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KELLY M. CAREY

RETIRED
ROBERT I. ANSELL
LISA GOLDWASSER •

IN MEMORIAM
LEON ANSCHELEWITZ (1929-1986)
MAX M. BARR (1929-1993)
MILTON M. ABRAMOFF (1935-2004)
DAVID K. ANSELL † (1962-2019)

LICENSED ALSO IN:
D.C. • MASS. • N.Y. • WASH.
• PENN. • FLA. • CALIF.

† FELLOW, AMERICAN
ACADEMY OF MATRIMONIAL
LAWYERS

‡ CERTIFIED BY THE SUPREME
COURT OF NEW JERSEY AS A
CIVIL TRIAL ATTORNEY

§ CERTIFIED BY THE SUPREME
COURT OF NEW JERSEY AS A
CRIMINAL TRIAL ATTORNEY

• CERTIFIED BY THE SUPREME
COURT OF NEW JERSEY AS A
MATRIMONIAL LAW ATTORNEY

March 1, 2021

VIA UPS NEXT DAY AIR

Candace Mitchell, Secretary, Unified Planning Board
Borough of Sea Bright
1099 Ocean Avenue
Sea Bright, NJ 07760

Re: **AMENDED** Application of Michael Burke and Glynis Burke
Premises: 26 Waterview Way, Block 32, Lot 4
Our File No. 093191-0

Dear Ms. Mitchell:

This office represents Michael Burke and Glynis Burke in connection with the above-referenced matter. Enclosed please find seventeen (17) collated sets of the following documents regarding the same (plus one set marked "FOR PUBLIC INSPECTION"):

1. Denial Letter from the Borough of Sea Bright Zoning Officer dated February 23, 2021;
2. A completed Planning/Zoning Board Application (with attachments);
3. Resolution Granting Expansion of Non-Conforming Use and Bulk Variance Approval dated March 10, 2020;
4. Photos of the property/dwelling as it currently exists; and
5. Proposed Addition and Alteration Plan prepared by Anthony M. Condouris, Architect, and dated February 18, 2021, consisting of three (3) sheets.

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Candace Mitchell, Secretary, Unified Planning Board
Borough of Sea Bright
March 1, 2021
Page 2

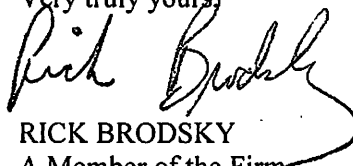
The proposed amended application seeks essentially the same relief previously approved by the Board by the enclosed Resolution of Approval dated March 10, 2020,

Once the enclosed submission has been reviewed and the necessary application fees and escrows have been determined, please advise and the same will be promptly delivered to you.

In addition, please advise as to when this matter can be placed on the Unified Planning Board's agenda.

Your attention to this matter is greatly appreciated. Please do not hesitate to contact me if you have any questions.

Very truly yours,



RICK BRODSKY
A Member of the Firm
Direct e-mail: rb@ansellgrimm.com
Direct Dial: 732-643-5296

RB/ahn
Encs.

cc: David J. Hoder, PE, PP, Hoder Associates,
Borough Engineer (w/encs. via regular mail)
Kerry E. Higgins, Esq., Board Attorney (w/encs.
via regular mail)
Michael Burke and Glynis Burke (w/encs. via e-mail)
Anthony M. Condouris, Architect (w/encs. via e-mail)

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BOROUGH OF SEA BRIGHT
 1099 Ocean Avenue, Sea Bright, NJ 07760
 (732) 842-0099 x 128
APPLICATION FOR A ZONING PERMIT - Z-2021-021
 Fee \$25

Instructions:

1. All applications must be accompanied by a property survey showing the location, size of all structures, and all setbacks to property lines.
2. Preliminary drawings must be provided indicating all existing and proposed floor elevations.
3. Commercial applications must indicate scope of business and include all activities that will be part of the existing or proposed business.

OWNER / APPLICANT:

Name Michael Burke
 Address 26 WATERVIEW Way, Sea Bright, NJ
 Telephone (Home) _____ (Cell) 917-549-8499
 Email: zydemika@aol.com Date: 2/23/21 Fee \$25 Check _____ Cash
 #10189

LOCATION OF THE WORK:

Block 32 Lot(s) 4 Zone R2 Address same 2-24-21

DESCRIPTION OF WORK TO BE PERFORMED (OR USE PROPOSED): Lifting of existing home to comply w/ flood elevation. construct additions from previous approval

CHECK ONE: New _____ Addition Alteration _____ Repair _____

Signature: [Signature] Date: 2/23/21
Anthony Condouris, Authorized Agent

For Borough Use Only:

Determination: APPROVED _____ *(see note below) DENIED

***NOTE: IF YOU CHANGE YOUR PLANS IN ANY WAY BETWEEN THIS APPROVAL AND SEEKING BUILDING PERMITS, YOU MUST APPLY FOR A REVISED ZONING APPROVAL. IT IS YOUR RESPONSIBILITY TO INFORM US OF ANY CHANGES TO YOUR PLANS.**

PRELIMINARY FLOOD REVIEW: _____ Check if N/A *Note: Renovations exceed 51% value - HOUSE MUST BE RAISED.

FIRM Advisory Flood Zone AE Advisory BFE 10 Sea Bright Required BFE 13 Proposed BFE NOT shown - above 13' BFE.

LAND USE REVIEW:

Ordinance Section	Allowed/Required	Existing	Proposed	Variance
130-46.A.(2) Non-conforming structures	Shall not be extended			✓
130-46.A.(3) Non-conforming use	shall not be extended			✓
	(3-family in single family zone)			
130-50.C - front yard	25'	4.8'	4.8'	V (Extends)
side yard	7'	1'	1'	V (Extends)

***Note:** Applicant has received all variances listed above at last Remarks: meeting. However, new plans are to raise house to comply with current flood regulations. Board should re-visit all variances in light of new, raised structure. Applicant has also revised some interior layouts including kitchen on 3rd floor since this is an expansion of non-conforming use. Board should address any interior revisions also.

Zoning Officer [Signature] Date 2/23/21
Mary Taragolics

NOTE: A Zoning Permit indicates that the proposed project conforms to the planning/zoning regulations of the Borough of Sea Bright; A building permit is required (per the requirements of the Uniform Construction Code of N.J.) BEFORE beginning work. This Zoning Permit is valid for one year, and may be extended to three years by action of the Planning/Zoning Board. If your application has been denied, you may appeal this denial to the Planning Board as provided by the NJMLUL. Appeal forms are available from the office of the Secretary to the Planning Board.

BOROUGH OF SEA BRIGHT PLANNING/ZONING BOARD APPLICATION

1099 Ocean Avenue Sea Bright, New Jersey 07760
732-842-0099 ext. 123

The application with supporting documentation must be filed with the office of the Planning Board Secretary and must be delivered for review at least ten (10) days prior to the meeting at which the application is to be considered.

NOTE: All plans must be folded. Any rolled plans will not be accepted.

To be completed by Municipal staff only.

Date Filed _____ Application No. _____

Application Fees _____ Escrow Deposit _____

Reviewed for Completeness _____ Hearing _____

1. SUBJECT PROPERTY

Location: 26 Waterview Way
Block 32 Lot 4
Dimensions: Frontage 60' Depth 75' Total Area 4,500 sq. ft.
Zoning District: R-2

2. APPLICANT

Name: Michael Burke and Glynis Burke
Address: 800 Riverside Drive, Apt. 7H, New York, NY 10032
Telephone Number: 917-549-8499
Applicant is a: Corporation ___ Partnership ___ Individual X

3. DISCLOSURE STATEMENT: Pursuant to J.J.S. 40:55D-48-1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership, applicant must be disclosed. In accordance with N.J.S. 40:55D4-8.2 that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed. (Attach pages as necessary to fully comply.) N/A

4. If owner is other than the applicant, provide the following information on the Owner(s).

Owner's Name: Same as Applicant
Address _____
Telephone Number _____

5. Property Information:

Restrictions, covenants, easements, association by-laws, existing or proposed on the property: N/A

(Attach copies)

No _____ Proposed _____

Note: All deed restrictions, easements, association by-laws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

Present the use of the premises: Residential

6. Applicant's Attorney: Rick Brodsky, Esq. _____

Address: Ansell Grimm & Aaron, 1500 Lawrence Avenue, CN 7807, Ocean, NJ 07712 _____

Telephone Number 732-922-1000 _____ FAX Number 732-643-5266 _____

7. Applicant's Engineer: _____

Address: _____

Telephone Number _____ FAX Number _____

8. Applicant's Planning Consultant: _____

Address: _____

Telephone Number _____ FAX Number _____

9. Applicant's Traffic Engineer: _____

Address: _____

Telephone Number _____ FAX Number _____

10. List any other Expert(s) who will submit a report or who will testify for the Applicant: (Attach additional sheets as may be necessary).

Name: Anthony M. Condouris _____

Field of Expertise: Architect _____

Address 20 Bingham Avenue, Rumson, NJ 07760 _____

Telephone Number 732-842-3800 _____ FAX 732-842-7777 _____

11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

PLOT PLAN or VARIANCE PLAN APPROVAL

SUBDIVISION

_____ Minor Subdivision Approval

_____ Subdivision Approval (Preliminary)

_____ Subdivision Approval (Final)

Number of lots to be created ____ (including remainder lot)

Number of proposed dwelling units _____ (if Applicable)

SITE PLAN:

- Minor Site Plan Approval
- Preliminary Site Plan Approval
- Final Site Plan Approval
- Amendment or Revision to an Approval Site
- Plan Area to be disturbed (square feet)
- Total number of proposed dwelling units
- Request for Waiver from Site Plan Review and Approval
- Request for Variance Approval

Reason for request:

See attached

- Informal Review
- Appeal decision of an Administrative Officer
(N.J.S.A 40:55D-70A)
- Map or Ordinance Interpretation of Special Question
(N.J.S.A.40:55D-70b)
- Variance Relief (hardship)
(N.J.S. A. 40:55D-70c (1))
- Variance Relief (substantial benefit)
(N.J.SA.40:55D-70c (2))
- Variance Relief (use)
(N.J.S 40:55D-70d)
- Conditional Use Approval
(N.J.S 40:55D-67)
- Direct issuance of a permit for a structure
in bed of a mapped street, public drainage way, or flood control
basin. (N.J.S 40:55D-334)
- Direct issuance of a permit for a lot lacking street frontage
(N.J.S 40:55D-35)

12. Section(s) of Ordinance from which a variance is requested See attached list of variances

13. Waivers requested of development standards and/or submission requirements:(attach additional pages as needed)

14. Attach a copy of the Notice to Appear in the official newspaper of the municipality and to be mailed to the owners of all real property, as shown on the current tax duplicate, located within the State and within 200 feet in all directions of the property which is the subject of this application. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable. See attached

The publication and the service on the affected owners must be accomplished **at least 10 days prior** to the date scheduled by the Administrative Officer for the hearing. An Affidavit of Service on all property owners and Proof of Publication must be filed before the application will be complete and the hearing can proceed.

15. Explain in detail the exact nature of the application and the changes to be made at the premises including the proposed use of the premises: (attach pages as needed)
See attached list of Reasons for Request and Variances

16. Is a public water line available? Yes

17. Is public sanitary sewer available? Yes

18. Does the application propose a well and septic system? No

19. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate lot and block number? N/A

20. Are any off-tract improvements required or proposed? No

21. Is the subdivision to be filed by Deed or Plat? N/A

22. What form of security does the applicant propose to provide as performance and maintenance guarantees? N/A

23. Other approvals, which may be required, and date plans submitted:

MARK THE FOLLOWING WITH A YES OR NO AND DATES OF THE PLANS SUBMITTED N/A

- NE Regional Sewer Auth _____
- Monmouth County Board Of Health _____
- Monmouth County Planning Board _____
- Freehold Soil Conservation District. _____
- NJ DEP _____
- Sewer Extension Permit _____
- Sanitary Sewer Connection Permit _____
- Stream Encroachment Permit _____
- Waterfront Development Permit _____
- Wetlands Permit _____
- Tidal Wetlands Permit _____
- Potable Water Constr. Permit _____
- NJ Department of Transportation _____
- Public Service Electric & Gas _____
- Other _____

24. Certification from the Tax Collector that all taxes due on the subject property have been paid. Requested

25. Certification from Sewer Collector that sewer utility charges due on the subject property have been paid. Requested

Note: It is the responsibility of the Applicant to mail or deliver copies of the Application form and all supporting documents to the Board Secretary, Borough Engineer and Board Attorney for their review. Documentation must be **at least ten (10) days prior** to the meeting at which the application is to be considered, otherwise the application will be deemed incomplete. A list of those required to receive documents is attached to the application form.

26. The Applicant hereby requests that copies of the reports of the Borough Engineer and Board Attorney reviewing the application be provided to the following of the applicant's professionals.

Applicant's Professional Report Requested

Attorney Rick Brodsky, Esq.

Address: Ansell Grimm & Aaron, P.C.
1500 Lawrence Avenue, Ocean, New Jersey 07712

Phone Number: (732) 922-1000

Fax Number: (732) -645-8970

Engineer: _____

Address: _____

Phone Number: _____

Fax Number: _____

CERTIFICATION

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate Application and that I am authorized to sign. (If the applicant is a corporation, this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner).

Sworn to and subscribed before me this 1st day of MARCH, 2021.

A Notary Public of NJ Owner
My Commission Expires: _____



ALISON H. NEARY
NOTARY PUBLIC OF NEW JERSEY
COMMISSION EXPIRES SEPT. 13, 2025

I understand that the sum of \$ _____ has been deposited in an escrow account (Builder's Trust Account). In accordance with the Ordinances of the Borough of SeaBright, I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials.

Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required amount and shall add that sum to the escrow account within fifteen (15) days.

Ansell Grimm & Aaron, P.C. Attorneys for Applicant/Owner

Date: 3/1/21 Applicant: _____

By: Rick Brodsky, Esq.

**BOROUGH OF SEA BRIGHT PLANNING/ZONING BOARD
PROFESSIONAL STAFF**

ENGINEER

Hoder Associates
548 Ridge Road
Fair Haven, NJ 07704
(732) 241-4543

PLANNING/ZONING BOARD ATTORNEY

Kerry E. Higgins, Esq
229 Broad Street
Red Bank, NJ 07701
732-780-8359

CONSTRUCTION OFFICIAL

Ed Wheeler, Construction Official
Karen DiBerardino, Secretary
1099 Ocean Avenue
Sea Bright, NJ 07760
732-842-0099 x 121 Mr. Wheeler
732-842-0099 x 110 Mrs. DiBerardino
732-963-8998 (FAX)

PLANNING/ZONING BOARD SECRETARY

Candace B. Mitchell
1099 Ocean Avenue
Sea Bright, NJ 07760
732-842-0099 x 123
732-963-8998 (FAX)
cmitchell@seabrightnj.org

FIRE MARSHAL

Thomas Haege
1099 Ocean Avenue
Sea Bright, NJ 07760
732-842-0099 x 120

ZONING OFFICER/FLOOD PLAIN MANAGER

Mary Tangolics
Office hours: Wednesdays, 8:30 a.m. – 1:30 p.m.
732-842-0099 Ext 128
mtangolics@seabrightnj.org

PLOT PLAN OR VARIANCE PLAN

BOROUGH OF SEA BRIGHT PLANNING/ZONING BOARD

Application No. _____ Date _____
Application Name Michael Burke and Glynis Burke
Application Address 800 Riverside Drive, Apt 7H, New York, NY 10032
Property Address 26 Waterview Way Block 4 Lot 32

CHECKLIST

Prior to issuance of a Certificate of Completeness and assignment of a hearing date, the Administrative Officer shall determine that the following documents have been submitted:

- To be completed by Applicant (C=complete, N=Not complete, NA=not-applicable)
- C 1. 17 copies of Zoning Permit Denial
- C 2. 17 copies of completed application and check list, signed, dated, and notarized, **plus one** marked **"FOR PUBLIC INSPECTION"**
- C 3. 17 sets of plot plan or variance plan signed, dated, and notarized, also **Show Base Flood Elevation, plus one** marked **"FOR PUBLIC INSPECTION"**
- C 4. 17 copies of Survey (unless Variance Plan states that it is based upon the survey). Must indicate mean high waterline, if pertinent to application)
- C 5. 17 (sets of) Photographs of property/dwelling as it currently exists
- C 6. Description of proposed operation (No. 15 in first part of application)
- C 7. Request for any variances (under No.11 in first part of application)
- C 8. Certificate of owner authorizing submission (after No. 26 in first part of application)
- _____ 9. Required application fees/check made payable to Borough of Sea Bright
- _____ 10. Required escrow fees/check made payable to Borough of Sea Bright
- _____ 11. Completed W-9 Form
- Requested 12. Certification that taxes and sewer utility charges are paid to date
- C 13. Completed Notice of Hearing
- Requested 14. Certified list of property owners within 200 feet

The following requirements must also be met before an application may be heard:

- _____ 15. Affidavit of Mailing and Service for Public Notice (Provide 7 days prior to hearing.)
- _____ 16. Affidavit of Publication for Public Notice (Provide 7 days prior to hearing.)

If Applicable:

- N/A 17. Proof of Application to Monmouth County
- N/A 18. Proof of application to NJDOT
- N/A 19. Application for CAFRA
- N/A 20. Application for Floodplain Encroachment Permit
- N/A 21. Application for Stream Encroachment Permit

After the application is deemed complete then the Board Secretary will provide you with a hearing date so you may notice property owners.

I certify the above information is accurate and complete.

DATED: 3/1/21
NAME: _____
SEAL: _____
LICENSE NO. _____
SIGNATURE [Handwritten Signature]

SITE PLAN - PRELIMINARY

**BOROUGH OF SEA BRIGHT
PLANNING/ZONING BOARD**

Application No. _____ Date _____
Application Name Michael Burke and Glynis Burke
Application Address 800 Riverside Drive, Apt. 7H, New York, NJ 10032
Property Address 26 Waterview Way
Lot 4 Block 32

CHECKLIST

Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following documents have been submitted:

To be completed by applicant (C=complete, N=Not complete, NA=not-applicable)

- C 1. Seventeen copies of completed application and check list, signed, dated and notarized **plus one** marked **"FOR PUBLIC INSPECTION"**
- C 2. Seventeen sets of site plan signed, dated and notarized, with must have raised seal, also **Show Base Flood Elevation plus one** marked **"FOR PUBLIC INSPECTION"**
- C 3. Survey. Must indicate mean high waterline, if pertinent to application
- _____ 4. Checks payable to the Borough of Sea Bright (**W-9 Escrow Account**)
- requested 5. Certified list of property owners within 200 feet
- C 6. Completed Notice of Hearing
- to be provided 7. Affidavit of Mailing or service
- requested 8. Certification that taxes and sewer utility charges are paid to date
- C 9. Photograph of property/dwelling as it currently exists
- N/A 10. Application for Municipal and/or State Wetlands Permit
- N/A 11. Description of off-tract improvements and cost estimates
- N/A 12. Letter from utility companies
- N/A 13. Environmental Impact Statement
- C 14. Certificate of owner authorizing submission
- N/A 15. Proof of Application to Monmouth County
- N/A 16. Proof of application to NJDOT
- N/A 17. Description of proposed operation
- _____ 18. Required escrow fees
- C 19. Request for any variances
- N/A 20. Application for CAFRA
- N/A 21. Application for Floodplain Encroachment Permit
- N/A 22. Application for Stream Encroachment Permit

After the application is deemed complete then the Board Secretary will provide you with a hearing date so you may notice property owners. Certified mail receipts are to be provided **at least 7 days prior** to hearing date.

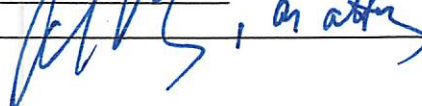
I certify the above information is accurate and complete.

DATED: 3/1/21

NAME: _____

SEAL: _____

LICENSE NO. _____

SIGNATURE 

SITE PLAN - FINAL

Application No. _____ Date _____
Application Name Michael Burke and Glynis Burke
Application Address 800 Riverside Drive, Apt. 7H, New York, NY 10032
Property Address 26 Waterview Way
Lot 4 Block 32

CHECKLIST

Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following documents have been submitted:

To be completed by Applicant (C: complete; N: not complete; NA: non-applicable)

- C 1. 17 copies of the application and plat **plus one** marked **"FOR PUBLIC INSPECTION"**
- N/A 2. All Federal, State and County approvals or proof of application
- N/A 3. Proof of provision of utility services
- 4. Required application fees (W-9 required for Escrow)
- N/A 5. Description of Off-Tract Improvements and cost estimate
- C 6. Consent of owner to application
- N/A 7. Statement that final Site Plan follows exactly the Preliminary Site Plan in regard to all details or Statement setting forth all material changes

I certify the above information is accurate and complete.

DATED: 3/1/21
NAME: _____
SEAL: _____
LICENSE NO. _____

SIGNATURE 

Michael Burke
26 Waterview Way
Block 32, Lot 4

REASON FOR REQUEST

Applicant seeks to amend the approval granted by Board Resolution dated, March 10, 2020 to include raising the 2-family structure in compliance with current flood regulations. The proposed first floor elevation will be 15.5 feet, whereas 13 feet is the minimum required. The interior floor plans have been revised to move the kitchen to the third level and relocate the bedrooms to the second level, and additional exterior stairs are proposed. The original approval included an addition at the rear of the main house for a new stairway to the second floor and removal of the existing stairwell, the construction of balconies on the north and south sides of the main house and to raise the roof of the main house to provide greater headroom for the upper level premises. Those improvements are still proposed as well.

LIST OF VARIANCES

- (i) “d” variance: 130-46.A(2) - Extension of existing non-conforming structures (two-family house and additional detached structure in a single family zone) where non-conforming structures shall not be extended
- (ii) “d” variance: 130-46.A(3) - Extension of existing non-conforming use (2-family house and additional detached structure in a single family zone) where a non-conforming use shall not be extended
- (iii) “c” variance: 130-50.C - Side yard setback of 1 foot existing and proposed where a minimum of 7 feet is required (existing condition)

PRE-EXISTING CONDITIONS PROPOSED TO CONTINUE

- (iv) Front yard setback: 130-50.C- where 25 feet is required and 4.8 is existing and proposed
- (v) Accessory rear yard setback: 130-38. D- 4 feet is existing, where 5 feet is required (existing condition unaffected by this application)
- (vi) Accessory side yard setback: 130-38.D- 4.9 feet is existing, where 5 feet is required (existing condition unaffected by this application)

**BOROUGH OF SEA BRIGHT
MONMOUTH COUNTY, NEW JERSEY
NOTICE OF HEARING**

TO ALL OWNERS OF PROPERTY LOCATED WITHIN A RADIUS OF TWO HUNDRED FEET FROM BLOCK 32, LOT 4.

PLEASE TAKE NOTICE that Michael Burke has applied to the Unified Planning Board of the Borough of Sea Bright to amend the approval granted by Board Resolution dated, March 10, 2020 to include raising the 2-family structure in compliance with current flood regulations. The proposed first floor elevation will be 15.5 feet, whereas 13 feet is the minimum required. The interior floor plans have been revised to move the kitchen to the third level and relocate the bedrooms to the second level, and additional exterior stairs are proposed. The original approval included an addition at the rear of the main house for a new stairway to the second floor and removal of the existing stairwell, the construction of balconies on the north and south sides of the main house and to raise the roof of the main house to provide greater headroom for the upper level premises. Those improvements are still proposed. All with respect to premises located in the R-2 Zone and known as Block 32, Lot 4 on the Tax Map of the Borough of Sea Bright, and commonly known as 26 Waterview Way, Sea Bright, New Jersey. With this amended application the applicant continues to seek the following variances, which were previously approved:

- (i) “d” variance: 130-46.A(2) - Extension of existing non-conforming structures (two-family house and additional detached structure in a single family zone) where non-conforming structures shall not be extended
- (ii) “d” variance: 130-46.A(3) - Extension of existing non-conforming use (2-family house and additional detached structure in a single family zone) where a non-conforming use shall not be extended
- (iii) “c” variance: 130-50.C - Side yard setback of 1 foot existing and proposed where a minimum of 7 feet is required (existing condition unaffected by this application)

In addition, the Applicant will request such other variances, exceptions, interpretations and design waivers as may be determined to be necessary by the Unified Planning Board, and/or its professionals, in order to develop this property as stated above and will amend its application on the record accordingly.

In accordance with N.J.S.A. 10:4-12, the “Open Public Meetings Act,” you are hereby notified of a Virtual Meeting of the Sea Bright Planning/Zoning Board on Tuesday, _____, 2021 at 7:30 p.m., at which time you may appear in person or by agent or attorney and present any objection which you may have to granting this application.

ADVISORIES

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.

VIRTUAL MEETING ACCESS AND PARTICIPATION INSTRUCTIONS

The Sea Bright Planning/Zoning Board is utilizing the GoToMeeting service to conduct regular meetings in compliance with the New Jersey Open Public Meetings Act.

Planning/Zoning Board Meeting

Tuesday, _____, 2021 7:30 PM – 10:00 PM (EDT)

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APPLICATION MATERIALS ACCESS

To access application materials, including plans, please go to the municipal website, www.seabrightnj.org.

Unified Planning Board in left menu, Agendas and Minutes page, Supporting Documentation section.

Any member of the public wishing to present a document during the meeting should email a digital copy to the Board Secretary at cmitchell@seabrightnj.org by _____, 2021. Members of the public will have an opportunity to be heard and to present evidence during the hearing.

Any questions can be directed to the Planning/Zoning Board Secretary, Candace Mitchell, 732-842-0099, Ext. 123. Please leave a voicemail if no answer or send email to cmitchell@seabrightnj.org.

This Notice is sent to you by the Applicant, by order of the Unified Planning Board of the Borough of Sea Bright.

ANSELL GRIMM & AARON
Attorneys for Applicant

By: _____
RICK BRODSKY, ESQ.

Dated: March ____, 2021

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD
GRANTING EXPANSION OF NON-CONFORMING USE AND BULK VARIANCE APPROVAL
RE: Michael & Glynnis Burke
26 Waterview Way
Block 32 Lot 4
Sea Bright, New Jersey**

WHEREAS, Michael & Glynnis Burke (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 32, Lot 4 on the Tax Map of the Borough of Sea Bright, also known as 26 Waterview Way for expansion of the non-conforming structure and non-conforming use with bulk variances; and

WHEREAS, Applicant proposes to add additions on the front and rear and add a half story; and

WHEREAS, the existing structure is a two-family home in the R-2 Zone which does not permit same; and

WHEREAS, Applicant seeks bulk variances for front yard setback where 25' is required and 4.8' is existing and proposed; side yard setback where 7' is required and 1' is existing and proposed and will be extended by the additions; accessory rear yard setback where 5' is required and .4' is existing and will not be changed; accessory side yard setback where 5' is required and 4.9' is existing and will not be changed; 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 a meeting on February 25, 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: Packet of 8 photos of subject property
- A-3 Architectural plans by Anthony Condouris dated 1-28-19
- A-4 Aerial view of neighborhood with marking of other 2+ family homes
- A-5 Revised cover sheet of square footage table
- A-6 3D rendering
- B-1 Report by David Hoder, P.E., P.E., C.M.E. dated 2-24-20

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

1. The property is in the R-2 zone which does not permit two-family residential homes. The property has been used as a two-family home for many years.
2. There is an accessory structure on the property which is used as a cabana. No changes are proposed to this structure and the Applicant **STIPULATED** that same is not habitable and will not be habitable and **will not be used for residential purposes.**
3. The existing non-conformities will be extended by extending the home up and to the front and rear.
4. The architect Anthony Condouris introduced an aerial photo depicting the other two-family homes in the area. He described the proposed additions which will add a new 2nd floor and a half story. The proposed addition will add 68 s.f. to the 1st floor, 220 s.f. to the 2nd floor and a 388 s.f. finished half-story which will contain a bedroom.
5. The Applicant **STIPULATED** that all mechanicals would be above the BFE. The first-floor addition is unfinished space leaving all habitable space compliant with the BFE.
6. The Applicant Michael Burke testified that the home has been used as more of a vacation home by his sister and him for many years. They are both retired and desire to reside here full-time and the expansion is needed to make the home more livable and safer.

7. The Applicant **STIPULATED** that they will comply with the requirements set forth in Section C of the Board Engineer David Hoder's letter dated February 24, 2020.

8. Neighbor Patrick Quinn testified in favor of the application.

9. Board Member Smith noted that the Applicant and their professional had taken careful involvement in designing the additions and identifying issues. He noted that the proposed additions would public health and safety.

10. The Board found that the design of the home promoted a desirable visual environment through creative design.

11. The Board noted that there will be no impact on the neighbors as the variances are pre-existing and are being extended by adding the additional floor as well as extending to the rear. The non-conformities are not being increased in size, but are maintaining the same lines and extending same.

12. The Board found that the additions will complement the house and be aesthetically pleasing.

13. The Board found that although it is an expansion of a pre-existing non-conforming use, the intensity of the front and side setback non-conformities of the main home remain the same. The accessory structure is not being expanded.

8. The Board found that the requested bulk variances were not excessive and improved the safety, aesthetics, enjoyment and layout of the home.

9. The Board found that the proposal will not have a negative impact on the neighborhood or on the zone plan.

10. The Board found that the bulk variances are consistent with the neighborhood and the pre-existing dwelling. The proposed design and layout will make for a better and more aesthetically pleasing home.

11. The Board found that the proposed design promoted a desirable visual environment through creative development techniques, design and arrangement. The Board felt that the design fit the lot with its constrictions and was the best design for this property.

12. The Board found that the variances could be granted without any negative impact on the neighborhood and was not inconsistent with the zoning ordinance or zone plan.

13. 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.

14. The "D" 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.

15. The Board found that the granting of the variances will have no substantial detrimental impact on surrounding properties nor will it substantially impair the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that the Application for use variance for a second story deck with the bulk variances as set forth above is approved in accordance with the plans submitted and marked into evidence, 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, including but not limited to CAFRA, 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 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.

10. No mechanicals will be located beyond the building wall into the setbacks and will be above the BFE.

11. The Applicant will meet all building codes, including the number of windows permitted.

12. The Applicant/Developer shall comply with the Sea Bright Affordable Housing Regulations, Section 130-118 et seq. as amended and supplemented by paying a fee of one and a half percent (1.5%) of the equalized assessed value for all new residential development. This fee shall be payable by Applicant, its successors or assigns. Collection of the fee shall be as set forth in Section 130-123.

SPECIFIC CONDITIONS

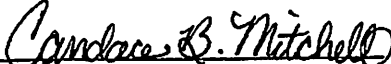
1. The existing accessory structure shall not be used for residential purposes and shall be non-habitable.
2. The Applicant will comply with the requirements set forth in Section C of the Board Engineer David Hoder's letter dated February 24, 2020.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of February 25, 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

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 March 10, 2020.

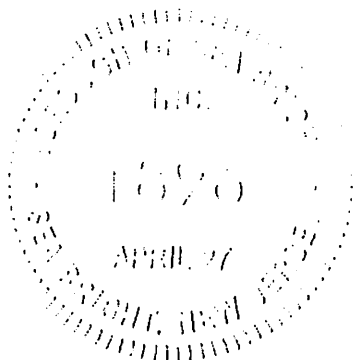

Candace B. Mitchell, Secretary
Sea Bright Planning/Zoning Board

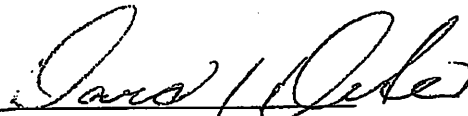
Adopted on a roll call on a motion by Board member Stephen Cashmore

and Seconded by Board member Karolyn Wray

Vote:

Cashmore Aye Cunningham Absent DeGiulio Aye DeSio Aye
Mayor Kelly Absent Councilman Leckstein Recused McGinley Absent Nott Absent
Smith Aye (Alt. 1) Bills Aye (Alt. 2) Wray Aye (Alt. 3) Gorman Aye




David DeSio, Vice Chairman
Sea Bright Planning/Zoning Board



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