

**APPROVED MINUTES
VIRTUAL MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD
TUESDAY, DECEMBER 8, 2020**

ADMINISTRATIVE MATTERS

Call to Order

Chairman Cunningham called the meeting to order at 7:32 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 (arrived at 7:44 p.m.,) DeSio, Kelly, Leckstein, Smith (arrived at 7:48 p.m.,) Wray, Gorman, Booker

Not Present: Nott

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

ITEMS OF BUSINESS

Memorialization of Resolution

PBZB No. 2020-16

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD
GRANTING BULK VARIANCE APPROVAL
RE: HEATHER GORMAN
13 NEW STREET
BLOCK 13 LOT 5**

WHEREAS, Heather Gorman (the "Applicant"), owner of premises commonly known as 13 New Street, Block 13 Lot 5, Sea Bright, New Jersey have applied to the Planning/Zoning Board for bulk variance approval to build a new rear deck with staircase to create an exit from the second floor; and

WHEREAS, the applicant has provided due notice to the public and all surrounding properties as required by law in accordance with N.J.S.A. 40:55D-1, et seq., this Board gaining

jurisdiction therein and the public hearing having been held on this matter on November 10, 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 the following:

- A-1** Jurisdictional Packet
- A-2** Site Plan prepared by Parallel Architectural Group dated 10-20-2020
- A-3 A & B** 2 photos

WHEREAS, the Board having considered the evidence presented it does hereby make the following findings of fact and conclusions:

1. The subject property is located in a R-3 Zone.
2. Applicant is requesting permission to add a new rear deck which will provide egress from the second floor.
3. Applicant is seeking the following bulk variances: Minimum lot area where 1,800 s.f. is required and 1,367 is existing and proposed (pre-existing variance); lot depth where 60' is required and 54.4 ft is existing and proposed (pre-existing variance); maximum building coverage where 50% is permitted and 54% is existing and proposed (pre-existing variance); maximum lot coverage where 70% is permitted and 71% is existing and proposed (pre-existing variance); and a new bulk variance for rear yard setback where 15' is required, 7'5" is existing and 3'6" is proposed.
4. Applicant testified that currently the only means of ingress and egress is through the first floor. If occupants were on the third floor in an emergency, they would have to descend all the way down to the first floor entrance/exit. The proposed deck and stairway will provide another means of ingress and egress from the second floor.
5. The Board agreed that a second means of ingress/egress provides for a much safer condition in the event of an

emergency. If the first floor entrance/exit was inaccessible during an emergency, occupants would become trapped.

6. The Board agreed that the new deck was aesthetically pleasing and provided the benefit of an additional means of ingress/egress.

7. The Board found that the variance relief sought can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Master Plan, Zone Plan and Zoning Ordinance. The proposed deck and stairway will improve the safety conditions of the residence.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright based upon the findings of fact set forth hereinabove, that the bulk variance request for the new rear deck with stairway be granted subject to the following general and specific 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 including but not limited to CAFRA and compliance with all governmental regulations 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

upon 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.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of November 10, 2020; and

BE IT FURTHER RESOLVED that the Chairman and Board Secretary are hereby authorized to sign any and all documents necessary to effectuate the purpose of this Resolution; and

BE IT FURTHER RESOLVED that the Board Secretary is hereby authorized and directed to cause a certified copy of this Resolution to be sent to the Applicant, the Borough Clerk, the

engineer and the zoning officer and to make same available to all other interested parties and to cause notice of this Resolution to be published in the official newspaper at the Applicant's expense.

I certify the foregoing to be a true copy of a Resolution by the Sea Bright Planning/Zoning Board memorialized on December 8, 2020.

Candace B. Mitchell

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

Adopted on a roll call on a motion by Councilman Marc Leckstein and Seconded by Boardmember Peggy Bills

Roll call vote:

Bills - Aye, Cashmore - Aye, Cunningham - Aye,

DeGiulio - Absent, DeSio - Aye, Kelly - Abstain,

Leckstein - Aye, Nott - Absent, Smith - Absent, Wray - Abstain,

Gorman - Abstain, Booker - Aye

C. Lance Cunningham

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

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

PBZB No. 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

Boardmember Heather Gorman stepped down from the Board for this matter because she owns property within two hundred feet of the subject property.

The following exhibits had been entered into evidence 9/8/20:
A-1 Letter requesting extension of approvals from Rick Brodsky, Esq., dated 8/19/20
A-2 Original Resolution of Approval, memorialized 5/19/17

Attorney Rick Brodsky and property owner Chris Cole were in attendance.

Mr. Brodsky described improvements the owner has undertaken since the last hearing. A number of improvements have been made to the property, including cleaning it up, weeding and some landscaping, removing boards from windows, rebuilding the stairs, and installing a trellis.

Mr. Brodsky went on to explain that litigation is pending with Jersey Central Power and Light regarding their pole on the property that is causing this problem. Mr. Brodsky and Mr. Cole recently met with JCP&L.

Councilman Leckstein commented the property looks better but doesn't look how he would like it to look. The Councilman asked what assurances the Board would have that the maintenance of the property will continue.

Mr. Cole was sworn in to testify. He thanked the Board for its patience as he works through this issue. He stated that the house has been power washed and mentioned the improvements stated by Mr. Brodsky. He stated that they are trying to work out a resolution with JCP&L, including the possibility of their moving one of the poles to the other side of the street.

Chairman Cunningham suggested that the Board moves along with this approval and, hopefully, Mr. Cole will accomplish what needs to happen with JCP&L.

Councilman Leckstein offered a motion to approve the two-year extension of approvals conditioned upon the continued proper maintenance of the property. Chairman Cunningham offered a second, and the motion was approved on the following roll call vote:

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

Memorialization of Resolution

Unified Planning Board #2020-15

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD
GRANTING SITE PLAN WITH BULK VARIANCES AND
USE VARIANCE APPROVAL
RE: Alyce Glennon
250 Ocean Avenue
BLOCK 30 LOT 52**

WHEREAS, Alyce Glennon (the "Applicant") is the owner of premises commonly known as 250 Ocean Avenue, Block 30, Lot 52, Sea Bright, New Jersey has applied to the Planning/Zoning Board for site plan approval with bulk variances and use variance approval to demolish an existing two-family home and construct a new two-family home in the R-2 Zone where two-family residences are not permitted; and

WHEREAS, the applicant has provided due notice to the public and all surrounding properties as required by law in accordance with N.J.S.A. 40:55D-1, et seq., this Board gaining jurisdiction therein and the public hearing having been held on this matter on November 10, 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 the following:

- A-1:** Jurisdictional Packet.
- A-2:** Survey by Land Control dated 9-5-17
- A-3:** Plans by Apex Homes dated 7-2-2020, revised 8-3-2020
- A-4:** Grading Plan by RC Associates Consulting dated 8-11-2020
- A-5:** Photo
- B-1:** David Hoder report dated November 6, 2020

WHEREAS, the Board having considered the evidence presented it does hereby make the following findings of fact and conclusions:

1. The subject property is located in the R-2 Zone. Two-family homes are not permitted in the R-2 zone. Applicant

seeks a "d" use variance to demolish the existing substandard home and replace it with a new two-family home.

2. The Applicant also seeks the following bulk variances:

R-2 Residence Zone -	Zone Schedule	
Item	Required	Proposed
Lot Area	4,000 S.F.	4,305 S.F.
Lot Width	50 Ft.	41.0 Ft.
Lot Depth	60 Ft.	105.0 Ft.
Front Yard Setback	25 Ft.	34.20 Ft. ¹
Side Yard Setback	7 Ft.	9.95 & 5.1 Ft.
Side Yard Combined	15 Ft.	15.05 Ft.
Rear Yard Setback	15 Ft.	21.8 Ft.
Max. Lot Coverage	70 %	38.14 %
Max. Building Coverage	50 %	38.77 %
Max. Building Height	38 Ft.	34.45 St.
Parking	1.5 spaces/ unit (3)	4 spaces ²

Notes: Variance Requests are
in Bold.

¹ 25.20 to the 2 story deck

² **one space is in the front yard**

3. Jim Jahnsen, Applicant's son testified that the family purchased the home in 1963 as a two-family home. It has been used as a two-family home since that time. The existing bedrooms are very small with little closet space. He lives on the top floor and his mother on the first floor.

He stated the home was built in approximately 1940 as a summer bungalow with no insulation. The furnace, electric panels and water heater are located in the basement which is subject to flooding.

4. Jahnsen also stated that the flooding also causes water damage to the stairs to the first floor. Those stairs are very narrow and not up to current code. When bringing a queen box spring into the home he had to saw it in half to get up the narrow stairs.

Mr. Jahnsen stated that the home is not FEMA compliant and has no garage or dedicated parking. He stated that it is not realistic to merely renovate the existing home as it would be cost prohibitive and could not structurally withstand the required improvements.

He noted that his sister had an identical mirror image twin home next door which she demolished and built a new two-family home. The Applicant proposes the exact home as her daughter constructed next door.

5. Pandora Jacobs from RBA Home Builders testified on behalf of the Applicant. She described the proposed home. She noted that the new home would have a garage which would fit 3 cars under the house. The new home will be elevated to meet FEMA requirements whereas the existing home is not FEMA compliant. The new home will be energy efficient and the mechanicals will be out of danger from flooding.

6. Raymond Carpenter from RC Associates testified on behalf of the Applicant. He described the other two and multi-family homes in the area, including condominiums and a single lot containing several homes. Carpenter described the flood zone and indicated that the proposed home will meet all AE10 flood zone requirements. CAFRA approval is not required.

The existing house is not centered on the property. The location of the new home will improve one side yard condition. The proposed home will provide 3 parking spaces under the house and one space in the front yard.

7. The Board noted that the home had been used as a two-family home for at least nearly sixty years. There are numerous

multi-family dwellings in the area. The new proposal improved certain conditions and was more aesthetically pleasing.

8. The proposed new home will provide off-street parking where none currently exists. The layout is a much safer alternative to the current conditions. The new structure will be FEMA compliant and the mechanicals will be out of the flood area. The existing narrow stairs will be replaced with stairs that meet current codes.

9. The Board noted that the proposed new home will improve certain existing bulk conditions.

10. The Applicant STIPULATED that it will comply with the terms of the Board Engineer's letter marked as Exhibit B-1. The Architectural plans shall be revised to show all mechanicals will be out of the flood zone.

11. The Board agreed that the proposed two-story residence would not impair the intent of the zone plan or zoning ordinance. The Board found that the changes will be an upgrade to the property, improve safety and a benefit to the streetscape. The Board further found that the bulk variances are similar to the conditions in the neighborhood.

12. The Board found that raising the new home above the BFE would give protection against future flooding and improve the public safety and safety of the homeowners. The room sizes are reasonable and the size of the house was not too intense for the neighborhood. The new home will be compliant with building codes whereas the previous home is not.

13. The Board found that there would be no substantial impact on the zone plan and ordinance. The Board found that the bulk variances are consistent with the neighborhood and the pre-existing dwelling. The proposed design and layout of the proposed home will add to the safety of the property and make for a better and more aesthetically pleasing home. The new two-family home did not increase the density of the neighborhood.

14. After evaluating all of the evidence and testimony and based on the above findings, the Board found that the applicant has met the enhanced burden of proof as to the positive and negative criteria.

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

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright based upon the findings of fact set forth hereinabove that the waivers, bulk and use variance request to demolish the existing two-family residential dwelling and replace it with a new, code and FEMA compliant two-family residential dwelling be granted subject to the following general and specific 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 including but not limited to CAFRA and compliance with all governmental regulations 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 upon 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 has occurred.

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. Applicant will repair any curb, sidewalk, apron and pavement disturbed during the course of construction, to the satisfaction of the Board engineer.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of November 10, 2020; and

BE IT FURTHER RESOLVED that the Chairman and Board Secretary are hereby authorized to sign any and all documents necessary to effectuate the purpose of this Resolution; and

BE IT FURTHER RESOLVED that the Board Secretary is hereby authorized and directed to cause a certified copy of this Resolution to be sent to the Applicant, the Borough Clerk, the engineer and the zoning officer and to make same available to all other interested parties and to cause notice of this Resolution to be published in the official newspaper at the Applicant's expense.

I certify the foregoing to be a true copy of a Resolution by the Sea Bright Planning/Zoning Board memorialized on December 8, 2020.

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

Adopted on a roll call on a motion by Board Chairman Lance Cunningham
and Seconded by Boardmember Peggy Bills

Roll call vote:

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

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

Application Carried from 10/13/20

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 Roger J. McGowan, engineer Jaclyn J. Flor, architect Anthony M. Condouris, Planner David Glynn Roberts, and James J. Heiser were in attendance for the application.

The Jurisdictional Packet advertising this evening's meeting was received complete on 12/8/20.

The following exhibits had been entered into evidence at the hearing on August 25, 2020:

- 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
- 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
- B-1** First 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

Board attorney Higgins entered the following exhibits into evidence for this evening's meeting:

- A-13** Cul-de-sac Plan, prepared by Jaclyn J. Flor, dated 11/20/20
- A-14** South Wing Design Plan, prepared by Jaclyn J. Flor, dated 11/20/20
- A-15** Turning Exhibit Template, prepared by Jaclyn J. Flor, dated 11/20/20
- A-16** Proposed Conditions, South Wing Design, prepared by Jaclyn J. Flor
- A-17** Proposed Conditions, Cul-de-Sac Design, prepared by Jaclyn J. Flor
- A-18** Bird's Eye View, South Wing Design, prepared by Jaclyn J. Flor
- A-19** Turning Template, South Wing Design, prepared by Jaclyn J. Flor
- A-20** Construction Plan, South Wing Design, prepared by Jaclyn J. Flor
- A-21** Planning Testimony Exhibit, prepared by David Glynn Roberts, dated 12/8/20
- B-2** Board Engineer Second Technical Review prepared by David J. Hoder, P.E., P.P., C.M.E., Hoder Associates, dated 12/1/20, consisting of (7) seven pages

Attorney Roger McGowan summarized what transpired at the hearing on October 13, 2020. He stated that a number of concerns were expressed by members of the Board and by people in attendance. There were concerns about the additional density proposed by five additional homes. There was a discussion of the turn-around design that would be the most appropriate to support this proposed development. The applicant had proposed that perhaps a portion of the street be vacated. There also was concern about the screening between this development and the condominiums to the south.

Since that hearing, the applicant has decided to eliminate one of the homes, and is now proposing to subdivide the three existing lots that are the subject of this application into four lots. The applicant

will be presenting for consideration two alternative ways of providing effective turnarounds on the street. The applicant is no longer proposing any vacation of Mountain View Way and will be dedicating some additional roadway to the town, depending on which turnaround design is chosen. Also, they have been in frequent contact with neighbors who live along alongside Mountain View Way on Ocean Avenue. They met with about seven members of the community to address concerns and are hoping most of their concerns have been addressed to their satisfaction. Part of the agreement is to substantially enhance the screening between the Land's End development and the proposed development.

Engineer Jaclyn Flor, who remained under oath, testified. She pulled up Exhibit A- 2 to discuss the existing conditions of the property with Land's End to the south and Gaiter's property to the North. She switched to the next exhibit, A-16, to give two alternatives to address concerns from the last hearing.

Vice Chairman DeSio asked how the tidelands claim on one lot on the Shrewsbury River will be handled. Ms. Flor answered that they would ask for a tidelands grant in that location. Since that area is already behind the bulkhead, typically, it is already a filled area.

Ms. Flor discussed the exhibit to show two alternate proposed conditions. On the oceanfront lot, they are proposing to build a walkover which would be dedicated to the town. The lot and the walkover would be dedicated to the town.

They are also proposing to extend the roadway to the river, ending closer to the bulkhead, and two benches would be added as well as a concrete area. There would be a south turnaround to leave the site. No changes are being proposed to the existing lots on the north. One lot would be subdivided and two dwellings built. One lot would need a forty foot lot depth variance, and both lots would need front yard setback variances.

Exhibit 17 shows a second alternative. The existing right-of-way would stay in the same location. However, where the pavement stops is where the cul-de-sac would stop. The existing right-of-way would be improved with an ADA ramp and sidewalk with two benches. The two lots to the north would have to be adjusted. Because this right-of-way is still here, a front yard is created even though it's not paved. It acts a second front yard. The cul-de-sac is a front yard. A front yard setback variance is needed here. It is in the right-of-way. They are proposing to put landscaping and a sidewalk, but if the Board wanted to see something else, then they could put something else there. It is still Borough property, and it could be changed in the future.

A discussion ensued among Board members regarding the cul-de-sac, the right-of-way, and public access. Vice Chairman DeSio thinks they should do an easement to the water because you can't park there, anyway. Chairman Cunningham didn't agree with Mr. DeSio. Mayor Kelly stated that the T-turnaround design would be a better turnaround. Councilman Leckstein disagreed with Mayor Kelly. Councilman Leckstein agrees with the Board engineer Dave Hoder's preference for the cul-de-sac design. It is easier to turn around and makes for better public access, as Chairman Cunningham stated. Board member Cashmore asked whether parking would be allowed in the cul-de-sac. Mr. DeSio stated that the street is only 18' wide. No parking would be allowed. Ms. Flor stated she assumed there would be no parking, but people will park in it, anyway. Mr. Cashmore stated that maybe you might want the public to park there.

Councilman Leckstein asked for an informal poll of the Board members regarding their preference for each turn-around design. The cul-de-sac design received the votes of Councilman Leckstein, Dave DeSio, and Heather Gorman. The south-wing design received votes from Lance Cunningham,

Brian Kelly, Stephen Smith, Peggy Bills, Elizabeth DeGiulio, and Karolyn Wray. Attorney McGowan suggested that it seems like the Board has chosen the south-wing design turn-around.

Next, Jacki Flor showed Exhibit A-18, a bird's eye view of the neighborhood, A-19, the turning template, south-wing design, and A-20, construction plan, south-wing design. Mr. Cashmore stated that the turn-around should be properly marked with yellow striping, that there would be no parking, a fire zone for a fire truck turn-around. Dave Hoder stated that he likes the idea that if the Board is going with the south-wing proposal, it will discourage parking on the road. Ms. Flor stated that she will work with Mr. Hoder to get exactly what he suggests.

The applicant stated that the homeowners will be responsible for the maintenance of the public access park area and will enter into a developer's agreement with the Borough. Also, the applicant will grant an easement for the north side sidewalk. The Applicant agreed that if requested by Land's End Condominium Association, within six months of approval, the landscaping on lot 20.02 will be extended along the Land's End border.

Board engineer Dave Hoder's technical review of 12/1/20 was discussed. The variances required are as follows: For minimum lot depth, where 60' is required, 40' is proposed for Lot 20.02 and 39.63' is proposed for Lot 20.04. Regarding minimum front yard setback, where 25' is required, 9' is proposed for Lot 20.02 and 5' is proposed for Lot 20.04. Regarding minimum rear yard setback, where 15' is required, 7' is proposed for both Lots 20.02 and 20.04.

Ms. Flor stated the applicant will maintain the existing right-of-way, which is 20'. The south-wing portion will have a 22' wide right-of-way. The driveway was situated to allow for 20' for someone to park and 25' for someone to park, creating parking space for two additional cars behind a two-car garage. The house will be able to accommodate four cars with this design, keeping more cars off the road. Ms. Flor agreed to amend the plan to show the measurements specified by the engineer.

The public access area at the end of the street was discussed. Chairman Cunningham stated that if it is going to be public access, then it should look like public access so that people know they're allowed to go there. You don't want it to become part of the yards of two private residences or look like it is part of the private properties. It was agreed that the area could be moved a little bit. Heather Gorman stated that the area could look like a park area and still satisfy all of the Fire Department requirements. Ms. Flor concurred that they will do the park-like setting. Chairman Cunningham stated that they have to make sure there is enough roadway to get close to the water because the pumpers need to have access to the water to put out a fire. It's really important to the Fire Department.

A sidewalk easement was discussed. Landscaping, lighting, sanitary sewer calculations, and stormwater management were all discussed. The discussion of Mr. Hoder's technical review concluded.

Attorney for Land's End, Corey Klein, had a question for Jacki Flor, regarding a plan for the public access area as a "paper" street, a grassy area. Ms. Flor clarified that in this design it is no longer a "paper" street. They are going to pave that area. There will be a walkway and some landscaping to make the area more park-like as requested by the Board. It is an existing right-of-way that the applicant is not looking to vacate. Mr. Klein wanted to know who will maintain the area. Councilman Leckstein suggested it could be maintained by the Homeowners' Association. It would be preferable to having the town maintain it. Chairman Cunningham asked how do you ask a homeowner to maintain a park-like setting that belongs to the town? Councilman Leckstein said that this idea is not unheard of. It is actually pretty common in public areas. There should be a requirement of the homeowners to take care of it, which can easily be done. Mr. McGowan said this

can be wrapped into the Developer's Agreement. Chairman Cunningham thought the idea would be unrealistic in the long-run. Mr. Klein added that he has also seen it done this way. Land's End wants to know that it will be maintained. Mayor Kelly stated that his feeling was that the Borough should maintain it just so that it is done consistently. Councilman Leckstein expressed his view that the homeowners who actually live there and look at it every day would be more consistent in maintaining the area than the Borough. Boardmember Karolyn Wray stated that at the end of her street there is a public access area, and the Borough does a great job of maintaining it. She also expressed the idea that if the homeowners are maintaining the public access area, they might start to get a little greedy with the land. Councilman Leckstein said they won't be able to do that. He also doesn't want to put more responsibility on the taxpayers. Having concrete instead of grass, as Jacki Flor first had suggested, would keep it from becoming an issue with the homeowners. Dave DeSio added that it is the town's property, and he doesn't know if the town can ask private property owners to take care of town property. Councilman Leckstein said they will do it if we ask them to do it.

Mr. Klein had questions about landscaping and buffering. He wanted to know if it would be possible to add additional buffering along the boundary between Lot 20.02 and the Land's End property. Ms. Flor answered that it is possible and asked Mr. Klein if he is sure that the entire development wants the additional landscaping. Mr. Klein stated that he would find out from his client and will update the Board. Ms. Higgins clarified that the developer has agreed that, if additional landscaping along the border of Lot 20.02 and Land's End is requested by Land's End, the developer will cooperate.

Mr. Klein had a question about parking. He wanted to clarify what Ms. Flor had said about adding space for parking of two additional cars. Is there going to be any parking beyond what is being proposed right now?

David G. Roberts, the applicant's planner, was sworn in to testify, described his credentials, and was accepted by the Board as an expert witness. Mr. Roberts offered his planning testimony power point, Exhibit A-21, and noted that the lot sizes, depths, and setbacks are dictated by the existing right-of-way of Mountain View Way. He discussed density. It is usually the higher density development, like Land's End, that buffers itself from single family neighborhoods to protect them. He discussed the development in reference to the Master Plan encouraging a single-family home emphasis. This development will allow for a kind of reclaiming of this sort of no man's land kind of space and turning it into an actual finished and high-quality neighborhood. That will be consistent with two recommendations for the master plan. Variance relief can be granted without substantial detriment to surrounding properties for all the reasons that were outlined, the reduction in the number of lots, as well as the buffers that have been talked about. Mr. Roberts concluded his testimony.

Chairman Cunningham asked if there were questions from the Board. There being none, Chairman Cunningham opened the meeting to public questions.

Ruth Fialko remained sworn in from the previous meeting. She expressed that she felt very positive toward the application. She thanked the Board for making some changes which are going to be a positive impact on some of the traffic issues and concerns that were discussed at the prior hearing. She asked a question concerning why there would be sidewalks on the north end of the street. Councilman Leckstein answered that it is anticipated that, with the new development going on next door to you, there is going to be a lot of foot traffic walking down that street, and we prefer to keep people off the street. In his opinion there will be a lot more foot traffic. Mr. Hoder added that if the developer is offering a sidewalk, we should let them do it. Otherwise, someday, the town might have to do it. Ms. Fialko said that she hoped that, once these developments are done, there can be some type of signage telling people that this is a dead-end street with no parking.

Sharon Spiner, speaking as an individual homeowner at Land's End, stated that she is very appreciative of the developer's willingness to work with Land's End. She asked a question about the placement of the public access beach stairs that will be built. She is open to having public access beach stairs built because it may lessen the use of Land's End's private beach stairs. Could the public access stairs be placed as far north as possible to help differentiate from Land's End's private beach access stairs? Jacki Flor answered that the stairs are located on the south but are located as far north as they are allowed to be because the development doesn't own the whole frontage. Ms. Spiner said that she would appreciate the stairs being located as far north on the lot as possible. Ms. Spiner asked what the town's traffic plan is with the building up of the north end with Gaiter's and the properties on Mountain View and the hotel, which is a quarter mile away, not to mention Sandy Hook. Ms. Higgins explained that her question is not one for this Board. Ocean Avenue is a state highway. She could go to the state and ask about it. Chairman Cunningham said that there's not much the Board can do about it.

Land's End attorney Corey Klein had questions for Mr. Roberts regarding lot depth variances and discussing other possible ideas to comply with the lot depth. Mr. Roberts explained that we don't have any control over the right of way between the two homes on the north end of Mountain View Way. Mr. Klein wished to offer another way the development could have been designed. Mr. Roberts explained why it would not have worked. Then, Mr. Klein addressed the setback variances and suggested that you can create a reasonable footprint if you were to comply with the setback and reduce the size of the homes that are being planned for that lot. Councilman Leckstein interjected, and Mr. Klein explained that Land's End is objecting, and he is putting their objections on the record. He stated that he is posing his questions for cross-examination to preserve his client's record on a possible appeal should the association decide to go that route. Mr. Roberts offered an explanation and concluded that it's really just not possible to have a building development that makes any sense when the lot itself is only 40 feet deep. Another question for Mr. Roberts: When you're talking about reasonable building footprints do you mean something that's reasonable by a financial perspective to make the project viable? Mr. Roberts answered that there's no way that this lot could be usable in any way with those two setbacks to have to deal with. He said he thinks the application does come as close to making those two lots as conforming as possible, given the fact that the road is where it is.

The public portion was closed.

Councilman Leckstein wanted to verify with Mr. Klein for the record that it could be indicated that Land's End is objecting. He asked Mr. Klein whether he is putting on witnesses before the Board attorney summarizes. Mr. Klein answered that he doesn't have any witnesses. Councilman Leckstein wanted to make it part of the record whether they did or did not have witnesses.

Kerry Higgins went over the stipulations. The sidewalk will run on the northerly side, the applicant will maintain the sidewalk and the easement. A lot of the engineer's letter will go over that later. They're going to show all the conditions on the property that are not on the plans. The Board engineer has asked that the utilities will be underground. They're dedicating the lot across the street to the Borough, which provides public access to the beach. They're dedicating a lot, and they're building the crossover. They're dedicating the lot with the improvement having been constructed that there will be no parking on the lot. For the south wing section, it will be labeled as a fire zone, and they'll label that on their plans to be labeled on the street. They will show the measurements of the right-of-way on the plan. They agree that they will move the park element back. As far as fire trucks, that also will allow fire trucks to maneuver and gain water access to fill their pumps, in discussion with both the engineers, as to what is appropriate. There will be landscaping along lot 20.02. If requested by Lands' End they will extend along the entire border of that lot and Land's End with the same kind of landscaping.

Board Comments:

Councilman Leckstein stated this street, Mountain View Way, has been in need of improvement for a really long time, and the revised application, is better than what was originally put in front of us. This will be a huge improvement for the town. This is the right developer to make it happen in a positive fashion. He moved the application, if anyone else is in favor.

Stephen Cashmore: Removing the one structure on the south side of the property is a huge improvement, and he likes the type of turnaround that was designed as a part of this application. He agrees with Councilman Leckstein on having the homeowners take care of the property at the end of the street, but that is something that can be discussed in the Developer Agreement.

Chairman Cunningham stated that the Board hasn't agreed on everything 100%, but the Board seems to agree on the important things, and he seconded the motion to move this approval forward.

The application was approved on the following roll call vote:

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

Application carried from 10/27/20

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

Due to the lateness of the hour the applicant asked for the application to be carried. The Chairman announced the application is carried to the meeting of 1/26/21, with no further notice.

Board Review

ORDINANCE NO. 11-2020

AN ORDINANCE AMENDING CHAPTER 130, "LAND USE," ARTICLE IX, "DESIGN STANDARDS," §130-59H, "BULKHEAD MAINTENANCE," OF THE CODE OF THE BOROUGH OF SEA BRIGHT

A motion was offered by Councilman Leckstein to recommend no changes to Ordinance No. 11-2020, seconded by Stephen Smith, and carried on the following roll call vote:

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

Board Review

ORDINANCE NO. 12-2020

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE BOROUGH OF SEA BRIGHT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

A motion was offered by Councilman Leckstein to recommend no changes to Ordinance No. 12-2020, seconded by Chairman Cunningham, and carried on the following roll call vote:

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

CLOSING MATTERS

Board member Jefferey Booker is leaving the Board to become a Borough Councilman. Chairman Cunningham thanked Mr. Booker for his service and congratulated him on his election to the Council. Mr. Booker thanked the Board.

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 January 12, 2021 at 7:30 p.m.

Adjournment

The meeting was adjourned at 10:18 p.m. on a motion offered by Councilman Leckstein, a second offered by Board member Heather Gorman, and approval upon a unanimous voice vote by the Board members.

Respectfully submitted,


Candace B. Mitchell
Board Secretary