

**APPROVED MINUTES
VIRTUAL ADDED MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD
TUESDAY, JUNE 23, 2020**

ADMINISTRATIVE MATTERS

Call to Order

Chairman Cunningham called the meeting to order at 7:38 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: Cashmore, Cunningham, DeGiulio, DeSio, Smith (8:00 p.m.,) Wray, Gorman

Not Present: Kelly, Leckstein, McGinley, Nott, Bills,

Also in attendance: Board Attorney Kerry E. Higgins, Esq.

Board Engineer David J. Hoder

Board Secretary Candace B. Mitchell

ITEMS OF BUSINESS

Memorialization of Resolution

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD
GRANTING BULK VARIANCE APPROVAL
RE: Christopher and Kathleen Pultorak
504 Ocean Avenue
Block 30 Lot 2
Sea Bright, New Jersey**

WHEREAS, Christopher & Kathleen Pultorak (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 30, Lot 2 on the Tax Map of the Borough of Sea Bright, also known as 504 Ocean Avenue for bulk variances for enlarged rear deck and new access stairs; and

WHEREAS, Applicant proposes to enlarge the rear deck with new access stairs; and

WHEREAS, the existing structure is a single family home in the R-2 Zone; and

WHEREAS, Applicant seeks bulk variances for side yard setback where 8' is required and 5.67" is proposed; and

WHEREAS, Applicant has provided due notice to the public and all surrounding property owners as required by law, has caused notice to be published in the official newspaper in accordance with N.J.S.A. 40:55D-1 et seq. and, therefore, this Board has accepted jurisdiction of the application and has conducted public hearing on the matter at a meeting on June 9, 2020, at which time all persons having an interest in said application were given an opportunity to be heard; and

WHEREAS, the Applicant appeared and marked into evidence certain documents including the following:

A-1: Jurisdictional Packet

A-1a: Additional mailings

A-2: Plans by Michael Savarese Associates dated 2-10-20 3 pages

WHEREAS, the Board considered the testimony and evidence presented and the Board makes the following findings of fact and conclusions of law:

1. The property is in the R-2 zone.
2. The Applicant's architect Michelle Del Vecchio testified describing the plans. There will be a new enlarged rear deck with new access stairs. A side yard setback is required for the stairs. The Architect testified that there was no other viable location for the stairs.
3. The Board found that the new layout will an improvement and will provide a second and new access to the rear of the home. The Board felt this added to the safety of the home by providing an additional means of ingress and egress in case of emergency.
4. The Board found that the non-conformity was minimal and would not have any negative impact on the surrounding property.
5. The Board noted that there will be no impact on the neighbors as the variance is not excessive and the improved safety outweighs any detriment.
6. The Board found that the new improvements will complement the house and be aesthetically pleasing.
7. The Board found that the requested bulk variances were not excessive and improved the safety, aesthetics, enjoyment and layout of the home.

8. The Board found that the proposal will not have a negative impact on the neighborhood or on the zone plan.

9. The Board found that the bulk variance is consistent with the neighborhood and the pre-existing dwelling. The proposed design and layout will make for a better and more aesthetically pleasing home.

10. The Board found that the variances could be granted without any negative impact on the neighborhood and was not inconsistent with the zoning ordinance or zone plan.

11. After evaluating all of the evidence and testimony the Board found that the applicant has met the burden of proof as to the positive and negative criteria.

12. The Board found that the granting of the variances will have no substantial detrimental impact on surrounding properties nor will it substantially impair the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that the Application for bulk variance for side yard setback for a raised deck with new stairs accessing the rear of the dwelling as set forth above is approved in accordance with the plans submitted and marked into evidence, subject to the following conditions:

GENERAL CONDITIONS

1. The applicant shall submit proof of payment of all real estate taxes applicable to the property and payment of all outstanding and future fees and escrow charges, posting of all performance guarantees, if any, in connection with the review of this application prior to and subsequent to the approval of this application.

2. The applicant must obtain the approval of all necessary and appropriate governmental agencies and compliance with all governmental regulations, including but not limited to CAFRA, except those specifically waived or modified in this Resolution.

3. The applicant shall comply with all building, FEMA and fire codes including but not limited to, entrances and exits.

4. The accuracy and completeness of the submission statements, exhibits and other testimony filed with or offered to the Board in connection with this application, all of which are incorporated herein by reference and specifically relied by the Board in granting this approval. This condition shall be a continuing condition, which shall be deemed satisfied unless and until the Board determines (on Notice to the applicant) that a breach thereof.

5. All stipulations agreed to on the record, by the applicant.

6. In the event that any documents require execution in connection with the within approval, such documents shall not be released until all of the conditions of the approval have been satisfied unless otherwise expressly noted.

7. The Applicant shall pay to the municipality any and all sums outstanding for fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspections of improvements and other purposes authorized by the MLUL.

8. The Applicant shall furnish such Performance Guarantees and/or Maintenance Guarantee as may be required pursuant to the MLUL and the Sea Bright Ordinances.

9. No site work shall be commenced or plans signed or released or any work performed with respect to this approval until such time as all conditions of the approval have been satisfied or otherwise waived by the Board.

10. No mechanicals will be located beyond the building wall into the setbacks and will be above the BFE.

11. The Applicant will meet all building codes, including the number of windows permitted.

12. If applicable, the Applicant/Developer shall comply with the Sea Bright Affordable Housing Regulations, Section 130-118 et seq. as amended and supplemented by paying a fee of one and a half percent (1.5%) of the equalized assessed value for all new residential development. This fee shall be payable by Applicant, its successors or assigns. Collection of the fee shall be as set forth in Section 130-123.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of June 9, 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 June 23, 2020.

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

Adopted on a roll call on a motion by Boardmember DeGiulio
And Seconded by Boardmember Cunningham

Vote:

Cashmore - Aye Cunningham - Aye DeGiulio - Aye DeSio - Aye
Kelly - Absent Leckstein - Absent McGinley - Absent Nott - Absent
Smith - Absent Bills (Alt.#1) - Absent Wray (Alt.#2) - Aye Gorman (Alt.#3) - Aye

C. Lance Cunningham

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

Memorialization of Resolution

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD
GRANTING BULK VARIANCE APPROVAL**

**RE: James LoBiondo
3 Osborne Place
Block 9 Lot 3.01
Sea Bright, New Jersey**

WHEREAS, James LoBiondo (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 9, Lot 3.01 on the Tax Map of the Borough of Sea Bright, also known as 3 Osborne Place for bulk variances to construct an elevated rear deck; and

WHEREAS, the existing structure is a single family home in the R-3 Zone; and

WHEREAS, Applicant seeks bulk variances for rear yard setback where 15' is required and 3' is proposed; lot coverage where 70% is permitted and 73% is proposed; building coverage where 50% is permitted and 58.52% is proposed; and

WHEREAS, Applicant has provided due notice to the public and all surrounding property owners as required by law, has caused notice to be published in the official newspaper in accordance with N.J.S.A. 40:55D-1 et seq. and, therefore, this Board has accepted jurisdiction of the application and has conducted public hearing on the matter at a meeting on June 9, 2020, at which time all persons having an interest in said application were given an opportunity to be heard; and

WHEREAS, the Applicant appeared and marked into evidence certain documents including the following:

- A-1:** Jurisdictional Packet
- A-1a:** Additional mailings/noticing
- A-2:** David Hoder Report 3-30-20
- A-3:** Architectural Plans by Jeremiah Regan dated 3-10-20 1 page
- A-4:** Photo

WHEREAS, the Board considered the testimony and evidence presented and the Board makes the following findings of fact and conclusions of law:

1. The property is in the R-3 zone.
2. The Applicant testified describing the proposed deck. There will be gravel underneath. A side yard setback is required for the stairs. Applicant seeks bulk variances for rear yard setback where 15' is required and 3" is proposed; lot coverage where 50% is permitted and 73% is proposed; building coverage where 50% is permitted and 58.52% is proposed.
3. The Board found that the new layout will an improvement and will provide a better use for the rear of the home. A ground level patio would require the residents to climb up and down to the elevated living space. The Board felt the deck added to the safety of the home
4. The Board found that no property owners to the rear would be impacted by the deck.
5. The Board noted that there will be no impact on the neighbors.
6. The Board found that the new improvements will complement the house and be aesthetically pleasing.
7. The Board found that the requested bulk variances were not excessive and improved the safety, aesthetics, enjoyment and layout of the home.
8. The Board found that the proposal will not have a negative impact on the neighborhood or on the zone plan.
9. The Board found that the bulk variance is consistent with the neighborhood and the pre-existing dwelling. The proposed design and layout will make for a better and more aesthetically pleasing home.
10. The Board found that the variances could be granted without any negative impact on the neighborhood and was not inconsistent with the zoning ordinance or zone plan.
11. After evaluating all of the evidence and testimony the Board found that the applicant has met the burden of proof as to the positive and negative criteria.
12. The Board found that the granting of the variances will have no substantial detrimental impact on surrounding properties nor will it substantially impair the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that the Application for bulk variance for rear yard setback where 15' is required and 3" is proposed; lot coverage where 50% is permitted and 73% is proposed for an elevated deck as set forth above is approved in accordance with the plans submitted and marked into evidence, subject to the following conditions:

GENERAL CONDITIONS

1. The applicant shall submit proof of payment of all real estate taxes applicable to the property and payment of all outstanding and future fees and escrow charges, posting of all performance guarantees, if any, in connection with the review of this application prior to and subsequent to the approval of this application.
2. The applicant must obtain the approval of all necessary and appropriate governmental agencies and compliance with all governmental regulations, including but not limited to CAFRA, except those specifically waived or modified in this Resolution.
3. The applicant shall comply with all building, FEMA and fire codes including but not limited to, entrances and exits.
4. The accuracy and completeness of the submission statements, exhibits and other testimony filed with or offered to the Board in connection with this application, all of which are incorporated herein by reference and specifically relied by the Board in granting this approval. This condition shall be a continuing condition, which shall be deemed satisfied unless and until the Board determines (on Notice to the applicant) that a breach thereof.
5. All stipulations agreed to on the record, by the applicant.
6. In the event that any documents require execution in connection with the within approval, such documents shall not be released until all of the conditions of the approval have been satisfied unless otherwise expressly noted.
7. The Applicant shall pay to the municipality any and all sums outstanding for fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspections of improvements and other purposes authorized by the MLUL.
8. The Applicant shall furnish such Performance Guarantees and/or Maintenance Guarantee as may be required pursuant to the MLUL and the Sea Bright Ordinances.
9. No site work shall be commenced or plans signed or released or any work performed with respect to this approval until such time as all conditions of the approval have been satisfied or otherwise waived by the Board.
10. No mechanicals will be located beyond the building wall into the setbacks and will be above the BFE.
11. The Applicant will meet all building codes, including the number of windows permitted.

12. If applicable, the Applicant/Developer shall comply with the Sea Bright Affordable Housing Regulations, Section 130-118 et seq. as amended and supplemented by paying a fee of one and a half percent (1.5%) of the equalized assessed value for all new residential development. This fee shall be payable by Applicant, its successors or assigns. Collection of the fee shall be as set forth in Section 130-123.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of June 9, 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 June 23, 2020.

Candace B. Mitchell

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

Adopted on a roll call on a motion by Boardmember Cashmore
And Seconded by Boardmember Gorman

Vote:

Cashmore - Aye Cunningham - Aye DeGiulio - Aye DeSio - Abstain
Kelly - Absent Leckstein - Absent McGinley - Absent Nott - Absent
Smith - Absent Bills (Alt.#1) - Absent Wray (Alt.#2) - Aye Gorman (Alt.#3) - Aye

C. Lance Cunningham

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

Memorialization of Resolution

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD
GRANTING BULK VARIANCE APPROVAL**

**RE: James LoBiondo
3a Osborne Place
Block 9 Lot 3.02
Sea Bright, New Jersey**

WHEREAS, James LoBiondo (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 9, Lot 3.02 on the Tax Map of the Borough of Sea Bright, also known as 3 Osborne Place for bulk variances to construct an elevated rear deck; and

WHEREAS, the existing structure is a single family home in the R-3 Zone; and

WHEREAS, Applicant seeks bulk variances for rear yard setback where 15' is required and 3.46' is proposed; lot coverage where 70% is permitted and 73% is proposed; building coverage where 50% is permitted and 58.52% is proposed; and

WHEREAS, Applicant has provided due notice to the public and all surrounding property owners as required by law, has caused notice to be published in the official newspaper in accordance with N.J.S.A. 40:55D-1 et seq. and, therefore, this Board has accepted jurisdiction of the application and has conducted public hearing on the matter at a meeting on June 9, 2020, at which time all persons having an interest in said application were given an opportunity to be heard; and

WHEREAS, the Applicant appeared and marked into evidence certain documents including the following:

- A-1:** Jurisdictional Packet
- A-1a:** Additional mailings/noticing
- A-2:** David Hoder Report 3-30-20
- A-3:** Architectural Plans by Jeremiah Regan dated 3-10-20 1 page
- A-4:** Photo

WHEREAS, the Board considered the testimony and evidence presented and the Board makes the following findings of fact and conclusions of law:

1. The property is in the R-3 zone.
2. The Applicant testified describing the proposed deck. There will be gravel underneath. A side yard setback is required for the stairs. Applicant seeks bulk variances for rear yard setback where 15' is required and 3" is proposed; lot coverage where 50% is permitted and 73%; building coverage where 50% is permitted and 58.52% is proposed.

3. The Board found that the new layout will be an improvement and will provide a better use for the rear of the home. A ground level patio would require the residents to climb up and down to the elevated living space. The Board felt the deck added to the safety of the home.

4. The Board found that no property owners to the rear would be impacted by the deck.

5. The Board noted that there will be no impact on the neighbors.

6. The Board found that the new improvements will complement the house and be aesthetically pleasing.

7. The Board found that the requested bulk variances were not excessive and improved the safety, aesthetics, enjoyment and layout of the home.

8. The Board found that the proposal will not have a negative impact on the neighborhood or on the zone plan.

9. The Board found that the bulk variance is consistent with the neighborhood and the pre-existing dwelling. The proposed design and layout will make for a better and more aesthetically pleasing home.

10. The Board found that the variances could be granted without any negative impact on the neighborhood and was not inconsistent with the zoning ordinance or zone plan.

11. After evaluating all of the evidence and testimony the Board found that the applicant has met the burden of proof as to the positive and negative criteria.

12. The Board found that the granting of the variances will have no substantial detrimental impact on surrounding properties nor will it substantially impair the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that the Application for bulk variance for rear yard setback where 15' is required and 3" is proposed; lot coverage where 50% is permitted and 73% is proposed; building coverage where 50% is permitted and 58.52% is proposed for an elevated deck as set forth above is approved in accordance with the plans submitted and marked into evidence, subject to the following conditions:

GENERAL CONDITIONS

1. The applicant shall submit proof of payment of all real estate taxes applicable to the property and payment of all outstanding and future fees and escrow charges, posting of all performance

guarantees, if any, in connection with the review of this application prior to and subsequent to the approval of this application.

2. The applicant must obtain the approval of all necessary and appropriate governmental agencies and compliance with all governmental regulations, including but not limited to CAFRA, except those specifically waived or modified in this Resolution.

3. The applicant shall comply with all building, FEMA and fire codes including but not limited to, entrances and exits.

4. The accuracy and completeness of the submission statements, exhibits and other testimony filed with or offered to the Board in connection with this application, all of which are incorporated herein by reference and specifically relied by the Board in granting this approval. This condition shall be a continuing condition, which shall be deemed satisfied unless and until the Board determines (on Notice to the applicant) that a breach thereof.

5. All stipulations agreed to on the record, by the applicant.

6. In the event that any documents require execution in connection with the within approval, such documents shall not be released until all of the conditions of the approval have been satisfied unless otherwise expressly noted.

7. The Applicant shall pay to the municipality any and all sums outstanding for fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspections of improvements and other purposes authorized by the MLUL.

8. The Applicant shall furnish such Performance Guarantees and/or Maintenance Guarantee as may be required pursuant to the MLUL and the Sea Bright Ordinances.

9. No site work shall be commenced or plans signed or released or any work performed with respect to this approval until such time as all conditions of the approval have been satisfied or otherwise waived by the Board.

10. No mechanicals will be located beyond the building wall into the setbacks and will be above the BFE.

11. The Applicant will meet all building codes, including the number of windows permitted.

12. If applicable, the Applicant/Developer shall comply with the Sea Bright Affordable Housing Regulations, Section 130-118 et seq. as amended and supplemented by paying a fee of one and a half percent (1.5%) of the equalized assessed value for all new residential development. This fee shall be payable by Applicant, its successors or assigns. Collection of the fee shall be as set forth in Section 130-123.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of June 9, 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 June 23, 2020.

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

Adopted on a roll call on a motion by Boardmember Cashmore
And Seconded by Boardmember Gorman

Vote:

Cashmore - Aye Cunningham - Aye DeGiulio - Aye DeSio - Abstain
Kelly - Absent Leckstein - Absent McGinley - Absent Nott - Absent
Smith - Absent Bills (Alt.#1) - Absent Wray (Alt.#2) - Aye Gorman (Alt.#3) - Aye

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

Memorialization of Resolution

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD
GRANTING BULK VARIANCE APPROVAL
RE: John Sanders & Janet Thorpe
12 Center Street
Block 9 Lot 13
Sea Bright, New Jersey**

WHEREAS, John Sanders & Janet Thorpe (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 9, Lot 13 on the Tax Map of the Borough of Sea Bright, also known as 12 Center Street for bulk variances to construct an elevated rear deck and 2nd story front deck; and

WHEREAS, the existing structure is a single family home in the R-3 Zone; and

WHEREAS, Applicant seeks bulk variances for rear yard setback where 15' is required and 2.5' is proposed; front yard setback where 5' is required, 4.3' is existing and 1.3' is proposed; side yard setback where 3/6' is required, .6/6.8' is existing and .6/3.2' is proposed; lot coverage where 70% is permitted and 72% is proposed; building coverage where 50% is permitted and 55.6 % is proposed; and

WHEREAS, Applicant has provided due notice to the public and all surrounding property owners as required by law, has caused notice to be published in the official newspaper in accordance with N.J.S.A. 40:55D-1 et seq. and, therefore, this Board has accepted jurisdiction of the application and has conducted public hearing on the matter at a meeting on June 9, 2020, at which time all persons having an interest in said application were given an opportunity to be heard; and

WHEREAS, the Applicant appeared and marked into evidence certain documents including the following:

- A-1:** Jurisdictional Packet
- A-2:** Supplemental/Additional mailings/noticing
- A-3:** Architectural Plans by Anthony Condouris dated 1-15-20
- A-4:** David Hoder Report 3-18-20
- A-5:** Survey by Robert Smith, Seneca Survey dated 902015
- A-6:** Page of 4 photos of subject
- A-7:** Two photos

WHEREAS, the Board considered the testimony and evidence presented and the Board makes the following findings of fact and conclusions of law:

1. The property is in the R-3 zone.
2. The Applicant's architect Anthony Condouris testified describing the proposed decks. The new rear deck will provide a second means of ingress and egress.
3. The Board found that the new layout will an improvement and will provide a second and new access to the rear of the home. The Board felt this added to the safety of the home by providing an additional means of ingress and egress in case of emergency.
4. The front deck is cantilevered and will not impede pedestrian safety.
5. The Board found that no property owners to the rear would be impacted by the rear deck.
6. The Board noted that there will be no impact on the neighbors. The decks are open air and not intrusive.
7. The Board found that the new improvements will complement the house and be aesthetically pleasing. The decks are typical residential arrangements.
8. The Board found that the requested bulk variances were not excessive and improved the safety, aesthetics, enjoyment and layout of the home.
9. The Board found that the proposal will not have a negative impact on the neighborhood or on the zone plan as the improvements are consistent with the neighborhood.

10. The Board found that the bulk variance is consistent with the neighborhood and the pre-existing dwelling. The proposed design and layout will make for a better and more aesthetically pleasing home.

11. The Board found that the variances could be granted without any negative impact on the neighborhood and was not inconsistent with the zoning ordinance or zone plan.

12. After evaluating all of the evidence and testimony the Board found that the applicant has met the burden of proof as to the positive and negative criteria.

13. The Board found that the granting of the variances will have no substantial detrimental impact on surrounding properties nor will it substantially impair the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that the Application for bulk variance for rear yard setback where 15' is required and 2.5' is proposed; front yard setback where 5' is required, 4.3' is existing and 1.3' is proposed; side yard setback where 3/6' is required, .6/6.8' is existing and .6/3.2' is proposed; lot coverage where 70% is permitted and 72% is proposed; building coverage where 50% is permitted and 55.6 % is proposed; for an elevated deck in the rear and second floor front deck as set forth above is approved in accordance with the plans submitted and marked into evidence, subject to the following conditions:

GENERAL CONDITIONS

1. The applicant shall submit proof of payment of all real estate taxes applicable to the property and payment of all outstanding and future fees and escrow charges, posting of all performance guarantees, if any, in connection with the review of this application prior to and subsequent to the approval of this application.

2. The applicant must obtain the approval of all necessary and appropriate governmental agencies and compliance with all governmental regulations, including but not limited to CAFRA, except those specifically waived or modified in this Resolution.

3. The applicant shall comply with all building, FEMA and fire codes including but not limited to, entrances and exits.

4. The accuracy and completeness of the submission statements, exhibits and other testimony filed with or offered to the Board in connection with this application, all of which are incorporated herein by reference and specifically relied by the Board in granting this approval. This condition shall be a continuing condition, which shall be deemed satisfied unless and until the Board determines (on Notice to the applicant) that a breach thereof.

5. All stipulations agreed to on the record, by the applicant.

6. In the event that any documents require execution in connection with the within approval, such documents shall not be released until all of the conditions of the approval have been satisfied unless otherwise expressly noted.

7. The Applicant shall pay to the municipality any and all sums outstanding for fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspections of improvements and other purposes authorized by the MLUL.

8. The Applicant shall furnish such Performance Guarantees and/or Maintenance Guarantee as may be required pursuant to the MLUL and the Sea Bright Ordinances.

9. No site work shall be commenced or plans signed or released or any work performed with respect to this approval until such time as all conditions of the approval have been satisfied or otherwise waived by the Board.

10. No mechanicals will be located beyond the building wall into the setbacks and will be above the BFE.

11. The Applicant will meet all building codes, including the number of windows permitted.

12. If applicable, the Applicant/Developer shall comply with the Sea Bright Affordable Housing Regulations, Section 130-118 et seq. as amended and supplemented by paying a fee of one and a half percent (1.5%) of the equalized assessed value for all new residential development. This fee shall be payable by Applicant, its successors or assigns. Collection of the fee shall be as set forth in Section 130-123.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of June 9, 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 June 23, 2020.

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

Adopted on a roll call on a motion by Boardmember Cashmore
And Seconded by Boardmember Gorman

Vote:

Cashmore - Aye Cunningham - Aye DeGiulio - Aye DeSio - Abstain
Kelly - Absent Leckstein - Absent McGinley - Absent Nott – Absent
Smith – Absent Bills (Alt.#1) - Absent Wray (Alt.#2) - Aye Gorman (Alt.#3) - Aye

C. Lance Cunningham

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

New Application

PBZB 2020-06

Bernard Dowd

20 and 22 Church Street, Block 13, Lots 28 and 29

Seeking bulk variance approval for front yard setback, rear yard setback, and building coverage

Seeking use variance for two-family dwelling in a single-family (r-3) zone

Attorney Kevin E. Kennedy, Applicants Bernard and Cynthia Dowd, and architect Jeremiah J. Regan were in attendance for the application.

Board Attorney Higgins stated that she has reviewed the jurisdictional packet and found it to be in good order. The Board accepted jurisdiction over the application, and the following exhibits were entered into evidence:

- A-1 Jurisdictional Packet, received 6/22/20
- A-2 Zoning Denial, dated 2/18/20
- A-3 Narrative of Intent, dated 2/27/20
- A-4 Architectural Plans prepared by Jeremiah J. Regan, A.I.A., NJ LIC. AI-10726, dated 1/26/20, 2 (two) sheets
- A-5 Architect's Rendering, prepared by Jeremiah J. Regan
- A-6 Resolution of Approval, dated 5/6/14
- A-7 Architectural Plans for two-family home prepared by WAGA Enterprises Architects, dated 8/1/13, revised to 5/16/16
- A-8 Technical Review prepared by David J. Hoder, P.E., P.P., C.M.E., dated 3/30/20, 2 (two) pages

Attorney Kennedy began by discussing the May 2014 resolution which had been approved to demolish an existing Superstorm Sandy damaged two-family home and build a new two-family home. The lot is currently vacant. The current owners of the property, which is located in the r-3 zone, would like to build a two-story home with modifications to some design elements of the home proposed previously, making it a more aesthetically pleasing and a more functional proposal. The modifications are as follows: increase the front yard setback from .7' to 3.0' to an open balcony; reduce the side yard setback from 4.0' to 3.16', which conforms to the zoning requirement; increase the rear yard setback from approximately 12.0' to approximately 12.96'; increase the number of stories from 2 to 2 ½ stories, which complies with zoning; increase the height from 35' to 37.10', which complies with zoning; and increase the building coverage from 55.5% to 61.93 %.

Variance approval is being sought for the above bulk variances and, because two-family homes are not permitted in the r-3 zone, the applicant is seeking a "d" use variance to expand the non-conforming use.

Mr. and Mrs Dowd were sworn in to testify. Mr. Dowd explained they are residents of Sea Bright, having purchased and renovated the bungalow at 7 Church Street in 2018, where they currently live. Mr. Kennedy asked how long they have owned the house at 20 and 22 Church Street. Mr. Dowd answered, since May 2018. They have decided to create a more aesthetically pleasing structure and utilize higher grade materials than the previous plans that had been approved, and they decided upon a different architect.

There were no Board nor public questions for the Dowds.

Architect Jeremiah Regan was sworn in to testify. He gave his credentials and stated that he has regularly appeared before this Board. Mr. Regan was accepted as an expert witness.

The Architectural Plans, Exhibit A-7, were pulled up, and Mr. Regan discussed his redesign of the building. He also mentioned that he got a different number when calculating the building coverage of the previous plans. The Dowds also decided on a 2 ½ story house with a different entry into the house from the previous plans.

Mr. Kennedy commented that the most significant changes involve the improvement of front, side, and rear yard setbacks. The 2 ½ stories complies with the regulations, and the height of the home, going from 35' to 37.01 ft., also complies with the height regulations. Building coverage calculations include the enclosed garage and elevated decks. Mr. Kennedy stated that he thinks the prior team didn't calculate correctly. If the calculations had been done correctly, they would be the same as what is being asked for now.

Mr. Regan discussed the materials to be used.

Mr. Kennedy asked whether the footprint is the same. Mr. Regan answered that it is the same. Mr. Kennedy asked whether Mr. Regan thought the new house would fit the character of the neighborhood. Mr. Regan answered that he did think so. Mr. Kennedy noted that no neighbors had objected to the 2014 application and asked if anything had changed. Mr. Regan answered that it had not. The design in 2014 was consistent with the neighborhood, and nothing will change.

Boardmember Cashmore asked if there is anything on the property now. There is nothing on the property now.

Vice Chairman DeSio noted that the plan shows the side yard setbacks are bigger than the 3' that is allowed, and that is an asset.

The architectural plans, Exhibit A-4 were pulled up for viewing. Dave Hoder asked about water and sewer utilities, and Mr. Dowd said that he knows there is water and sewer for one, because he pays for one. He will add another. Mr. Hoder answered a general question from Boardmember Gorman regarding the height allowed in the flood zone.

There were no further questions from the Board or members of the public for Mr. Regan.

Ms. Higgins asked Mr. Regan about the average backyard setback on the street. Mr. Regan answered that the setback is consistent with other houses on this street.

Mr. Cashmore commented that this is an attractive project and will make a nice addition to Church Street.

Mr. Hoder and Ms. Higgins discussed repair and replacement of curbs and sidewalks. Mr. DeSio offered that Avakian (Engineering) will handle the plot plan for sidewalks, curbs, and grading.

Boardmember Cashmore offered a motion to approve the application, with a second offered by Boardmember DeSio, and adoption of the motion on the following roll call vote:

Roll Call:

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

Nays: none

Abstain: Gorman (recused due to owning property within 200')

Absent: Kelly, Leckstein, McGinley, Nott, Bills

CLOSING MATTERS

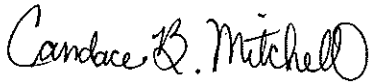
Meeting Announcement

There being no other business before the Board and no public comments, the Chairman announced the next Regular Meeting of the Planning Board is scheduled for July 14, 2020 at 7:30 p.m.

Adjournment

The meeting was adjourned at 8:32 p.m. on a motion offered by Boardmember DeSio, seconded by Boardmember DeGiulio, and approved upon a unanimous voice vote by the Board members.

Respectfully submitted,



Candace B. Mitchell
Board Secretary