

**APPROVED MINUTES  
MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD  
Tuesday, November 9, 2021**

**ADMINISTRATIVE MATTERS**

**Call to Order**

Chairman Cunningham called the meeting to order at 7:31 p.m. and asked those present to join him in reciting the Pledge of Allegiance.

**Chairman's Opening Statement**

Good evening, Ladies and Gentlemen,  
This Meeting Is Now Called to Order. The Borough of Sea Bright, in compliance with the Open Public Meetings Act, provided adequate notice of the time, date, and location of this meeting to the Asbury Park Press and Link News on January 19, 2021, filed notice with the Borough Clerk and posted notice in the Borough Office and on the Borough website. This Meeting Is Open to The Public.

**Attendance Roll Call**

**Present:** Bills, Cashmore, Cunningham, DeGiulio, DeSio, Gorman, Leckstein

**Not Present:** Kelly, Schwartz

Also in attendance:

Board attorney Monica C. Kowalski, Esq., Board engineer David J. Hoder, and Board secretary Candace B. Mitchell

**BOARD BUSINESS**

**Approval of the 10/12/21 Meeting Minutes**

Board member David DeSio offered a motion to approve the minutes, with a second offered by Board member Peggy Bills. The motion was adopted on a unanimous voice vote of eligible members:

**Application No. 2021-15**

Scott Hall and Ingrid Busson Hall  
556 Ocean Avenue, Bl. 23, L. 64 and Bl. 28, L. 1  
Lift an existing single-family house and rebuild the existing structure  
Bulk variance relief for front and side yards

In attendance for the application were Attorney F. Bradford Batcha, Esq., Architect Edward W. O'Neill, Jr., P.A., P.P., and applicant Scott Hall.

The following items were available for viewing in advance of the meeting:

- Zoning Denial, dated 7/28/21
- Application packet, received 10/25/21
- Undated photo of premises
- Survey of Property prepared by David J. Von Steenburg, PLS, dated 9/24/20, consisting of 1 sheet
- Additions and Renovations Plan prepared by Edward W. O'Neill, Jr., RA, dated 7/15/21, consisting of 4 sheets numbered C-001, C-100, C-200, and C-201

- Jurisdictional Packet, received 11/9/21

Mr. Batcha introduced the application. The applicants would like to raise the home and renovate it in its present location. Two bulk variances will be needed.

Board attorney Monica C. Kowalski, Esq. stated that noticing for the application has been reviewed and is acceptable, and the Board has accepted jurisdiction in this matter.

Applicant Scott Hall was sworn in to testify. He stated that he is hoping to raise the house, renovate it, and make it an enjoyable house for his family.

Architect and planner Edward W. O'Neill, Jr. was sworn in to testify. He stated his credentials and was accepted by the Board as an expert witness. He explained that the current house was built in the 1940s, is in bad condition, and the owners would like to construct a new house. The new house would be built using the same footprint as the present house. Raising the house is a requirement because the cost of the building exceeds the guidelines for not having to raise it. The first floor would become a crawl space. A two-story house would be built above that, with a small addition in front and a finished attic. The garage would be removed and replaced with a carport. The building would meet the building coverage guidelines, and the lot coverage would be reduced slightly.

Mr. O'Neill presented large exhibits on an easel:

- A-1, page C-101: part of the architectural plans: Additions and Renovations Plan prepared by Edward W. O'Neill, Jr., RA, dated 7/15/21, consisting of sheets 4 sheets, C-001, C-100, C-200, C-201
- A-2: an undated photo
- A-3, page C-100 of the architectural plans

There is a hardship because the lot is on a corner, it has two front yards. The lot is large enough to build on, but the property is rendered unbuildable according to this interpretation in the zoning ordinance.

In presenting the plans, Mr. O'Neill discussed some positive and negative criteria. The home will be consistent with neighboring properties. The home will be replacing a dilapidated structure. The attached garage will be removed, and there will be room to park two cars under the overhang. Building coverage will be slightly reduced. The height shown on the plans as presented will be revised down and will not require a height variance. Councilman Leckstein asked that revised plans be made a condition of approval.

There was discussion about the fact that the plans are somewhat confusing, showing only one car in the carport. Exhibit A-3, page C-100 was exhibited. The plans need to be corrected. Discussion involved how many cars could actually fit in the carport, and that cars are not allowed to be parked in the setback. Two cars technically can fit in the carport but would be a very tight fit. Also, the plans need to be corrected to show two cars. Councilman Leckstein suggested that cars would not realistically be parked side-by-side in the carport. Vice Chairman DeSio suggested that one car could be parked under the carport, and one car could be parked next to the carport in the setback if a variance were to be requested.

Councilman Leckstein stated that he would have no problem with that. It might be better to ask for a parking variance to allow parking in the setback.

Chairman Cunningham opened the meeting to the public. There was one member of the public wishing to speak: David Janazzo, of 174 Ocean Avenue and 3 Willow Way, which is located just behind the property being considered. Mr. Janazzo asked for clarification about how the property is accessed. He was informed the property is accessed from Willow Way.

The public portion of the hearing was closed, and Councilman Leckstein offered a motion to approve the application, with the agreed upon changes to the plans and the addition of a variance for parking in the setback. A second was offered by Vice Chairman Dave DeSio, and the motion was carried upon the following roll call vote:

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

Nays: none

**Application No. 2021-14**

**Martin and Theresa Phan**

**164 Ocean Avenue, Bl. 33, L. 20.01**

Amended Site Plan Approval

Councilman Leckstein stepped down because the original application had involved use as well as bulk variance approval.

In attendance for the application were attorney Richard C. Sciria, Esq., architect Catherine Franco, AIA, and homeowner Theresa Phan.

The following items were available for viewing in advance of the 10/12/21 hearing:

- Resolution, dated 2/27/18
- Stipulation of Settlement: Superior Court of New Jersey Settlement - Land's End Townhouse Condominium Association, Inc., Plaintiff-Appellant v. Borough of Sea Bright Unified Planning Board, Et Al., Defendant-Respondents, dated 12/6/19 and 12/11/19, pages i through iv
- Application, received 9/30/21
- Site Plan and Architectural Plan, prepared by Catherine Franco, AIA, dated 9/25/17, consisting of 4 pages, Z-1 through Z- 4
- Photo, undated
- Board engineer's Technical Review, dated 10/9/21
- Affidavit of Mailing, dated 9/30/21
- Affidavit of Mailing, dated 10/5/21
- Affidavit of Publication, dated 10/2/21
- Tax and Sewer Certifications, dated 10/6/21

Additional items available for viewing in advance of the 11/9/21 hearing:

- Replacement Site Plan and Architectural Plan, prepared by Catherine Franco, AIA, dated 9/25/17, revised 4/2/21, consisting of 4 pages, Z-1 through Z- 4

- Plans from the 2018 application included for comparison to the 4/2/21 amended site plan: Site Plan and Architectural Plan, prepared by Catherine Franco, AIA, dated 9/25/17, consisting of 3 sheets, Z-1 through Z-3
- Additional Mail Service, dated 10/15/21
- Affidavit of Mailing, dated 10/27/21
- Affidavit of Publication, dated 10/29/21
- Tax and Sewer Certifications, dated 11/9/21

Board attorney Monica C. Kowalski stated that noticing for the application has been reviewed and is acceptable, and the Board has accepted jurisdiction in this matter.

Attorney Richard Sciria offered a brief history of the 2018 application that had been approved by the Board. A lawsuit was brought against the Sea Bright Planning Board and the applicants by the Land's End Townhouse and Condominium Association. The Court upheld the Board's decision. The Settlement Agreement made by the Appellate Court included a stipulation which required amended plans be provided to Land's End.

Attorney Kowalski discussed the part of the settlement agreement that required amended plans be provided to the Lands' End Condominium Association for review and discussion. There is language in the agreement stating that, after the Association's review and discussions, there would be no further objections by the Association. Ms. Kowalski asked Mr. Sciria whether he feels that everything the applicants are coming to the Board with meets with the Association's approval. Mr. Sciria answered in the affirmative. There was no objection by Land's End to the site plan.

Architect Catherine Franco was sworn in to testify. She offered her qualifications and was accepted as an expert witness.

Ms. Franco explained that what they had to do was remove the two decks in the rear. The reason Land's End didn't want the back decks is because they didn't want to hear noise and people partying on the back decks.

Vice Chairman DeSio discussed the change in the front yard setback from the setback approved in the original application. The resolution stipulated a 25' setback. The amended application provides only a 17' setback. Mr. DeSio asked whether they extended the house 8' in the front. The amended plan is not in compliance with the 25' setback. Every neighboring house has a 25' setback. Mr. Sciria stated that the possible need for a variance approval was included in the public notice.

Vice Chairman DeSio stated that multiple variances had been granted in the original application. Ms. Franco agreed, and said that they had wanted to go back to the original, but Land's End doesn't want that. Land's End wants a certain amount of "no visual." She said that she took away the applicant's back decks. Mr. DeSio stated that the amended plans move the house out, move the front deck out, with the den, living room, and master bedroom made bigger.

Want to see the stairs, create Juliet balconies, and create a landscape buffer to mask the stair enclosure.

Mr. DeSio asked for verification from Ms. Franco that the house was made 200 sq.' larger per floor, a total of 400 sq.' larger, which pushes the house closer to the curb. The 17' setback is from the curb, not the sidewalk. Ms. Franco confirmed Mr. DeSio's statement.

Boardmember Stephen Cashmore discussed the rear yard setback and suggested moving the house 8' back. Mr. Sciria commented that the applicant would have to work with Land's End to make that change.

Ms. Kowalski suggested moving the house back to avoid needing a variance. She said the applicants can certainly go back to Land's End and discuss moving the house back.

Mr. Sciria suggested the possibility of going back to the appellate division.

Boardmember Peggy Bills suggested not expanding the den, living room, and master bedroom. Instead, leave the rooms the size they were in the approved application from 2018.

Dave DeSio suggested moving the house back on the lot.

Ms. Kowalski stated that the real issue is the setback and suggested the applicant's attorney request an adjournment, work out an amended plan, and be heard at a future meeting with no further notice required.

Mr. Sciria agreed to come back to the Board with amended plans.

The matter was carried to the meeting of January 11, 2022 at 7:30 p.m., with no further notice.

## **CLOSING ITEMS**

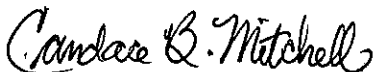
### **Meeting Announcement**

There being no other public business before the Board, the Chairman announced the next regular meeting of the Planning/Zoning Board is scheduled for December 14, 2021 at 7:30 p.m. The meeting will be held in person in the Mayor Dina Long Community Room at 1097 Ocean Avenue.

### **Adjournment**

The meeting was adjourned at 8:30 p.m. on a motion offered by Board member DeGiulio, a second offered by Chair Cunningham, and approval upon a unanimous voice vote by the Board members.

Respectfully submitted,



Candace B. Mitchell, Board Secretary