



COFONE CONSULTING GROUP, LLC

CHRISTINE A. COFONE, PP, AICP  
*Principal*

September 9, 2021

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

RE: **552 Ocean Avenue, LLC**  
**First Technical Review**  
**Block 28, Lot 2**  
**552 Ocean Avenue**  
**Borough Application #2021-047**

Dear Ms. Mitchell:

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

In the subject application, the Applicant is seeking bulk variances and a "D" variance for building height. The site is known as Block 28, Lot 2, located at 552 Ocean Avenue between Atlantic Way and Willow Way, and within the R-2 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 Denial letter from Mary Tangolis, Borough Zoning Officer, dated 6/9/2021
- Survey of Property, 552 Ocean Ave; Tax Lot 2, Block 28; Tax Lot 65, Block 28; Borough of Sea Bright, Monmouth County, New Jersey by Lakeland Surveying, signed by Marc J. Cifone, PLS and Jeffrey O. Males, PLS, consisting of one (1) sheet and dated 01/24/19.
- Site Plan, Floor Plan, and Elevations, entitled "Proposed Interior Alterations for

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"Martucci Residence" by Anthony M. Condouris Architect, Inc. dated 5/26/21 and revised 6/28/21, consisting of 3 sheets.

We offer the following analysis and comments for your consideration.

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

The 4,095 square foot site is known as Block 28, Lot 2, located at 552 Ocean Avenue between Atlantic Way and Willow Way, and within the R-2 Residence Zone. The site is occupied by a single-family house and has 35 feet of frontage on Ocean Avenue and is 117 feet deep.





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The Applicant proposes the following:

- Raise the existing single-family house to comply with current Base Flood Elevation regulations.
- Construct an addition to the second floor, a new attic, a swimming pool, and a rear deck.

### Surrounding Land Uses

The site is surrounded by residential uses.

### Zoning Compliance

The property is located in the R-2 Residence Zone. The following variances are required:

- Min. Lot Width
  - Required: 50'
  - Existing: 35'
  - Proposed: 35' **(Existing Non-Conformity) "C" Variance**

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- Min. Side Yard
  - Required (one/combined): 7'/15'
  - Existing: 2'/6.4'
  - Proposed: 2'/6.4' (**Intensification of Existing Non-Conformity Due to Second Floor Addition**) **"C Variance"**
  
- Max. Building Height
  - Required: 33'/2.5 sty
  - Existing: 26.3'/2.5 sty
  - Proposed: 37.7'/2.5 sty - **"D" Variance (exceeds the maximum allowable height by 10' or 10% )**
  
- Off-Street Parking
  - Required: 2 spaces/dwelling unit, while RSIS, which governs, requires 1.5
  - Proposed: One space is in the building and three spaces are in the front yard, contrary to the ordinance.

### **Master Plan Review**

The 2017 Borough Master Plan describes the R-2 Zone as being "located on the western side of the Borough and encompasses about 11.4 percent of the total land area." The "Supplementary Housing Element" of the 2017 Master Plan contains the following *Housing Policies and Strategies*:

- Ensure that future residential growth occurs in a sustainable manner.
- Promote resiliency through the application of green building and infrastructure techniques in new and existing residential construction.
- Provide for a variety of housing types and choices.
- Increase the supply of affordable housing through the imposition of mandatory set-aside requirements on multifamily development.

### **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.”

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 is based on hardship, Applicant must show the property for which the variance is sought cannot reasonably accommodate a structure that conforms 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 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 design and architectural testimony, specifically addressing the proposed height and its consistency with other proximate properties. The architectural testimony should also discuss the proposed height as it relates to the Ordinance requirements at §130-39(5) & §130-39(6).



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- 4) The Applicant shall discuss how the proposal advances the intent of the zone plan 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