

**APPROVED MINUTES
VIRTUAL MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD
TUESDAY, FEBRUARY 23, 2021**

ADMINISTRATIVE MATTERS

Call to Order

Chairman Cunningham called the meeting to order at 7:30 p.m. and asked those present to 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.

Oaths of Office

Marc. A. Leckstein administered the following Oath Appointments:

4 Year Term Class IV:

Heather Gorman Unexpired term through December 31, 2023

2 Year Term Class IV, Alternate #1:

Jon Schwartz Unexpired term through December 31, 2022

Attendance Roll Call

Present: Cashmore, Cunningham, DeGiulio, DeSio, Kelly, Leckstein, Gorman, Smith, Schwartz

Not Present: Bills

Also in attendance: Board Secretary Candace B. Mitchell

Approval of 2/9/21 Minutes

Board member Stephen Smith offered a motion to approve the minutes, with a second was offered by Board Vice Chairman David DeSio, and adopted on the following roll call vote of eligible members:

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

Nays: none

Not present 2/23/21: Kelly, Bills

Not present 2/9/21: Kelly, Leckstein, Schwartz

ITEMS OF BUSINESS

Memorialization of Resolution

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD GRANTING
PRELIMINARY AND FINAL SITE PLAN AND VARIANCE APPROVAL**

**RE: EDGEWATER BEACH, INC, d/b/a
EDGEWATER BEACH and CABANA CLUB**

**1465 Ocean Avenue
Block 4 Lot 6
Sea Bright, New Jersey**

WHEREAS, EDGEWATER BEACH, INC. d/b/a EDGEWATER BEACH and CABANA CLUB (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 4, Lot 6 on the Tax Map of the Borough of Sea Bright, also known as 1465 Ocean Avenue for Preliminary and Final Minor Site Plan Approval with variance; 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 meeting on February 9, 2021, at which time all persons having an interest in said application were given an opportunity to be heard; and

WHEREAS, the Applicant appeared and offered testimony concerning this Application, together with the following Exhibits:

A-1 Jurisdictional Packet

A-2 CAFRA Permit #1343

A-3 CAFRA Permit Plan prepared by Mark Zelena PE, Maser Consulting dated 3-2-18

A-4 Application

A-5 Zoning Denial

A-6 Preliminary and Final Major Site Plan, Sundeck, prepared by Michael Monroe, Architect dated 12-11-20

A-7 Engineering report prepared by David Hoder dated 2-5-2021

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

1. The Applicant is requesting Preliminary & Final Minor Site Plan Approval construct a 230 foot by 28 foot wide seawall deck where 20' x 6' is permitted. The CAFRA permit was included in the application which includes the deck and other items previously approved by the board. The property is located in the FIRM Flood Zone AE and VE zones.

2. The property is located at the South Section of Sea Bright between Ocean Avenue and the Atlantic Ocean. The site has 688.5 feet of frontage on Ocean Avenue and is in the B-3 Zone. The site contains a beach club and its amenities.

3. Michael Monroe, Architect, testified on behalf of the Applicant and described the proposed structure. He indicated that there would be no change in the impervious coverage as a result of this improvement. He stated a concrete structure would sit on the sea wall with trex decking to look like a boardwalk. The sea wall is located on the subject property.

4. Monroe described the lighting as shielded night sky rated fixtures and **STIPULATED** that the lighting would have a maximum average of 0000'4 foot candles.

5. Irwin Bieber questioned the public access. In response, Gary Vialonga, President of Edgewater testified that the design is in accordance with the CAFRA permit and that the current public access adjacent to the Trade Winds will not be affected.

6. Upon concerns from Board members, the Applicant **STIPULATED** that there would be a minimum 8' clearance below any concrete cantilever or beam.

7. The Applicant further **STIPULATED** that no permanent structures will be added to the deck. Testimony from Mr. Vialonga was that the deck is intended to be used by members as an extension of the patio, giving them views of the ocean.

8. Paul Phillips, Professional Planner, testified on behalf of the Applicant. He noted that the proposed deck measured 230' x 28' where the maximum allowed by the ordinance is 20' x 6'. He stated the variances could be granted under C1 and C2. The sea wall limits the use of the property as it runs through the property. The beach on the ocean side is eroding. The proposed deck is an amenity space for members to enjoy the vistas.

9. The Board found that the Application is consistent with many of the stated purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-70, including section c – "To provide adequate light, air and open space; section g - "To provide sufficient space in appropriate location for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;" and section I – "To promote a desirable visual environment through creative development techniques and good civic design and management."

The Board found that the structure would not be visible from the street; would have no adverse impact on the neighbors or zoning plan and that the property has sufficient space to accommodate the use and that adequate light, space, air and open space would continue. The proposed deck has a "boardwalk" feel and appearance which is entirely appropriate for atop the sea wall.

10. For the above reasons, the Board found that the site is particularly suited for the proposed structure and that the structure promoted several of the goals of the MLUL. The Board found no negative impact on the surrounding properties or on the zone plan.

NOW THEREFORE BE IT RESOLVED, by the Unified Planning Board of the Borough of Sea Bright, based upon the findings of fact set forth herein, that the granting of Major Site Plan Approval with variances for Edgewater Beach and Cabana Club for the construction of a 230' x 28' deck to be built atop the sea wall for the use of the club members as set forth on the Site Plan prepared by Michael Monroe, Architect dated 12-11-20 be approved 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 except those specifically waived or modified in this Resolution.
3. The applicant shall comply with all building, FEMA, building and fire codes including but not limited to, entrances and exits.
4. The accuracy and completeness of the submission statements, application, 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 has occurred. The Applicant shall be bound by all representations made in testimony before the Board as set forth in the minutes of the hearing on the date referred to above.
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. If required by the Borough, the Applicant shall enter into a Developer's Agreement.

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.

SPECIFIC CONDITIONS

1. The deck lighting will have a maximum average of 0000'4foot candles.
2. There will be a minimum 8' clearance below any concrete cantilever or beam.
3. No permanent structures will be added to the deck.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of February 9, 2021; 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 adopted by the Sea Bright Planning/Zoning Board memorialized on February 23, 2021.

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

Adopted on a roll call on a motion by Board member Stephen Cashmore
and Seconded by Board member David DeSio

For the Resolution: Cashmore, Cunningham, DeSio, Gorman, Smith

Against the Resolution: None

Abstentions: none

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

Meeting Announcement

There being no other public business before the Board and no general public comments, the Chairman announced the next regular meeting of the Planning Board is scheduled for March 9, 2021 at 7:30 p.m. The Public Meeting was closed to enter executive session.

**RESOLUTION
EXECUTIVE SESSION**

Board member Councilman Leckstein offered the following resolution and moved its adoption; seconded by Board member Chairman Cunningham.

WHEREAS, Section 8 of the Open Public Meeting Act, NJSA 10:4-12 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Unified Planning Board of the Borough of Sea Bright, New Jersey, that they meet in closed session to discuss the issues as herein set forth and when the need for confidentiality no longer exists the decisions made therein will be made available to the public.

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matters to be discussed are as follows:

Personnel matters

3. It is anticipated at this time that the subject matters will be made public, if and when confidentiality is no longer needed. Action may be taken.
4. This Resolution shall take effect immediately

BE IT FURTHER RESOLVED that the Unified Planning Board may come back into Regular Session to conduct additional business.

Roll Call:

For the Resolution: Cashmore, Cunningham, DeGiulio, DeSio, Gorman,
Kelly, Leckstein, Smith, Schwartz

Against the Resolution: None

Abstentions: none

February 23, 2021

CERTIFICATION

I, Candace B. Mitchell, do hereby certify that the foregoing is a Resolution adopted by the Unified Planning Board of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Planning Board Meeting held on February 23, 2021.

Candace B. Mitchell

Candace B. Mitchell, Board Secretary

Adjournment

The executive session ended and the meeting was adjourned at 8:03 p.m. on a motion offered by Councilman Leckstein, a second offered by Board member Elizabeth DeGiulio, and approval upon a unanimous voice vote by the Board members.

Respectfully submitted,

A handwritten signature in black ink that reads "Candace B. Mitchell". The signature is written in a cursive style with a large initial 'C' and a long, sweeping tail on the 'l'.

Candace B. Mitchell
Board Secretary