

**MINUTES FOR APPROVAL
VIRTUAL MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD
TUESDAY, SEPTEMBER 8, 2020**

ADMINISTRATIVE MATTERS

Call to Order

Chairman Cunningham called the meeting to order at 7:30 p.m. and requested those present join him in the Pledge of Allegiance.

Chairman's Opening Statements

Chairman Cunningham read the following Compliance Statements:

This meeting will be conducted by electronic means in accordance with the "Senator Byron M. Baer Open Public Meetings Act" of 2020, which explicitly permits a public body to conduct a meeting electronically during a state of emergency. Governor Murphy issued Executive Orders 103 and 107 declaring a "Public Health Emergency and State of Emergency" and directing residents to quarantine and practice social distancing.

The Borough of Sea Bright, in compliance with the Open Public Meetings Act, has provided the time, date, and location of this meeting to at least two designated newspapers, published same in the Asbury Park Press, the official newspaper, filed notice with the Borough Clerk, and posted notice on the Borough website and in the Borough Office.

Attendance Roll Call

Present: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Leckstein, Nott, Smith, Wray, Gorman, Booker

Not Present: Kelly

Also in attendance: Edward McKenna, Esq. for Board Attorney Kerry E. Higgins, Esq. and Board Secretary Candace B. Mitchell

2020 Oath Appointment

Attorney McKenna administered the following Oath Appointment:

Unexpired 2 Year Term Class IV – Alternate #1

Karolyn Wray - through December 31, 2020

Approval of 8/25/20 Minutes

Vice Chairman DeSio offered a motion to approve the minutes, with a second offered by Boardmember Bills, and adoption upon the following roll call vote of eligible members:

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

Nays: none

Abstain: Smith, Wray

Absent: Kelly

ITEMS OF BUSINESS

Request for Extension of Approvals

PBZB 2017-13

Cole Sea Bright, LLC

26 New Street, Bl. 12, Lot 13

Site Plan and Bulk Variance Approval

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

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

The following exhibits were entered into evidence:

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, speaking on behalf of the applicant, discussed having appeared before the Board on 8/25/20 and the need to appear this evening in order to answer Board member questions in terms of delays in the project since it was approved in May of 2017. The applicant went in knowing about the listing JCP&L utility pole and overhead wire. Mr. Brodsky explained that the owner wants to raise the property to comply with BFE parameters and cannot do so until JCP&L moves the overhead wire. The owner had immediately entered into talks with JCP&L and was told that the applicant's interest in their project, moving the pole and wire, would be taken care of along with a larger neighboring JCP&L project. That has not happened. Mr. Cole and his attorney have tried to negotiate something fair with JCP&L, without success. The applicant has changed course and has put JCP&L on notice. JCP&L has no easement over the subject property, and the applicant is in a very good position to file a complaint.

Property owner Chris Cole was sworn in to testify. He said that they are very frustrated, as the neighbors are. They have been working with JCP&L for a couple of years to no avail.

Councilman Leckstein expressed his concern that this property is the worst-looking property on the street. He suggested replacing the windows instead of keeping the windows boarded up. The residents on New Street have upgraded their homes and want this one made presentable. In order for the Board to grant an extension of approvals the Board needs something in exchange from Mr. Cole. He needs to make the property look presentable.

Mr. Brodsky stated the problem is nothing that is Mr. Cole's fault. Councilman Leckstein said that what the building looks like now is under Mr. Cole's control.

Vice Chairman DeSio suggested knocking down the present structure and that JCP&L is not going to approve building a new house until the wire has been moved. Mr. DeSio suggested leaving the lot empty until the problem with JCP&L has been resolved.

Board Attorney McKenna discussed a similar case. He suggested that pursuing the lawsuit is a good idea. Councilman Leckstein stated that a lawsuit could take years to resolve. The house needs to be made to look nice, not like an eyesore. Boardmember Nott suggested that maybe Mr. Cole can do something less expensive than replacing the windows. Chairman Cunningham asked what is it that Mr. Cole could do. Mr. Cole suggested painting the boarded windows to improve the appearance. He suggested making the building look better, putting off the request for extension until later. Boardmember Cashmore suggested painting the boarded windows to look like windows. Councilman Leckstein said the house needs to look presentable, not like a boarded-up structure. Boardmember Bills suggested giving the applicant thirty days to make the house look presentable.

There were no questions from the Public.

Councilman Leckstein offered a motion to carry this matter to the meeting of October 13, 2020, providing the applicant with thirty days to make the structure look presentable. The motion was seconded by Chairman Cunningham, and adopted upon the following roll call vote:

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

New Application

PBZB No. 2020-11
RPR Holdings, LLC
9 Imbrie Place and 11 Imbrie Place, Bl. 3, Lots 6.01 and 6.02
Minor Subdivision Application

Attorney Rick Brodsky and professional surveyor Vincent Creevy were in attendance for the application.

Board Attorney McKenna stated that he 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

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

Mr. Brodsky described the subject property as two vacant buildable lots. The applicant is asking to shift the lot subdivision line approximately nine feet to the east, making one lot a little larger. Moving the subdivision line to the east will locate the house on the west to outside of the VE zone. This application requires no variances, still providing two conforming lots.

Land surveyor Vincent Creevy was sworn in to testify. He stated that he has been a professional surveyor since 1992, licensed in the state of New Jersey. The Board accepted Mr. Creevy's credentials and accepted him as an expert witness.

Exhibit A-3, the subdivision plan, was opened for viewing. 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.

The Board members had no questions for Mr. Creevy.

Vice Chairman DeSio shared his opinion that it is a courtesy to have this matter come before the Board, and there can't be any objections to approving.

Mr. McKenna stated that the request is well-founded and complies with the zoning ordinances. He also stated that notice was required, and shifting the lot line, realigning a subdivision, required approval by the Board.

There were no questions from the Public.

Boardmember Bills offered a motion to approve the application, with a second offered by Councilman Leckstein, and adoption on the following roll call vote:

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

New Application

PBZB No. 2020-12
Ester Cambroner and Steven Cashmore
902 Ocean Avenue, Bl. 24, L. 7
Extension of Driveway

Boardmember Stephen Cashmore stepped down from the Board for this matter because he is the subject property owner.

Ester Cambroner and Stephen Cashmore were in attendance for the application.

Board Attorney McKenna stated that he 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

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 6 photographs of property as it exists, received 7/25/20

Ms. Cambroner and Mr. Cashmore were sworn in to testify.

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

Mr. McKenna stated that a driveway is technically not permitted within three feet of the property line but making a second off-street parking space is a positive outcome.

Boardmember Wray asked what the curb is like in front of it. Mr. Cashmore explained that the property is about a foot into the sidewalk area. There is a curb-cut into the sidewalk. Chairman Cunningham asked whether there is room to turn a car around into the curb cut. The answer is that there is enough room.

Vice Chairman DeSio stated that Mr. Cashmore and Ms. Cambroner have done a beautiful job. He stated that if it didn't trigger a variance for lot coverage, they would just need a variance for parking within a setback. It is important to have this much parking, and he is very pleased with it.

Board Attorney Higgins joined the meeting.

Councilman Leckstein stated that the property looks very nice, and he is in favor of added off-street parking. The only variance needed is for parking in a setback.

There were no further questions or statements from the Board nor from members of the public.

Councilman Leckstein offered a motion to approve the application, with a second offered by Boardmember Bills, and adoption upon the following rollcall vote:

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

Nayes: none

Absent: Kelly

Stephen Cashmore rejoined the Board.

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 September 22, 2020 at 7:30 p.m.

Adjournment

The meeting was adjourned at 8:39 p.m. on a motion offered by Boardmember Cashmore, seconded by Boardmember DeGiulio, and approved upon a unanimous voice vote by the Board members.

Respectfully submitted,

Candace B. Mitchell
Board Secretary