



COFONE CONSULTING GROUP, LLC

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Principal

January 18, 2021

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

RE: **The Break at Sea Bright
Third Technical Review
Block 15, Lot 3
Ocean Avenue and River Street
Borough Application #Z 2020-14**

Dear Ms. Mitchell:

This is our third technical review based on application materials received after our first review, dated October 22, 2020, second review date December 8th, 2020 and the application's first public hearing. The purpose of this letter is to correct and clarify the proposed height and number of stories.

In the subject application, the Applicant is seeking preliminary and final site plan approval with bulk variances and a "D" variance for building height. The site is known as Block 15, Lot 3, located at the southeast corner of Ocean Avenue and River Street, and within the B-1 Zone.

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

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

We also reviewed the following new application submissions:

- Cover letter from MODE architects, dated 11/24/2020 signed by Daniel Condatore.
- Preliminary and Final Major Site Plan of Block 15, Lot 3, for 1080 Ocean Avenue, Borough of Sea Bright, NJ prepared by Walter Joseph Hopkin, PE dated 10/1/20

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revised 11/23/20 consisting of 5 sheets.

- Architectural Plans entitled “The Break at Sea Bright, Mixed Use Building” by MODE, Daniel M. Condatore, RA, Asbury Park, NJ dated 10/1/20 revised 10/13/20, consisting of 10 sheets.

We previously reviewed the following new application submissions:

- Cover letter from Trip Brooks, managing member, dated 10/1/2020 with zoning denial exhibits and application package;
- Preliminary and Final Major Site Plan of Block 15, Lot 3, for 1080 Ocean Avenue, Borough of Sea Bright, NJ prepared by Walter Joseph Hopkin, PE dated 10/1/20 consisting of 5 sheets;
- Survey of Property, 1080 Ocean Avenue, Lot 3, Block 15 on Tax Map sheet # 8, Borough of Sea Bright, Monmouth County, New Jersey by Landmark Surveying and Engineering, signed by Zenon T. Grybowski, PLS dated 12/14/17 consisting of one (1) sheet;
- Architectural Plans entitled “The Break at Sea Bright, Mixed Use Building” by MODE Daniel M. Condatore, RA, Asbury Park, NJ dated 10/1/20, consisting of 7 sheets.
- Stormwater Management Statement for Site Plan of Block 15, Lot 3 Borough of Sea Bright, prepared by Walter Joseph Hopkin, PE dated 10/1/20.

We offer the following analysis and comments for your consideration.

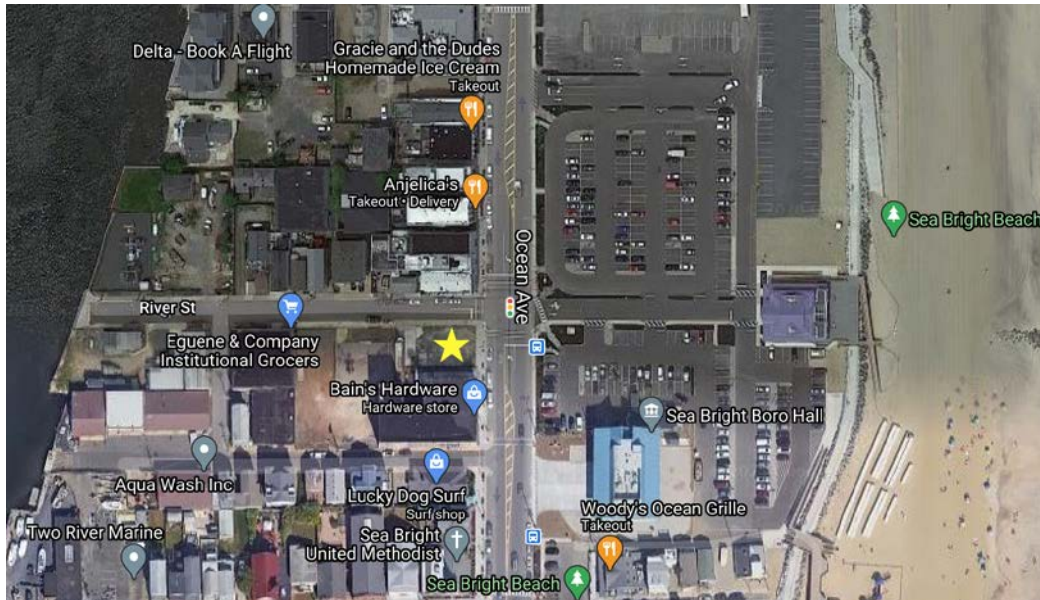
Description of Site and Summary of Development Proposal

The site is known as Block 15, Lot 3, located at the southeast corner of Ocean Avenue and River Street, and within the B-1 Zone. Located within the Borough’s downtown area, the site is vacant and contains 55 feet of frontage on Ocean Avenue and 85 feet of frontage on River Street.



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The Site is denoted by the yellow star.

The Applicant proposes the following:

- A five-four floor building containing parking on the ground level with commercial on the first floor and residential on the three (3) floor above.
- Vehicle access will be from River Street.

Surrounding Land Uses

The Site is located within the heart of the Borough's downtown area that is defined by a mixture of commercial and residential uses. The Sea Bright municipal parking lot and beach is across Ocean Avenue.

Zoning Compliance

The property is located in the Business (B-1) Zone District. As stated within the Municipal Zoning Ordinance at Section 130-48(E)(1), the intent and purpose of the nonresidential zones is as follows:

The business districts established by this chapter are designed to provide sufficient space in appropriate locations for various distinct forms of business development; to satisfy the needs of modern business development by providing for off-street parking and loading and

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unloading areas, safe and efficient means of vehicular ingress and egress and continuity and homogeneity of business development frontage; and to encourage the development of more attractive and economic forms of building development under proper standards.

The specific intent and purpose of the B-1 Zone District is at Section 130-48(E)(1)(a), as follows:

The B-1 Zone is the central or town business zone designed to provide for local shopping and to include a wide range of retail business and service establishments which cater to the frequently recurring needs of the residents. The primary purpose of all permitted uses in this zone should be to encourage a pedestrian-friendly, mixed-use-Main-Street character for this zone. Retail and personal service with inviting storefronts would be most encouraged, with an open feel and small scale at street level. The purpose of future development and rehabilitation in this zone should be to retain the historic charm and character of Sea Bright's downtown.

The following variances are required:

- Min. Rear Yard Setback
 - Required: 15 feet
 - Proposed: 0 feet

- Max. Building Coverage
 - Required: 50%
 - Proposed: 97%

- Max. Lot Coverage
 - Required: 75%
 - Proposed: 97%

- Max. Building Height
 - Required: 42 feet / 3 stories
 - Proposed: 49'.6" feet / 4 stories

- Parking
 - Required: 2 BR residences x 6: 12
 - Provided: 12

 - Required: 2800 sf retail (1 space per 200 sf): 14
 - Proposed: 0

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Master Plan Review

The 1989 Master Plan contains a variety of goals and objectives to guide the future development of the Borough, including the need for redevelopment to improve the design, efficiency and aesthetic of the downtown area.

In 2007, the Borough issued a “Downtown & Oceanfront Smart Growth Plan,” which proposed to retain and “spur more [commercial] vitality” along Ocean Avenue, while simultaneously encouraging higher density residential development and providing for riverfront access in the area to the west of Ocean Avenue.

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 recommended “an attractive, vibrant business district” to “draw residents and visitors alike to shop, eat, drink, and spend time enjoying the area.” (Page 32)

The 2020 Plan linked the improvement of the downtown to the overall vitality of the Borough, stating that developing the downtown business district “provides a positive image for Sea Bright as a whole and gives investors confidence that Sea Bright is a vibrant, economically viable community.” (Page 32)

The 2017 Master Plan carries forward the planning vision, goals, and objectives of the Borough.

Planning Analysis and Issues for Consideration by the Board

In regard to the “c” variances, the Municipal Land Use Law (MLUL) at NJSA 40:55D-70c sets forth the standards for variances from the bulk regulations of a zoning ordinance. A “c(1)” variance is for cases of hardship due to factors such as shape or topography, or due to “an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.” A “c(2)” variance may be granted where the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a “c(2)” variance must include benefits to the community as a whole, not just to the applicant or property owner. A “c” variance application also must address the “negative criteria.”



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In regards to the “d” variance, the MLUL at NJSA 40:55D-70d(6) defines a use variance for excessive height: “height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure.”

The Applicant must satisfy the following standard for the d(6) variance:

- “Special reasons” by showing an undue hardship; or,
- Establishing the height does not offend any purpose of the height restriction and would nonetheless be consistent with the surrounding neighborhood. Jacoby v. Zoning Bd. Of Adjustments of Englewood Cliffs, 442 N.J. Super. 450, 463 (App. Div. 2015).
- If relief based on hardship, Applicant must show the property for which the variance is sought cannot reasonably accommodate a structure that conform to, or only slightly exceeds the height permitted by the ordinance. Grasso v. Borough of Spring Lake Heights, 375 N.J. Super. 41, 51 (App. Div. 2004).
- Satisfaction of the negative criteria: That the variance can be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of the zone plan and zoning ordinance.

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

- 1) The December 7, 2020 Board Engineer review letters the changes to the application from the first submission. **We defer to the Board Engineer on any remaining action items.**
- 2) The Applicant shall provide such statutorily required variance testimony through a New Jersey licensed professional planner. **Completed. The planner shall discuss the current proposed height. At the last Board hearing, Board members expressed concern over the height. The Applicant should be prepared to discuss if and how the plan changes address the Board comments which included the height of the overall structure in the context of the downtown as well as the practicality of the height of the commercial space.**
- 3) 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. **Completed.**

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- 4) The Applicant shall provide detailed site operations, design and architectural testimony, specifically addressing the proposed height and its consistency with other proximate properties. **Completed. Additional testimony on the height is required. See comment 2) above. Operationally, the applicant has agreed to limit the occupancy limit of the commercial space to 60 occupants. Please provide testimony on how this will address the Board's expressed concern relative to the adequacy of parking.**
- 5) The Applicant shall discuss how the proposal advances the intent of the zone plan and Master Plan. **Completed**
- 6) We concur with the technical review comments as provided in the October 21, 2020 and December 7, 2020 Board Engineer reviews and incorporate same herein by reference.

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