



COFONE CONSULTING GROUP, LLC

CHRISTINE A. COFONE, PP, AICP
Principal

July 9, 2021

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

RE: **Ivan Wanat Martin**
First Technical Review
Block 16, Lot 14
3 Badminton Court
R-3 Zone
Application No. 2021-08

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 utilize a property for restaurant dry storage. The subject site, known as Block 16, Lot 14, is located at 3 Badminton Court and is within the R-3 Downtown Residence 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:

- Filed application;
- Zoning permit denial, dated 1/29/20
- Survey of Property for Block 16, Lot 14 prepared Charles Surmonte, PE, PLS, dated 9/24/18, consisting of one (1) sheet.

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We offer the following analysis and comments for your consideration.

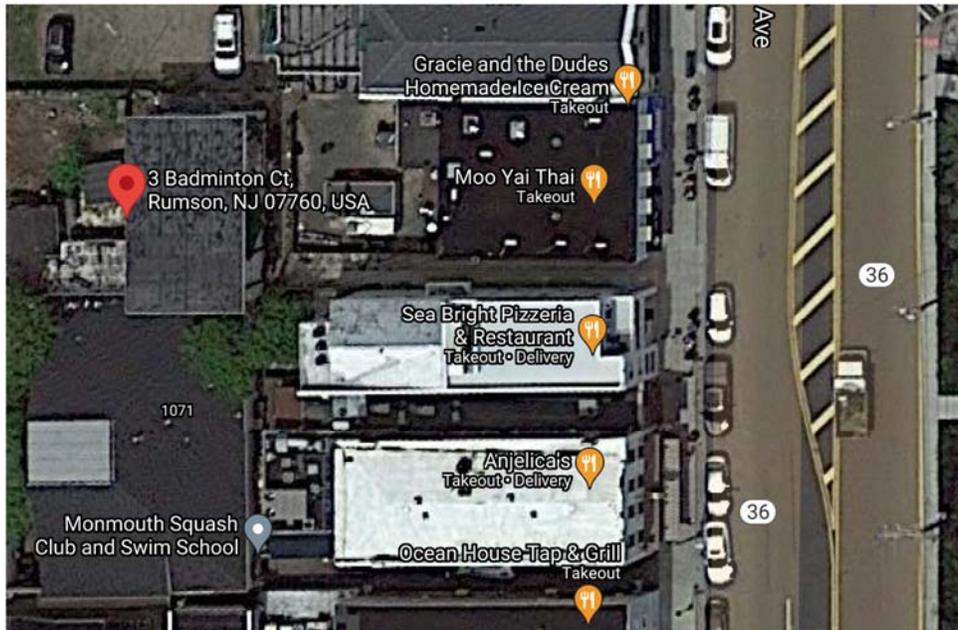
Description of Site and Summary of Development Proposal

The subject site, known as Block 16, Lot 14, is located at 3 Badminton Court and within the R-3 Downtown Residence Zone.

The Applicant proposes to rent the building to Anjelica's Restaurant for dry storage. The Applicant states that dry storage includes, but is not limited to, pot, pans, and chairs. No site modifications are proposed.

Surrounding Land Uses

The site is located south of Peninsula Avenue and west of Ocean Avenue. The site is depicted in the aerial image below.



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Zoning Compliance

The site is located in the R-3 Downtown Residence Zone. The following variances are required:

- Section 130.49.C(2.1)(a): The R-3 Zone permits storage as an accessory use in connection with single-family residential.
 - A Special Reasons Use Variance is required since the proposed storage is intended to serve an off-site use.

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)

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:

- 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?



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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 characteristics of the site and its surroundings.
- 3) The Applicant shall clarify whether the intention is to only use the site for commercial storage or if there will be residential and commercial usage.
- 4) The Applicant shall be prepared to answer the following questions, including but not limited to: Where will there be storage? Will any food or hazardous material be stored? How often will the site be visited to store or retrieve goods? At what hours will the site be visited? Will the site be accessed by vehicle, foot, or both?
- 5) 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