

**APPROVED MINUTES
VIRTUAL MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD
TUESDAY, SEPTEMBER 22, 2020**

ADMINISTRATIVE MATTERS

Call to Order

Chairman Cunningham called the meeting to order at 7:33 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, Cunningham, DeGiulio, DeSio, Kelly, Leckstein, Smith, Wray, Gorman, Booker
Not Present: Cashmore, Nott

Also in attendance: Board Attorney Kerry E. Higgins, Esq., Board Engineer David J. Hoder, and Board Secretary Candace B. Mitchell

Approval of 9/8/20 Minutes

Vice Chairman DeSio offered a motion to approve the minutes with a correction made on page 3, paragraph 8, line 2: 60' deep was changed to 140' deep.

A second was offered by Boardmember DeGiulio, and the motion was adopted upon the following roll call vote of eligible members:

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

Nays: none

Abstain: Kelly

Absent: Cashmore, Nott

ITEMS OF BUSINESS

Memorialization of Resolution

**RESOLUTION OF THE SEA BRIGHT PLANNING BOARD/ZONING BOARD
GRANTING MINOR SUBDIVISION APPROVAL**

RPR Holdings, LLC

9 Imbrie Place and 11 Imbrie Place, Bl. 3, Lots 6.01 and 6.02

WHEREAS, the applicant, RPR Holdings, LLC is the owner of certain real property designated as Block 3, Lots 6.01 and 6.02 on the Borough of Sea Bright Tax Map; and

WHEREAS, the Applicant has applied to the Planning/Zoning Board of the Borough of Sea Bright for minor subdivision approval to shift the lot lines for lots 6.01 and 6.02 of Block 3, making one lot slightly larger; and

WHEREAS, although not required for a fully conforming minor subdivision, the Applicant has provided notice to the public and all surrounding properties, has caused notice to be published in the official newspaper in accordance with N.J.S.A. 40:55D-1 et. seq., and a public hearing having been held on this matter at regular Board meeting of September 8, 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 Outbound and Topographic Survey prepared by Abbington Engineering, LLC and dated 7/6/18 and updated 6/6/19, consisting of one (1) sheet

A-3 Minor Subdivision Plan prepared by Abbington Engineering, LLC and dated 2/19/20, consisting of one (1) sheet

WHEREAS, the Planning Board/Zoning Board of the Borough of Sea Bright held a hearing on September 8, 2020, at which time it made the following findings:

1. The land to be subdivided is as shown on the Minor Subdivision Plan prepared by Abbington Engineering, LLC and dated 2/19/20, consisting of one (1) sheet.
2. Applicant's predecessor had received prior minor subdivision approval for two fully conforming lots. However due CAFRA requirements, the location of the home on the site would be located in the VE zone. Applicant's surveyor Vincent Creevy testified that the proposal is to shift the lot subdivision line approximately nine feet to the east, making one lot slightly larger, but both lots will be conforming. The reconfigured lot line would enable the home on the westerly lot to be located out of the VE Zone.
3. Mr. Creevy described the existing lots as two conforming lots, each 140' deep and 62 ½' in width. With approval of this application the eastern lot will measure 53.30' in width and will accommodate a smaller house. The western lot will measure 71.70' in width and will accommodate a larger house.
4. The two proposed lots are conforming in all aspects and the Applicant can meet all setback requirements under the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Sea Bright Planning Board/Zoning Board of the Borough of Sea Bright, County of Monmouth, State of New Jersey, as follows:

1. The Minor Subdivision of Block 3, Lots 6.01 and 6.02 to create 2 fully conforming lots as set forth above and on the Minor Subdivision Plan prepared by Abbington Engineering, LLC and dated 2/19/20 and incorporated by reference herein, be and is hereby approved by the Borough of Sea Bright Planning/Zoning Board.

2. Said approval is conditional upon completion of the following items:

(a) The applicant shall comply with all Borough Ordinances relative to construction of any improvements on the lots.

(b) The construction of any dwellings on the lots is conditioned upon obtaining all CAFRA and other necessary permits.

(c) The applicant obtaining the approval of all necessary and appropriate governmental agencies.

(d) 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 in connection with the review of this application prior to and subsequent to the approval of this application.

(e) The applicant shall be bound by all representations made in testimony before the Board as set forth in the minutes of the hearings on the dates referred to above.

(f) The accuracy and completeness of the submissions, 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 subsequent which shall be deemed satisfied unless and until the Board determines (on notice to applicant) that breach hereof has occurred.

(g) Applicant shall perfect the subdivision according to law. The metes and bounds description or final subdivision map shall be reviewed and approved by the Borough engineer.

(h) The construction of any dwellings on the lots shall be constructed within the required setbacks.

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 Tax Assessor and to make same available to all other interested parties and that the Board Secretary shall cause same to be published in the official newspaper at the Applicant's expense.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of September 22, 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

I hereby certify the foregoing is a true copy of a Resolution of the Sea Bright Zoning Board memorialized on September 22, 2020.

Candace B. Mitchell

Candace Mitchell, Secretary
Sea Bright Planning/Zoning Board

Adopted on a roll call on a motion made by Boardmember DeSio with corrections noted: Page 2, no. 3, line 2: The number "60'" has been changed to "140'." Page 2, no. 3, line 4: The word "eastern" has been changed to "western."

The motion was seconded by Boardmember Smith.

Roll call vote:

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

C. Lance Cunningham

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

Memorialization of Resolution

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

**RE: Ester Cambronero and Stephen Cashmore
902 Ocean Avenue
BLOCK 24 LOT 7**

WHEREAS, Ester Cambronero and Stephen Cashmore (the "Applicant"), owner of premises commonly known as 902 Ocean Avenue, Block 4 Lot 7, Sea Bright, New Jersey have applied to the Planning/Zoning Board for variance approval to allow for parking in a front yard and an increase in the driveway up to the property line; 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 September 8, 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** Existing Conditions and Demolition Plan prepared by Harbor Consultants, Inc. dated 2-22-17, revised to 6-15-18
- A-3** Plot Plan prepared by Harbor Consultants, Inc. dated 4-11-17, revised to 6-15-18
- A-4** Soil Erosion & Sediment Control Plan prepared by Harbor Consultants, Inc. dated 6-4-18, revised to 6-15-18
- A-5** Final As-Built Plan prepared by Victor E. Vinegra, P.E, L.S., NJ License No. 34460, Harbor Consultants, Inc., dated 6/17/20, consisting of one (1) sheet
- A-6** Packet of 8 photographs of property as it exists, received 7/25/20

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-2 Zone. On or about September 12th, 2017, Applicants received Site Plan with

Bulk Variances and Use Variance Approval to effectuate the following:

- Demolition of then existing Superstorm Sandy- damaged single family home; and
- Construction of a new single family dwelling.

2. Applicants are requesting permission to modify the design of the previously approved driveway.

3. Mr. Cashmore explained to the Board members that when laying out the driveway, they realized there was room for a second off-street parking space. Exhibit A-6 photos were shown and discussed, as well as the initial application and the As-Built Plan.

4. Driveways are not permitted within 3 feet of the property line. The Board reviewed the photos and felt that the addition of an off-street parking space was a benefit. The Board found that the driveway and property looks beautiful.

5. Upon questioning by the Board, Applicant stated that there is room to turn a car around into the curb cut.

6. The Board agreed that the new driveway was aesthetically pleasing and provided the benefit of an additional off-street parking space. Parking in Sea Bright is very limited and the Board found this to be a very positive factor. The Board found that the driveway up to the property line and parking in the front yard would not impair the intent of the zone plan or zoning ordinance. Parking in the front yard is very common in Sea Bright.

7. After evaluating all of the evidence and testimony the Board found that the applicant has met the enhanced burden of proof as to the positive and negative criteria as set forth in Medici v. BPR Co., 107 N.J. 1 (1987).

The Board further found that the driveway structure, with the addition of off-street parking will promote the public health and safety.

19. 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 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 bulk variance request for the driveway to the property line and parking in the front yard, 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 July 18, 2017; 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 September 22, 2020.

Candace B. Mitchell

Candace Mitchell, Secretary
Sea Bright Planning/Zoning Board

Roll call vote:

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

C. Lance Cunningham

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

New Application

PBZB No. 2020-13

1030 Partners, LLC and 1010 Ocean Partners

1030 Ocean Avenue, Bl. 17, Lots 4 and 5

Addition, alteration, and expansion of existing restaurant and bar

Attorney Robert F. Munoz, property owner Thomas Bonfiglio, and architect James J. Monteforte 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, dated 9/14/20

A-2 Application and Zoning Denial

A-3 Resolution No. 2017-21 granting amended site plan approval, Lot 4, and use variance, Lot 5, dated 6/27/17

A-4 Survey with green highlight

A-5 Architectural Plans for Alteration/Addition prepared by Monteforte Architectural Studio, NJ LIC. NO. 12132, dated 12/4/19, consisting of three (3) sheets

A-6 a-f six photos

A-7 First Technical Review of Site Plan Application prepared by Planning Board Engineer David J. Hoder, dated 9/18/20, consisting of five (5) pages

A-8 Resolution granting bulk variances and site plan approval, dated 3/24/15

A-9 Resolution partially granting and partially site plan, dated 12/8/15

A-10 Resolution granting temporary waiver of Conditions, dated 6/16/20

Robert F. Munoz made an opening statement. He stated that this particular application is a proposal for mostly operational issues which will enhance the facility, given the recent Covid experiences they have had. There is no additional occupancy under this proposal. There are operational kinds of things to address what is happening in the food service industry in terms of the new lifestyles that they have in terms of Covid, which they have already partially addressed in their temporary situation a few months ago.

Mr. Bonfiglio was sworn in to testify.

Mr. Bonfiglio thanked the Board for the June approval, regarding permission to have temporary dining in the back yard, and stated that the summer was a success. He was able to keep everybody employed, and thinks the neighbors were all happy.

He stated that, with the end of summer, the purpose of this application is to be proactive in keeping the guests and staff safe going forward. They are looking to expand from an operational point of view, not from a seating or a customer point of view. They want to add space to the building to have employees able to distance from each other, and to correct some of the deficiencies that they've been living with over the last few years.

They want to add employee bathrooms. They want add an elevator to the Banquet Room because their disabled guests aren't able to get up to the banquet room. They also want to create a separate area to keep waiting guests out of the restaurant, because they jam up the front door. They want to add an extension on the kitchen over the single-story part of the building. They would square off the building and expand the kitchen into that area, allowing for service to the second floor banquet room directly from the kitchen. Currently, they can only have buffet style service in the banquet room because the servers can't get the food up and down the steps.

They would like to add a deck above the covered patio, and they want to add French doors, where people can walk out onto the deck and get some fresh air. No tables and chairs will be put in that space. It's going to be more of cocktail hour time, where guests can stay a little further from each other and enjoy the beautiful ocean views.

Mr. Munoz stated that, given the time of Covid-19, there is not a demand for the buffet. The restaurant business, in general, is getting away from buffet service. Mr. Bonfiglio restated that it is very hard to bring individual plates of food up and down a flight of stairs. Mr. Munoz clarified that with the alterations they are asking for, they would be able to prepare and serve food on a plate basis rather than on a buffet basis.

Mr. Munoz asked Mr. Bonfiglio to clarify that the deck is not going to increase capacity. Mr. Bonfiglio stated that they are not going to increase capacity. They are visualizing it as a way to get some fresh air in by replacing the windows with French doors that will be opened up a few months of the year, bringing in fresh air and the ocean view. They will be able to have better social distancing. People will be able to stay farther away from one another.

Mr. Munoz confirmed with Mr. Bonfiglio that the second floor will remain a banquet room. Board attorney Higgins asked for confirmation that the balcony/deck is to be utilized only in conjunction

with the banquet room while a banquet is going on. It will be utilized by the same patrons that are at the banquet. Mr. Bonfiglio answered, "Correct." Ms. Higgins confirmed again that the deck will not be used at any time other than when there is a banquet. Mr. Bonfiglio confirmed that.

Councilman Leckstein stated that he wanted to make sure that the restaurant would not increase its capacity. He asked for confirmation that there would not be seating out on the patio, that all seating will continue to be inside the building. Mr. Bonfiglio confirmed that all seating will be inside the building. They might put a few "high tops" for people to hold their drinks. Councilman Leckstein stated that the only reason he brought it up is because he appreciates the Covid angle, but Covid is not going to be here forever, and the deck will be. He wants to make sure that it doesn't suddenly become an expansion, and that it is included in the resolution.

Ms. Higgins also confirmed that whatever the approved seating is, that is where it is remaining. Mr. Bonfiglio agreed. Mr. Bonfiglio stated that the approved number of seats in the restaurant will remain the same as stipulated in previous resolutions. He wasn't sure what the numbers were.

Councilman Leckstein asked about the covered patio in the front. Mr. Bonfiglio stated that the patio is going to be situated below the deck.

Mr. Munoz asked Mr. Bonfiglio to talk about the purpose of the elevator they would like to add. Mr. Bonfiglio explained that the banquet room is not a good venue for them because disabled guests cannot get to it, and sometimes family members will carry their disabled family members up the steps, but some people will not hold a party at the venue when they realize it is not accessible to their disabled family members. By creating the elevator, everyone will have access.

Mr. Munoz asked Mr. Bonfiglio to talk about the To-Go area. Mr. Bonfiglio stated that they will be improving social distancing by creating a little To-Go area in that same extension, because people waiting for To-Go orders tend to congregate for awhile, blocking the bar, or they hang out in the front of the store. He would like to remove them from the front of the store, and give them their own little section. To-Go has become a big part of the business. At the height of Covid, To-Go was 100% of the business. It is down to 20 or 25%. In normal times it was around 8%. So, it is a high volume of people he would like to keep out of the front of the store.

Ms. Higgins stated to Mr. Bonfiglio that he has indicated a lounge. It is on the second floor next to the open deck. Mr. Munoz said that it is adjacent to the elevator.

Ms. Higgins clarified what engineer Dave Hoder had said regarding the second-floor deck. She said that the issue was, that by adding the second-floor deck, which becomes a roof over the first floor patio, your setback which was originally 9', looks like it is going to 3'. Mr. Munoz suggested swearing in the architect to discuss.

Vice Chairman DeSio had a question regarding where the added bathrooms would be. Mr. Bonfiglio said he thought they were in the kitchen. Mr. Munoz suggested he would like to have the architect walk everyone through the plans.

Boardmember Gorman also had a question regarding the capacity of Tommy's right now, not including the banquet room. She stated that this application is all about adding space but not capacity. She asked what is the capacity currently? The architect, James Montefort said that he thought the capacity was about 288. Ms. Gorman stated that we just need to maintain. She then discussed parking, referencing Mr. Hoder's technical review. There are 54 parking spaces in the previously approved parking lot. This equates to 162 seat capacity, and that, basically, based on the plan, it looks like there are over 200 seats. So, she wanted to make sure that the parking spaces and

seat capacity balances itself properly. Attorney Higgins stated that she checked the 2015 resolution, and the seating capacity is stated as 195 indoor seating and 104 outdoor seating.

Boardmember Wray asked if the number includes the tables that are in front on the sidewalk during normal times. Ms. Higgins answered that the outside dining is limited to 104. That is what was approved. Now, there is a temporary waiver of conditions. That will change back to what it was once Covid-19 is over.

Mr. Monteforte was sworn in to testify. Mr. Monteforte has held professional licenses in the state of New Jersey since 1992 and has been before the Board on multiple occasions. Mr. Monteforte was accepted as an expert witness.

Mr. Monteforte asked everyone to look at sheet No. 102 of the plans in the exhibit named A-5. The new first floor improvements include a take-out area, a new vestibule, and a new covered patio area. The gray section in the front is where the work areas are going to be. It is not enclosed, but it's under a solid roof; so, it should be treated as a covered porch. The tower itself has a setback of 9'. A vestibule is being added and a revolving door. The door to the left would be a take-out area. Where the plan is labeled "Office" is probably going to be a counter for take-out. There is an elevator there.

Variances for front yard setback are needed for the covered patio, which measures 2' from the property line to the cornices and 3' from the property line to the columns. Variances are needed for side yard setback where 7' is required and 0' is proposed, and the combined side yard setback, where 15' is required and 0' is proposed.

The addition is taking away some of the outdoor seating currently out on the patio, and because an entryway is being added, there are probably a couple of tables that will be lost. The porch itself ends at the last column by the elevator. There will be a cover over you when you when you come into the vestibule with the revolving doors. The whole first floor edition is 464 square feet, and the porch area is a 1,037 square foot addition. Ms. Higgins verified that the patio area is not changing. It is just going to be covered. Mr. Monteforte clarified for the record, as requested by Chairman Cunningham, that one area is enclosed and heated and the other one is not.

Mr. Monteforte went on to discuss the next page, no. 103, the second floor, and pointed out where the additional kitchen is going. Currently, that area is one story. They will be adding to the building and leveling it off. The stairwells will be changed to make serving easier, and the larger kitchen downstairs is needed because it is currently extremely small for the number of dinners it has to put out. There is currently no bathroom for the staff. A bathroom is being added on the second floor for the staff. There is kind of an elevator lobby before you go into the party room. There is a very large window there with really nice views of the ocean. There may be a couch in the area, where people can sit and chat and enjoy the view. The party room remains exactly the same. The bathrooms and storage rooms on the second floor are exactly the same.

The open patio is the one in the front. It is 20' deep and 62.5' long. It runs along most of the front of the building. There will be a canvas awning on it. The To-Go sign will be imprinted onto the canvas awning. Mr. Monteforte also briefly discussed the gooseneck lighting over the Tommy's sign and wall lights with 40 watt bulbs.

Mr. Monteforte stated that the renovated kitchen area is 2,068 square feet and the covered porches are 1,094 square feet. He went on to discuss flood elevation information. The whole restaurant is below the base flood elevation. An entryway is being built that is actually permitted below the base flood elevation. So, water resistant materials will be used in the new construction. The entryway will have the proper flood venting. In order to meet the BFE requirements, you would have to lift

the whole building. Since not more than 50% of the structure is being renovated, they are exempt from doing that. They are required to allow water pressure to go in and out of that area in case of a very severe storm. There will be an insulated flow-through.

As far as signage, the awnings will have Tommy's embroidered on them, and sign at the top of the tower is the signature piece, and it is lit by gooseneck lighting. The sign is 10' wide and 2' 8" high. The same lettering currently in use will be used. The sign will be relocated. Mr. Munoz asked whether there would be lighting glare or anything that might affect the adjacent apartments or residences. Mr. Monteforte responded that everything they're doing is on the street side, and the building is pretty much blocking any kind of noise that is coming off of the front dining. Having the roof over the patio is actually going to buffer the downstairs noise. There will be a 42" high wall running around the upper deck, which provides a little bit of privacy for people on the deck, and, looking up from below, you will only see the people on the deck from the waist up. Mr. Munoz said they would comply with all fire and safety requirements.

Board members were asked if they had any questions for Mr. Monteforte. Ms. Wray asked, regarding the tower, whether or not there is a third floor, and Mr. Monteforte answered that there is not a third floor. There is a tall ceiling for aesthetics when you get off the elevator. Mr. Munoz mentioned that some of the height is also needed to accommodate the elevator.

Ms. Bills stated that she had been concerned with increased capacity, and that question was answered. She is excited that there will be an elevator because she has a handicapped person in her family. So, that's always been important to her. Ms. Bills had a question about the take-out area. Will people waiting for their take-out order be able to hang out and get a drink? Mr. Monteforte answered that people will be able to go in to pick up their order and leave, but there is direct access to the bar area.

Boardmember DeGiulio stated that she had a question about the emergency exit in the take-out area. Mr. Monteforte explained that if you have a revolving door, you are required to have an emergency exit also.

Board engineer Hoder asked whether the parking lot is going to lose any spaces, referring to accommodations for the new bridge. Mr. Munoz stated there has been no movement in the discussion based on the part of the Nautilus. Negotiations have not taken place. Ms. Higgins explained that Lot 5 is owned by a separate entity, and it is a separate stand-alone lot. The lot would have to be reconfigured which would affect the easement between the Nautilus and that piece of property. The Nautilus, so far, has not agreed on the easement language.

Ms. Gorman asked for reassurance about the numbers of seats not increasing. Ms. Higgins stated that she will be putting the number of seats in the resolution. Mr. Munoz also said that whatever we got before is what we have.

Mr. Hoder asked for clarification about making sure the building addition was not over the property line on the south side. Mr. Monteforte said that he and Mr. Hoder can coordinate on that. Mr. Hoder said it is 2" over. Mr. Monteforte said that he'll fix that and step back in 2". Mr. Hoder said that everything else in his letter has been explained.

Ms. Higgins wanted to confirm what is happening with the signs, confirmation that they are adding the Tommy's sign on top of the tower and adding the Tommy's Take-Out sign. Mr. Monteforte said, "Yes, on the canvas." Ms. Higgins affirmed that there will be three signs on the ocean side of the building and one sign on the northern side of the building. Mr. Hoder and Mr. Munoz confirmed that. Ms. Higgins also asked for confirmation that the front yard setback from the property line to

the covered porch is 3'. Mr. Monteforte said that is correct, to the face of the columns. Ms. Higgins said that the plans were too tiny to make out, and Mr. Monteforte said that the cornice work might hang out a little bit. Ms. Higgins said that if the variance states 3', and the cornices are to 2' and some inches, the addition will not get built. Mr. Monteforte agreed that planning for another foot was needed, to be safe.

Chairman Cunningham opened the meeting to the public.

Mary Lynn McClain, from 2 Rumson Road, was present at the meeting but was not able to be heard, though her microphone was unmuted. Ms. Higgins stated that she was able to "chat" with Ms. McClain using her cell phone. The Board was unable to get her input at that time.

Some Boardmembers offered remarks. Councilman Leckstein stated that he thought this is a wonderful application. He was concerned about the occupancy, which Mr. Bonfiglio answered, right from the get-go. Councilman Leckstein said that it is going to be a wonderful addition to the building for the future.

Chairman Cunningham said that he agreed it is a great addition to the facility, not adding more people in town, but just treating the people that come to town better. It's very important to allow things like this to happen.

Ms. Gorman wanted to add that, taking a look at the second Tommy's sign over the Tommy's Take-Out sign, she wondered if Mr. Bonfiglio thought it was necessary or not. She asked him to consider whether that third element, up on the tower, is necessary. If definitely needed, then he should go for it, but if he thinks it looks good without it, then maybe reducing the branding would be lovely. Mr. Munoz explained that the tower with the sign is Tommy's branding, kind of like "The Arches."

Boardmember Booker wanted to clarify something he had heard earlier, that there will be some mechanism in the resolution or in the agreement that the additional space being sought by the applicant can only be dedicated to operational use as opposed to traditional patron occupancy. He would like to make sure that's memorialized somewhere. Chairman Cunningham confirmed that the occupancy limit is not going to change. Ms. Higgins said that the agreements would be on the record.

Ms. Higgins let the Board know that Mary Lynn McClain had chatted back and just wanted to clear up the Nautilus' position. The Nautilus has no problem with the proposal. She also commented that no one has contacted them since March regarding the left turn for the new bridge.

Ms. Higgins went over stipulations, including that the number of seats currently approved will stay the same, that the additional balcony that is located off the banquet room will be used only in conjunction with the banquet room. There will be no additional sitting on the second floor, but there may be "high tops" for cocktails. Number of seats, indoor and outdoor, will remain the same. The deck to which we're referring will be 2' from the patio for the cornices and the columns will be 3' back from the front property line. There is an area on the south side that may be encroaching on the neighboring property, and they will make sure it is not over the property line. They requested three signs, and the board seemed amenable to three signs on the front facade. That requires variances, because you are only allowed one.

Boardmember DeGiulio asked to make a comment. She said that she had been very concerned about landscaping in the original application, and she wanted to commend the applicant for the beautiful landscaping they have. She hopes they will keep it as nice because it is really a nice addition to the area.

Chairman Cunningham commented that he thinks it is a good addition to this property, and that it is making use of little additional space, but not much, and it is making the facility work and operate better.

Mr. Bonfiglio thanked both Ms. DeGiulio and Chairman Cunningham.

Vice Chairman DeSio said, "I know you'll want to hear a comment from me. When I saw an application for Tommy's, I thought, I don't know what's going on now, but, after I saw the application, I think it's wonderful. He's not impacting anything on the property that would be detrimental to anybody, and I'm happy to support this. I think it's a great addition."

Boardmember Wray commented that she agreed 100 %. It looks beautiful.

Councilman Leckstein had offered a motion to approve the application before additional comments were made. The motion was seconded by Boardmember DeGiulio, and adopted on the following roll call vote:

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

Planning Board Review

Ordinance No. 09-2020, Introduced 9/15/20, Amending Chapter 130, "Land Use," Article IX, "Design Standards For Specific Uses," of the Code of the Borough of Sea Bright, to Establish Bulkhead Maintenance Regulations

After some discussion on the ordinance, Chairman Cunningham made a motion to carry the review discussion to the 10/13/20 meeting to give the members of the Board more time to review and discuss the ordinance. A second was offered by Boardmember Wray, adopted on the following roll call vote:

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

CLOSING MATTERS

Meeting Announcement

There being no other business before the Board and no general public comments, the Chairman announced the next regular meeting of the Planning Board is scheduled for October 13, 2020 at 7:30 p.m.

Adjournment

The meeting was adjourned at 9:01 p.m. on a motion offered by Boardmember Smith, seconded by Councilman Leckstein, and approved upon a unanimous voice vote by the Board members.

Respectfully submitted,



Candace B. Mitchell
Board Secretary