home. Mr. Carpenter explained that the home is in FEMA flood zone A-10, and all mechanicals must be at least three feet above the base flood elevation. The property's driveway, located on the north side, is gravel and seems to be draining well. The property is fairly flat, is all gravel, and is not pocketing water. He said he doesn't see any reason to alter the grade of the site.

Lot area is fine, but a variance is needed for lot width. Forty-one feet is provided and is a hardship where fifty is required. Also, the house is not centered on the lot. Setbacks are 9.95 feet and 5.1 feet, where seven feet are required on each side. A variance for side yard setback is needed. Also, a use variance is needed because the house is a two-family house in a single-family zone. There are other two-family houses directly adjacent to this structure. Also, this house has served as a two-family home since 1940. A variance is needed for one parking space in the front yard setback, which is needed in addition to the three parking spaces to be located beneath the house.

Mr. Kennedy noted that they noticed for a height variance needed, but it turns out, according to the Board engineer's technical review that a height variance is not needed according to the formula used.

We're seeking approval that will not in any way compromise the right-of-way that runs through the development, because we would not want to harm the neighbors. With regard to planning, Mr. Kennedy asked Mr. Carpenter whether the home will fit in with the surrounding neighborhood. He answered that, yes, because the neighborhood is a mixed-use neighborhood of multi-family dwellings and single-family dwellings which have probably been there for a long time.

Mr. Carpenter added that you are taking a structure that is totally non-conforming as far as the building code is concerned, as with FEMA regulations, and, overall, just the safety, and making it much more conforming, with the positive far outweighing any detrimental impacts to anybody in

the neighborhood. Mr. Carpenter believes the neighborhood is well-suited for this type of occupancy. He also believes the new home will be more aesthetically pleasing than the current home.

Boardmember Peggy Bills asked whether the house next door is the same house that will be built. Mr. Carpenter affirmed that it is. Ms. Bills also asked whether the applicant parks in the front currently. The answer is, yes.

Board attorney Higgins asked for some clarification. She wanted to know if the house has been a two-family, and it is being demolished and re-built, why does the house need to remain a two-family home. Mr. Carpenter stated that it is an appropriate use for this house. The house has been used as a two-family home for a number of years. It is not being rented. It is being occupied by family and fits a need. He doesn't feel there is any negative impact, and if you take a look at the home, you wouldn't necessarily know it is a two-family home. Mr. Kennedy clarified with Mr. Carpenter that they are not injecting a new use that has been different from the use of the last fifty years. Mr. Carpenter agreed that they are preserving the existing use of the property.

Chairman Cunningham added that if the curb or sidewalk is broken up during the project, it will have to be repaired and replaced. Also, as per the engineer's technical review, gutters and leaders should run towards the front, towards Ocean Avenue. The architectural plans show mechanicals located on the ground floor. The plans have to be updated to show that the mechanicals will be elevated. Also, the plans should be updated to show the nature and size of the sewer lateral in that little right-of-way.

Board attorney Higgins added that, with an abundance of caution, the Board should consider giving a height variance for 1.5 feet. Mr. Kennedy agreed.

Ms. Higgins asked for confirmation that the applicant will comply with the items in Mr. Hoder's letter. Mr. Kennedy confirmed.

There was no one in the public wishing to speak.

Board Vice Chairman David DeSio commented he believes the application is a pleasure to see. It is not an unreasonable request from the Board. The existing family use should be continued. The house is identical to the house next door, and he has no problem approving the application.

Board Member Jefferey Booker stated that he would agree with Vice Chairman DeSio.

Vice Chairman David DeSio offered a motion to approve the application, with a second offered by Boardmember Jefferey, and approval upon the following roll call vote:

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

Nayes: none

Absent: Kelly, Nott, Wray, Gorman

Recused: Leckstein

## **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 December 8, 2020 at 7:30 p.m.

**Adjournment**

The meeting was adjourned at 8:45 p.m. on a motion offered by Boardmember Bills, a second offered by Board member Smith, and approval upon a unanimous voice vote by the Board members.

Respectfully submitted,



Candace B. Mitchell  
Board Secretary