

October 9, 2021

Ms. Candace Mitchell, Planning Board Secretary  
Borough of Sea Bright  
Unified Planning Board  
1160 Ocean Avenue  
Sea Bright, NJ 07760

Re: Martin Phan  
164 Ocean Avenue  
Technical Review  
Block 33, Lot 20.01; R-2 Zone  
Sea Bright App. # Z2017-063  
HACE # SEP-124

Dear Ms. Morris:

Our office is in receipt of the above Variance plan application. The applicant submitted the following:

- Cover letter from attorney Richard C Sciria, Esq, including application package, previous resolution of approval, stipulation of settlement, photo of property and certifications of sewer and tax collector.
- Plan entitled Proposed House Lift and Addition for 164 Ocean Avenue Sea Bright NJ Block 33 Lot 20.01, by Catherine Franco AIA, Atlantic Highlands, NJ, dated 9/25/17. There are no plan revisions but the plans have been revised as to the settlement.

Introduction:

The property is located on the West side of Ocean Avenue, just South of Mountain View Way. The property has 40 feet of frontage on Ocean Avenue and 140 feet of frontage on Mountain View Way and contains 5,600 SF. A use variance and several bulk variances are needed.

This new application has been submitted because of a Superior court decision brought by Lands End Condo Association against the applicant. The court case results does the following:

- 1) Eliminates the two rear decks
- 2) Requires to incorporate any front deck under a roof
- 3) Also incorporates the Juliet balcony at the rear under a roof
- 4) Change the rear stairwell
- 5) Requires the original (existing footprint) to be unchanged
- 6) Required five trees be planted in the buffer between the properties
- 7) The brick wall be non-transparent and run the entire length of the stairwell
- 8) That the left side railing of the roof deck be solid.

*The plans reflect these changes.*

A) Zoning

R-2 Residence Zone - Zone Schedule

Item	Required	Proposed
Lot Area	4,000 S.F.	5,600 S.F.
Lot Width	50 Ft.	<b>40.0 Ft.</b>
Lot Depth	60 Ft.	140.0 Ft.
Front Yard Setback	25 Ft.	<b>17 / 4.8 Ft.</b>
Side Yard Setback	7 Ft.	41.33/4.8 Ft.
Side Yard Combined	6 Ft.	9.4 Ft.
Rear Yard Setback	15 Ft.	<b>N/A.</b>
Max. Lot Coverage	70 %	38.4%
Max. Building Coverage	50 %	37.7 %
Max. Building Height	33 Ft.	33 St.
Parking	1.5 spaces/ unit (3)	3 spaces

Notes: Variance Requests are in **Bold**.

B) Use Variance

A two family dwelling is not allowed in the R-2 zone. There for the applicant must demonstrate that the application satisfies both the positive and the negative criteria of the Municipal Land Use Law for the grant of the use variance.

The determination of the positive criteria establishes the benefits of the variance. The determination of the negative criteria establishes the detriments to the public good that would result from the variance. By nature, a variance is a departure from an impairment of the public zone plan. On balance, the benefits of granting the variance must be such that the resulting detriments are not substantial. The greater the benefits of the variance, the greater the detriments must be in order to be considered substantial.

C) Flood Zone Information

The property is located in the FIRM Flood Zone AE with a minimum elevation of 10.0. Any buildings built, if this application is approved, shall have the lowest horizontal structural member including basement, together with attendant utility and sanitary facilities, built to a minimum of three feet above the base flood elevation or 13.0. The finished floor elevation is not shown.

D) Technical Review (new comments in *italics*)

- 1) Section 130-43 E Off street parking – Our ordinance requires 2 spaces per dwelling unit, while RSIS (Residential Site Improvement Standards) requires 1.5 spaces per unit. RSIS governs. All proposed spaces are in the building.
- 2) Section 130-51 E - Sidewalks shall be installed if required by the Planning Board when deemed necessary for safety. Sidewalks on Mountain View should be provided, to connect

to the existing sidewalks both East and West. *A sidewalk on Mountain View was waived in the previous approval resolution.*

- 3) Section 130-51 F - Curbs shall be constructed on both sides of all streets. *A curb on Mountain View was waived in the previous approval resolution.*
  - 4) The RSIS (Residential Site Improvement Standards) minimum street pavement width is 20 feet or a ten foot half width. This should be provided on Mountain View Way. *A street widening on Mountain View was waived in the previous approval resolution.*
  - 5) In regard to Stormwater Management, this project cannot be considered a Major Development in that the application is not disturbing more than one acre of land or is building more than one quarter of an acre of impervious surface. The applicant does not need to provide reduction of stormwater flow.
  - 6) *The applicant should provide a place on the plan for the Board engineer to sign.*
  - 7) *The applicant should place on the plan a note that any curb, sidewalk or road surface is damaged during construction, it shall be replaced according to Borough or NJDOT standards.*
- H) If the applicant is successful, the following items shall be provided at the appropriate time:
- 1) Section 130-67 A 1 - Performance Guarantees - Prior to the signing of a final plat of a subdivision or of a site plan, issuance of a development permit and/or the commencing of any clearing, grading or installation of improvements, the developer shall have filed with the Borough a performance guaranty sufficient in amount to equal 120% of the total cost to the Borough, as estimated by the Borough Engineer, of constructing those on-site, on-tract, off-site and off-tract, improvements necessary to protect adjacent property and the public interest in the event development of the site were not completed.
  - 2) The applicant shall enter into a Developer's Agreement (Section 130-66C 10) with the Borough for fair share sewer contributions and connections fees - Sanitary sewer flows used to calculate fair share and connection fees shall be provided.
  - 3) Shop drawings and submittals, stamped approved by the design engineer, shall 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.
  - 4) The applicant shall be subject to any affordable housing requirements of Sea Bright.
- I) Outside Agency Approval
- a) The application shall be subject to review by all regulatory agencies having jurisdiction, including:
    - a) Freehold Soil Conservation District
    - b) Coastal Area Facilities Review Act (if applicable)

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c) Sea Bright Fire Department & Flood Plain Official

If you have any questions regarding the matter please do not hesitate to contact our office.

Very truly yours,

HODER ASSOCIATES

A handwritten signature in black ink, appearing to read 'David J. Hoder', with a long horizontal stroke extending to the right.

David J. Hoder, P.E., P.P., C.M.E.  
Unified Planning Board Engineer

DJH  
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