



COFONE CONSULTING GROUP, LLC

CHRISTINE A. COFONE, PP, AICP  
*Principal*

April 26, 2021

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

RE: **Sea Bright Surf School, LLC d/b/a Lucky Dog Surf School (404 Ocean Ave, LLC/D'Anna)  
First Technical Review  
Block 23, Lot 100 - 404 East Ocean Avenue  
Block 23, Lot 101 - 400 East Ocean Avenue**

Dear Ms. Mitchell:

We have deemed this application **complete** for review.

In the subject application, the Applicant is seeking "D" Special Reasons Use Variances to accommodate parking for a surf school. The subject site, known as Block 23, Lot 100 and Block 23, Lot 101, is located at 404 East Ocean Avenue and 400 East Ocean Avenue, respectively, and within the CP Zone.

As part of our analysis, we undertook the following tasks:

- Inspection of the subject premises;
- Survey of surrounding land uses; and,
- Review of the Borough's Master Plan and Zoning Ordinance.

We also reviewed the following application submissions:

- Cover letter from Rick Brodsky, Esq., applicant's attorney, dated 3/16/2021;
- Borough of Sea Bright Zoning Officer denial letter, dated 3/10/21;
- Filed application;
- Topographic Survey for Block 30, Lot 30 & Block 23, Lot 100, signed by Paul K. Lynch, PLS, dated 11/5/07, consisting of one (1) sheet; and,
- Survey of Property with Tidelands for Block 23, Lot 101 & Block 30, Lots 32, 33.01,

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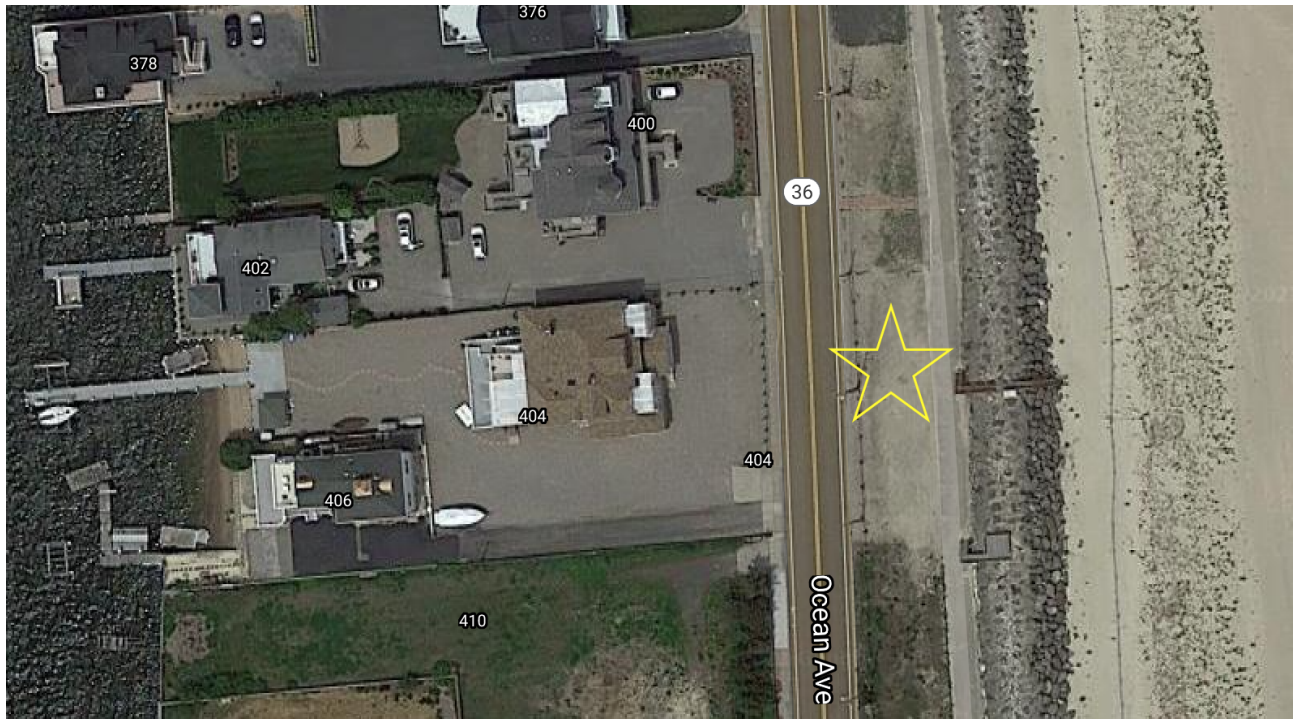
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& 32.01 by Morgan Engineering & Surveying, signed by David J. Von Steenburg, PLS, dated 7/29/20 consisting of one (1) sheet.

We offer the following analysis and comments for your consideration.

**Description of Site and Summary of Development Proposal**

The subject site, known as Block 23, Lot 100 and Block 23, Lot 101, is located at 404 East Ocean Avenue and 400 East Ocean Avenue, respectively, and within the CP Zone.



*Block 23, Lot 100 - 404 East Ocean Avenue. The Site is denoted by the yellow star.*



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*View of Block 23, Lot 100 - 404 East Ocean Avenue from Ocean Avenue*



*View of Block 23, Lot 101 - 400 Ocean Avenue*

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*View of Block 23, Lot 101 - 400 Ocean Avenue from Ocean Avenue*

The applicant proposes to utilize the site for parking to serve a surf school for approximately three to four hours daily, depending on the tide and alternating camp schedules. The applicant states that it is under contract with the Borough to provide these services.

### **Surrounding Land Uses**

The surrounding land uses include the Atlantic Ocean facing beach and residential structures on the west-side of Ocean Avenue.

### **Zoning Compliance**

The site is located in the CP Coastal Protection Zone. As stated within the Municipal Zoning Ordinance at Section 130-48(E)(2), the specific intent and purpose of the CP Zone is as follows:

The CP Coastal Protection Zone is a special zone covering a very narrow strip of land between Ocean Avenue and the Atlantic Ocean, shown on the Zoning Map. The purpose of this zone is to recognize the threat to security and frequency of flooding and damage to this area as a result of sea water. It is designed to provide the highest and best use of



said land with due regard for safety of persons and structures thereon.

The following variances are required:

- Section 130.38.C(8)(a)[1]:
  - No building whatsoever shall be erected for any purpose nor shall any commercial use be permitted in this zone. The purpose of this zone is to recognize the threat to security and frequency of flooding and damage to this area as a result of sea water. It is designed to provide the highest and best use of said land with due regard for safety of persons and structures thereon.
  - *Parking is proposed for the surf school.*
- Section 130.38.C(8)(a)[2]:
  - Owners of property within this zone may park automobiles, noncommercial automobiles and noncommercial trucks no greater than one ton in weight, without charge, provided that cars are only parked on gravel.
  - *Customer parking is proposed for the surf school.*

### **Master Plan Review**

The 2020 Sea Bright Recovery Plan, issued in December 2013 after Superstorm Sandy more than a year before, noted that the Borough suffered a decline in economic vitality due to the storm and cited the need to “draw residents and visitors alike to shop, eat, drink, and spend time enjoying the area.” (Page 32)

The 2017 Borough Master Plan cites beach access and activity as a key characteristic of the community to support its economic base.

### **Planning Analysis and Issues for Consideration by the Board**

In regard to the “d(1)” variances, the Municipal Land Use Law (MLUL) at NJSA 40:55D-70.d sets forth the standards for variances from the use regulations of a zoning ordinance. A “d(1)” variance is required when an applicant submits an application for a use that is not permitted in the list of permitted uses within a specific zoning district. The applicant must satisfy the *Medici* proofs:



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- Is the site particularly suited for the proposed use?
- Does the proposed use advance special reasons and further the purposes of the Municipal Land Use Law (MLUL)?
- Does the proposal substantially impair the purpose and intent of the master plan, zone plan, and zoning ordinance? Does the proposal satisfy the enhanced quality of proof that the variance sought is not inconsistent with the intent of the master plan and zoning ordinance, proof which must reconcile the proposed use variance with the zoning ordinance's omission of the use from those permitted in the district?

We offer the following for your consideration in reviewing the Application:

- 1) The Applicant shall provide such statutorily required variance testimony through a New Jersey licensed professional planner.
- 2) The Applicant's professional planner shall discuss the required variances in the context of the site, immediate area, and consistency with the land uses in the area.
- 3) The Applicant shall provide detailed business operational testimony as it relates to the usage of the proposed parking area. How many parking spaces are envisioned? The Applicant shall provide a basic parking layout sketch as a condition of approval.
- 4) The Applicant shall discuss how the proposal advances the intent of the zone plan, zoning ordinance, and Master Plan.

We would be happy to address any questions or comments on the above at the public hearing.

Respectfully submitted,

Christine A. Nazzaro-Cofone, AICP, PP  
Sea Bright Consulting Planner

cc: Board Attorney  
Board Engineer  
Applicant and professionals

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