

**APPROVED MINUTES  
MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD  
TUESDAY, AUGUST 10, 2021**

**ADMINISTRATIVE MATTERS**

**Call to Order**

Chairman Cunningham called the meeting to order at 7:36 p.m. and asked those present to join him in 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, has 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, Cunningham, DeGiulio, DeSio, Gorman, Leckstein, Smith, Schwartz  
**Not Present:** Cashmore, Kelly

Also in attendance:

Board Attorney Monica C. Kowalski, Esq., Board Engineer David J. Hoder, Board Planner Christine A. Nazzaro-Cofone, and Board Secretary Candace B. Mitchell

**BOARD BUSINESS**

**Approval of 7/13/21 Meeting Minutes**

Councilman Leckstein offered a motion to approve the minutes, with a second offered by Elizabeth DeGiulio. The motion was adopted on the following roll call vote of eligible members:

**Ayes:** Cunningham, DeGiulio, DeSio, Gorman, Leckstein  
**Nays:** none

**Memorialization of Resolution No. 2020-10 Extension of Approvals**

**APPLICANT:** MOUTAIN VIEW VILLAS AT SEA BRIGHT  
**APPLICATION NUMBER:** 2021-10  
**BLOCK:** 23, 33, 34  
**LOT:** 130, 20.02, 3.03 and 3.04  
**ADDRESS:** Addressed by Lot/Block  
**ATTORNEY FOR APPLICANT:** Robert J. McGowan & Assoc  
**RESOLUTION NUMBER:** 2020-10 Extension of Approvals



**RESOLUTION OF THE UNIFIED PLANNING/ZONING BOARD  
OF THE BOROUGH OF SEA BRIGHT  
FOR 6 MONTH EXTENSION OF APPROVAL**

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**WHEREAS, BOARD MEMBER/COUNCILMAN MARC LECKSTEIN, offered the following Motion moved and seconded by BOARD CHAIR LANCE CUNNINGHAM:**

**WHEREAS MOUNTAIN VIEW VILLAS AT SEA BRIGHT**, hereinafter referred to as the “applicant” filed an application with the Unified Planning/Zoning Board of the Borough of Sea Bright, (hereinafter referred to as the “Board”) seeking the following relief:

The application involves the property located in Sea Bright, New Jersey, more formally identified as Block(s) 23, L. 130; Bl 33, L. 20.02; Bl. 34, Ls 3.03 and 3.04, and known as “Mountain View Villas at Sea Bright, LLC” whereby the applicants are seeking approval of a 6-month extension of existing approvals in order to attain Resolution compliance for permitting.

**WHEREAS**, the application pertains to premises known and designated as Block(s) 23, L. 130; Bl 33, L. 20.02; Bl. 34, Ls 3.03 and 3.04 on the Tax Map of the Borough of Sea Bright, NJ 07760;

**WHEREAS** the Board held a public hearing with regard to the referenced application on the following date, **July 13, 2021**:

**WHEREAS**, the following items were entered as Exhibits at the hearing:

Any and all documentation as submitted and appearing on the Sea Bright website (seabrightnj.org) for presentation at the Public Meeting conducted via Zoom with public notice, specifically a Letter of Request for an Extension of existing approvals within the stipulated 6-month time frame as set forth in the prior Resolutions.

**WHEREAS** The Board listened to the Testimony of the following:

1. **NONE.**

**WHEREAS** The Board took Questions from the following member of the Public as to the witnesses presented:

1. **NONE.**

**WHEREAS**, The Board took Public Commentary on the Application upon conclusion of the witness testimony as follows:

1. **NONE.**

**WHEREAS**, the Board, having given due consideration to the Exhibits moved into evidence and the Testimony presented at said hearing(s), does make the following findings of fact:

1. **The Request for Extension is in accordance with the Resolution granting approvals in the necessary time frame permitted and is made in order to obtain appropriate permits for Resolution compliance as additional time is necessary.**

**WHEREAS**, In order to prevail on an application for a variance, the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D – 70, requires the applicant to establish that the variance can be granted without substantial detriment to the public good and that the granting of the variance does not substantially impair the intent and purpose of the master plan, zone plan and zoning ordinance.

**NOW THEREFORE, BE IT RESOLVED**, by the Unified Planning/Zoning Board of the Borough of Sea Bright that it hereby adopts the aforesaid findings of fact and specifically makes the following conclusions:

- a. Based upon the aforesaid findings of fact, the Board concludes that:
  - i. The applicant has demonstrated that the proposed use of the property in question is substantially the same kind of use as that to which the premises were devoted at the time of the passage of the zoning ordinance.
- b. Based upon the aforesaid findings of fact, the Board further concludes that the granting of the approval set forth herein will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance and the zoning plan of the Borough of Sea Bright.

- c. The Board specifically includes herein by reference, the Transcripts from the hearings, which provide the detailed basis and description of the decision as memorialized in this Resolution and do hereby rely upon same for further reference, as necessary.

**BE IT FURTHER RESOLVED**, by the Unified Planning/Zoning Board of the Borough of Sea Bright that the following be and are hereby **GRANTED**, as follows:

The applicant is **GRANTED** an extension of time for an additional six (6) months per their request in order to obtain required permits for compliance with General Conditions and Specific Conditions as set forth in the prior Resolution of Approval.

Should additional time again be necessary, Applicant must request an additional extension prior to the expiration of the additional six-month extension granted herein and present said request to the Unified Board for additional approval as may be necessary.

In conjunction with the application, the applicant's IS **GRANTED** the following 6-month extension of existing approval.

**ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:**

- (1) SUBJECT TO ALL REPRESENTATIONS AND TESTIMONY OF THE APPLICANT BEING TRUTHFUL AND ACCURATE

**APPLICATION VOTE:**

Adopted on a roll call after a motion offered by Board member Marc Leckstein and seconded by Board member Lance Cunningham:

THOSE IN FAVOR: Cashmore, Cunningham, DeGiulio, DeSio, Gorman, Leckstein

THOSE OPPOSED: None

ABSENT: Bills, Kelly, Schwartz, Smith

ABSTAINED: None

**MEMORIALIZATION VOTE:**

Adopted on a roll call after a motion offered by Board member Marc Leckstein and Seconded by Board member Lance Cunningham

THOSE IN FAVOR: Cunningham, DeGiulio, DeSio, Gorman, Leckstein

THOSE OPPOSED: none

ABSENT: Bills, Cashmore, Kelly, Smith, Schwartz

ABSTAINED: none

I hereby certify that the foregoing is a true copy of the Resolution adopted and memorialized by the Unified Planning/Zoning Board of the Borough of Sea Bright at its meeting held on August 10, 2021.

Date: August 10, 2021

*Candace B. Mitchell*

Candace B. Mitchell  
Administrative Officer of the  
Unified Planning/ Zoning Board.  
Borough of Sea Bright

**Application No. 2021-11**  
Surfside Marine Corporation  
1306 Ocean Avenue, Bl. 3, L. 16  
Site Plan approval

In attendance for the application were attorney Kevin I. Asadi, Esq.; engineer Jaclyn Flor, PE, PP, CME; architect Kevin M. Settembrino, AIA LEED AP; and owner of Surfside Marine Corporation, Chip Schulz.

The following exhibits were available for viewing on the Borough website in advance of the meeting:

- Zoning Denial No. 2021-049, dated 6/15/21
- Application, including 3 photos of premises, received 6/29/21
- Preliminary and Final Minor Site Plans:
  - Architectural Site Plans, prepared by Kevin M. Settembrino, AIA, LEED AP, dated 6/7/21, sheets A001 – A009
  - Engineering Plans prepared by Jaclyn J. Flor, PE, PP, CME, dated 5/24/21, sheets 1 through 7
- Drainage Statement, prepared by Jaclyn J. Flor, PE, PP, CME, dated 6/10/21, 2 pages
- Board Engineer's First Technical Review prepared by David J. Hoder, PE, PP, CME, dated 7/7/21, 4 pages

The exhibits, below, were introduced as new exhibits. They were the original exhibits with notations added:

- A-1 Architectural Site Plans, prepared by Kevin M. Settembrino, AIA, LEED AP, dated 6/7/21, sheets A001 – A009
- A-2 Engineering Plans prepared by Jaclyn J. Flor, PE, PP, CME, dated 5/24/21, sheets 1 through 7

Board attorney Monica C. Kowalski, Esq. stated that noticing for the application has been reviewed and, with the addition of two addresses that had not been noticed for the earlier meeting, is now satisfactory. The Board accepted jurisdiction in this matter.

Attorney Kevin Asadi introduced the application. He stated that the applicant is seeking site plan approval to demolish an existing structure and replace it with a new structure. There are no variances nor waivers requested. The new building will be located in the footprint of the first building.

Kevin Settembrino, the project architect, was sworn in to testify. He stated his credentials and was accepted as an expert witness. Mr. Settembrino displayed the architectural plans, named A-1, on an easel, and described what was depicted on each sheet.

Sheet A-100 First floor plan/workshop level. The space consists of a two-story workshop and an office. There is no residential space on the first floor.

Sheet A-101 Office and second-story height workshop

Sheet A-102 Loft level and stairs to the office area

Sheet A-103 Deck level with pitched roof

Sheet A-104 Roof plan with a deck that faces the river

Sheet A-105 West elevation and east elevation

Sheet A-106 South elevation with door to workshop

Sheet A-107 North elevation

Sheet A-108 Long section with centerline of the building  
Sheet A-109 Cross section at workshop and at the office

Jaclyn Flor, the project engineer, was sworn in and was accepted as an expert witness. Ms. Flor referenced the following engineering plans in her discussion of the project:

Sheet 1 of 7 Cover sheet for Preliminary and Final Minor Site Plan  
Sheet 2 of 7 Existing Conditions and Demo Drawing  
Sheet 3 of 7 Construction Plan  
Sheet 4 of 7 Grading and Utility Plan with Soil Erosion and Sediment Control  
Sheet 5 of 7 Soil Erosion and Sediment Control Details and Notes  
Sheet 6 of 7 Soil Erosion and Sediment Control Details and Notes  
Sheet 7 of 7 Construction Details

Ms. Flor answered a concern expressed by Councilman Leckstein regarding parking for tenants. She stated that tenants will have two spaces designated for their use. There will also be a designated handicapped parking spot with striping, to be located on the concrete area. Councilman Leckstein stated that he wants the spaces designated by signage. Ms. Flor answered Board member Dave DeSio's concern regarding tenant spaces being split up due to the width of the door on that side of the building and asked whether the door could be moved. Ms. Flor stated that she will work with the owner, the Board engineer, and the project architect to figure out a solution. Board attorney Monica Kowalski asked whether the concrete parking lot will affect the percentage of impervious coverage area. Ms. Flor answered that if it does, pavers could be used instead. She will ask the Board engineer to decide.

Ms. Flor addressed the above discussion items as follows: The overhead door on the side of the building is to be moved slightly to the west to accommodate the expansion of the concrete parking area abutting the ADA stall to provide two striped residential parking spaces that are also designated with signage. It was noted that if the additional concrete caused any change of need for drainage improvements, the Board would omit the requirement of the expansion of the concrete area. The Board would still like the spaces designated and signed.

Ms. Flor addressed issues stated in Mr. Hoder's First Technical Review, dated 7/7/21, as follows:  
Page 2, item C) 1) SB Section 130 32 Off Street Parking, a) Ms. Flor provided testimony about the use of the yard for winter storage of boats and equipment.

Page 2, item C) 2) SB Section 130-44, was addressed by testimony stating the lack of need for a loading dock area.

Page 2, item 3) SB Section 130-51E Sidewalk installation. Ms. Flor stated that the Board engineer and Board members would accept a note on the plans indicating replacement as deemed necessary for safety.

Page 2, item 4) SB Section 130 58 L 1 Outdoor lighting design. Ms. Flor provided testimony explaining that pole lights may interfere with boat movements. So, pole lighting will not be required. Some building mounted lighting can be shown on the architectural plans.

Page 3, item 5) Sanitary Sewers, a) The applicant agreed to comply regarding connection to the existing sanitary sewer system in Sea Bright. The connection will be shown on the plans. Also, a pre and post sewer flow calculation will be provided. If additional flow is being generated, the applicant will submit a permit to the Borough and to Two River Reclamation Authority for approval of the new sewer flow.

Page 3, item 7) Other comments, a) Trash and recyclable area. Testimony was provided that the refuse area is adequate for the operation; b) Landscaping and a requirement for street trees. The Board did not require street trees; c) The applicant agreed to comply to the addition of ½ inch

of 3/8 stone to the parking area is too thin and will not cover. At least double the size of the largest stone thickness will be used.

Page 3, Item 8) a) SB Section 130-67 A 1 – Performance Guarantees. The applicant agreed to post bonds.

Page 4, Item 8) b) The applicant agreed that shop drawings and submittals, stamped approved by the design engineer, will be submitted to the Borough engineer for review and approval prior to construction, including storm sewer inlets, manholes, castings, MTD, survey cut sheets, diversion manholes, and overflow manholes.

Page 4) Item 8) c) The applicant agreed to the affordable housing requirements of Sea Bright.

Page 4) Item 9) Outside Agency Approval a) The applicant will apply for Freehold Conservation District approval; b) The Board engineer agreed that CAFRA is not required. The project meets Permit-by-Rule #7. The project is not expanding the building. It is decreasing the footprint. It is also not increasing the number of residential units; c) The applicant agrees to comply with Sea Bright Fire Department (fire hydrant and other comments;) d) The applicant agrees to comply with comments from the Flood Plain Official.

No further comments or questions were offered by the members of the Board nor by members of the public.

Councilman Leckstein offered a motion to approve the application, with the condition that parking for residential tenants must be designated. A second was offered by Vice Chairman Dave DeSio, and the motion was carried upon the following roll call vote:

Ayes: Bills, Cunningham, DeGiulio, DeSio, Gorman, Leckstein, Smith, Schwartz

Nayes: none

Absent: Cashmore, Kelly

#### **New Application No. 2021-08**

Ivan Wanat Martin

3 Badminton Court, Bl. 16, L. 14

Use Variance approval for storage building

Chairman Cunningham requested the record to show that Councilman Marc Leckstein stepped down from the Board due the application's request for use variance relief.

In attendance for the application were attorney Henry F. Wolff III and applicant Ivan Wanat Martin.

The following exhibits were available for viewing on the Borough website in advance of the meeting:

- Zoning Denial No. 2020-05, dated 1/29/20
- Application, received 6/11/21
- Survey of Property prepared by Charles Surmonte, PE & PLS, dated 9/24/18, 1 sheet
- 1 Photo
- 1<sup>st</sup> Board Planner Review prepared by Christine A. Nazzaro-Cofone, AICP, PP, dated 7/9/21, 4 pages

Board attorney Monica Kowalski stated that the applicant's public noticing has been reviewed, and the Board can take jurisdiction over the matter.

The property owner, Ivan Wanat Martin, was sworn in to testify. Mr. Wolff introduced the application for use variance approval to utilize a shed, which is located in a residential zone, for

commercial use by Angelica's Restaurant. He stated that nothing perishable is stored in the shed, only dry goods.

Chairman Cunningham asked if there are one or two buildings on the property. Mr. Martin answered that the application refers to one building, which is, essentially, a shed.

Vice Chairman DeSio asked Mr. Martin who maintains the place. Mr. Martin answered that he does. Mr. DeSio said that the property looks like no one takes care of it. He stated that he went to take a look at the property, and there was garbage all over. Propane tanks were piled up. It has got to be a fire hazard. Heat lamps were stacked up and falling over. He said that it is a disgrace, and he doesn't think it should be used professionally.

Board attorney Kowalski asked whether the building had been used as a residence until superstorm Sandy. Mr. Martin answered that it had been. Nothing has been done to improve the building since the storm. Ms. Kowalski asked whether the building is still habitable. Mr. Martin answered, yes, it could be, but it has no electricity. Ms. Kowalski clarified that, with some work done to it, the building could still be used as a residence. Ms. Kowalski asked whether zoning approval had been obtained when Angelica's began renting the building for use as a commercial storage shed. Mr. Martin answered that zoning approval had not been obtained. She asked whether Mr. Martin had obtained a Certificate of Occupancy and a Mercantile License. He stated that he had obtained neither.

Board planner Christine Cofone agreed with Mr. DeSio about the condition of the property. Ms. Cofone stated that this building is located in a residential zone, and Mr. Martin is asking for a commercial use. This application provides the Board with an opportunity to have Mr. Martin clean up the property. Also, Ms. Cofone stated that anything stored outside of the building must be specified on a plan. Board engineer David Hoder stated there needs to be fencing around the propane storage tanks to keep them out of sight. Chairman Cunningham added that propane tanks have to be stored in a cage for safety. He stated that a condition of approval would be an inspection and a report by the Borough Fire Marshal.

Vice Chairman DeSio wanted to know how the commercial use of this property is affecting the neighbors in this residential neighborhood. Also, Chairman Cunningham wanted to know who parks on the property. He said there are cars all over the place, and it looks like a free-for-all back there. Mr. Martin answered that the parked cars mostly belong to members of the squash club.

Board member Heather Gorman asked how the operation of moving goods from the storage shed to the restaurant works. Mr. Martin said there are two alley ways behind the squash club that Angelica's uses to move items between the shed and the restaurant. Mr. DeSio stated that when he was back there, there was no space to even walk in one of the two alley ways. It was filled with garbage cans, and he couldn't get through.

Mr. Cunningham stated that the Board is going to need to see a real, legitimate set of plans and a solid plan for the operation. The applicant has to look at the safety aspects of the operation. The applicant also needs to present the positive and negative criteria of the request in order to obtain this variance. Dave Hoder suggested that the plans need to include the location of the buildings and alley ways, the flow of goods coming in and going out, and the Board needs to see the walkways included on the plans in order to understand how people get around. Planner Chris Cofone wants the plans to show where outside storage will be, and how everything is going to work. The plans should show the flow of materials. The plans also need to show the setbacks on the outdoor storage.

Heather Gorman asked whether there would be any exterior renovations. Mr. Martin answered, no, not unless the Board requires it. Ms. Cofone asked about proposed exterior maintenance and where everything will be placed. Mr. DeSio said that he would like to see plans to improve the property. He doesn't want to see its use as a dump to be extended. Mr. Cunningham said the Board needs to see the report from the Fire Marshal before making a decision. He also wants to know who the property behind the buildings belongs to and how the propane tanks are moved back and forth.

Ms. Kowalski stated that Mr. Martin will need to obtain a tenant Certificate of Occupancy for a commercial unit. He may be required to add electricity and make improvements. Mr. DeSio asked whether a sprinkler system will be required. Ms. Cofone told Mr. Martin that using the building as a commercial storage shed is different from using it as a residential storage shed. Chairman Cunningham said the property and operation have to be safe for our residents.

The applicant's attorney agreed to adjourn the matter until a future date at which time the applicant will provide a solid strategy accompanied by a real set of site plans, as suggested by the Board Chairman, and a professional planner will be in attendance to testify.

In summary, the plans should include the answers to several concerns, including parking, fencing, and storage of propane tanks in the yard inside a cage. The plans should show buildings, alley ways, and the flow of materials going in and out. In addition, the applicant should be prepared to explain how granting this variance will affect the neighbors in the residential part of the neighborhood. The Board needs to know who owns the alley ways, and the applicant needs to be prepared to discuss any plans to improve the property. The Certificate of Occupancy for a commercial property may require electricity to be added and other improvements to the building and property, as offered by Ms. Kowalski. Chairman Cunningham again stated that the property has to be safe. Testimony from the applicant's professional planner will be required at the next hearing.

This matter was adjourned to the meeting of October 26th with no further notice requirement.

There were no further questions by the Board and no comments from the public.

## **CLOSING ITEMS**

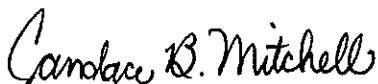
### **Meeting Announcement**

There being no other public business before the Board, the Chairman announced the next regular meeting of the Planning Board is scheduled for September 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 8:50 p.m. on a motion offered by Board member Elizabeth DeGiulio, a second offered by Chairman Cunningham, and approval upon a unanimous voice vote by the Board members.

Respectfully submitted,



Candace B. Mitchell  
Board Secretary