

**APPROVED MINUTES  
REGULAR MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD  
TUESDAY, January 25, 2022**

**Call to Order and Flag Salute**

Chairman Cunningham called the meeting to order at 7:30 p.m. and requested those present to join in the Pledge of Allegiance.

**Open Public Meetings Statement**

Good evening, Ladies and Gentlemen,  
This Meeting Is Now Called to Order. The Borough of Sea Bright, in compliance with the Open Public Meetings Act, has provided adequate notice of the time, date, and location of his meeting to the Asbury Park Press and Link News on January 13, 2022, filed notice with the Borough Clerk, and posted notice in the Borough Office and on the Borough website. This Meeting Is Open to The Public.

**ADMINISTRATIVE MATTERS**

**Oath of Office**

Board Attorney Monica C. Kowalski, Esq. administered one Oath Appointment:  
**2 Year Term Class IV, Alternate #2**  
Elizabeth DeGiulio January 1, 2022 through December 31, 2023

**Attendance Roll Call**

Present: Bieber, Cashmore, Cunningham, DeSio, Gorman, Lawrence, DeGiulio  
Not Present: Bills, Kelly, Leckstein, Schwartz

Also in attendance: Board Attorney Monica C. Kowalski, Esq., Board Engineer David J. Hoder, and Board Secretary Candace B. Mitchell

**ITEMS OF BUSINESS**

**Approval of 1/11/22 Regular Meeting Minutes**

Vice Chair DeSio offered a motion to approve the minutes. Second was offered by Board member Lawrence, and the motion was adopted on the following roll call vote of eligible members:

Ayes: Cashmore, Cunningham, DeSio, Gorman, Lawrence,  
Nays: none

**Memorialization of Resolution**

**APPLICANT: MOUTAIN VIEW VILLAS AT SEA BRIGHT**  
**APPLICATION NUMBER: 2021-10**  
**BLOCK: 23, 33, 34**  
**LOT: 130, 20.02, 3.03 and 3.04**  
**ADDRESS: Addressed by Lot/Block**  
**ATTORNEY FOR APPLICANT: Robert J. McGowan & Assoc**  
**RESOLUTION NUMBER: 2021-10 2<sup>nd</sup> Extension of Approvals**



**RESOLUTION OF THE UNIFIED PLANNING/ZONING BOARD  
OF THE BOROUGH OF SEA BRIGHT  
FOR 6 MONTH EXTENSION OF APPROVAL**

**WHEREAS, BOARD MEMBER/COUNCILMAN MARC LECKSTEIN**, offered the following Motion moved and seconded by **BOARD VICE CHAIR DAVE DESIO**:

**WHEREAS MOUNTAIN VIEW VILLAS AT SEA BRIGHT**, hereinafter referred to as the “applicant” filed an application with the Unified Planning/Zoning Board of the Borough of Sea Bright, (hereinafter referred to as the “Board”) seeking the following relief:

The application involves the property located in Sea Bright, New Jersey, more formally identified as Block(s) 23, L. 130; Bl 33, L. 20.02; Bl. 34, Ls 3.03 and 3.04, and known as “Mountain View Villas at Sea Bright, LLC” whereby the applicants are seeking approval of a 6-month extension of existing approvals in order to attain Resolution compliance for permitting.

**WHEREAS**, the application pertains to premises known and designated as Block(s) 23, L. 130; Bl 33, L. 20.02; Bl. 34, Ls 3.03 and 3.04 on the Tax Map of the Borough of Sea Bright, NJ 07760;

**WHEREAS** the Board held a public hearing with regard to the referenced application on the following date, **JANUARY 11, 2022**:

**WHEREAS**, the following items were entered as Exhibits at the hearing:

Any and all documentation as submitted and appearing on the Sea Bright website (seabrightnj.org) for presentation at the Public Meeting conducted in person with public notice, specifically a Letter of Request for an Extension of existing approvals within the stipulated 6-month time frame as set forth in the prior Resolutions dated January 7, 2022.

**WHEREAS** The Board listened to the Testimony of the following:

1. **NONE.**

**WHEREAS** The Board took Questions from the following member of the Public as to the witnesses presented:

1. **NONE.**

**WHEREAS**, The Board took Public Commentary on the Application upon conclusion of the witness testimony as follows:

1. **NONE.**

**WHEREAS**, the Board, having given due consideration to the Exhibits moved into evidence and the Testimony presented at said hearing(s), does make the following findings of fact:

1. **The Request for Extension is in accordance with the Resolution granting approvals in the necessary time frame permitted and is made in order to obtain appropriate permits for Resolution compliance as additional time is necessary.**

**WHEREAS**, In order to prevail on an application for a variance, the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D – 70, requires the applicant to establish that the variance can be granted without substantial detriment to the public good and that the granting of the variance does not substantially impair the intent and purpose of the master plan, zone plan and zoning ordinance.

**NOW THEREFORE, BE IT RESOLVED**, by the Unified Planning/Zoning Board of the Borough of Sea Bright that it hereby adopts the aforesaid findings of fact and specifically makes the following conclusions:

- a. Based upon the aforesaid findings of fact, the Board concludes that:

- i. The applicant has demonstrated that the proposed use of the property in question is substantially the same kind of use as that to which the premises were devoted at the time of the passage of the zoning ordinance.
- b. Based upon the aforesaid findings of fact, the Board further concludes that the granting of the approval set forth herein will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance and the zoning plan of the Borough of Sea Bright.
- c. **The Board specifically includes herein by reference, the Transcripts from the hearings, which provide the detailed basis and description of the decision as memorialized in this Resolution and do hereby rely upon same for further reference, as necessary.**

**BE IT FURTHER RESOLVED**, by the Unified Planning/Zoning Board of the Borough of Sea Bright that the following be and are hereby **GRANTED, as follows**:

The applicant is **GRANTED** an extension of time for an additional six (6) months per their request in order to obtain required permits for compliance with General Conditions and Specific Conditions as set forth in the prior Resolution of Approval.

Should additional time again be necessary, Applicant must request an additional extension prior to the expiration of the additional six-month extension granted herein and present said request to the Unified Board for additional approval as may be necessary.

In conjunction with the application, the applicant's IS **GRANTED** the following 6-month extension of existing approval.

**ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:**

- (1) SUBJECT TO ALL REPRESENTATIONS AND TESTIMONY OF THE APPLICANT BEING TRUTHFUL AND ACCURATE

**APPLICATION VOTE:**

Adopted on a roll call on a motion by Board Vice Chair DeSio and Seconded by Board Chair Cunningham

THOSE IN FAVOR: Cashmore, Cunningham, DeSio, Gorman, Lawrence, Leckstein

THOSE OPPOSED: None

RECUSED: None

ABSENT: Bills, DeGiulio, Schwartz

ABSTAINED: None

**MEMORIALIZATION VOTE:**

Adopted on a roll call on a motion offered by Board Vice Chair DeSio and Seconded by Board member Gorman

THOSE IN FAVOR: Bieber, Cashmore, Cunningham, DeSio, Gorman, Lawrence

THOSE OPPOSED: None

RECUSED: None

ABSENT: Bills, DeGiulio, Leckstein, Schwartz

ABSTAINED: None

I certify the foregoing to be a true copy of the Resolution memorialized by the Unified Planning/Zoning Board of Sea Bright at its meeting on January 25, 2022.

Date: January 25, 2022

*Candace B. Mitchell*

Candace B. Mitchell

Administrative Officer of the Unified Planning Board of the Borough of Sea Bright

**Memorialization of Resolution**

APPLICANT: MARTIN AND THERESA PHAN  
ATTORNEY FOR APPLICANT: RICHARD SCIRIA, ESQ.  
APPLICATION NUMBER: 2021- 14  
BLOCK: 33  
LOT: 20.01  
ADDRESS: 164 OCEAN AVENUE  
RESOLUTION NUMBER: 2021-14



**RESOLUTION OF THE UNIFIED PLANNING/ZONING BOARD  
OF THE BOROUGH OF SEA BRIGHT  
FOR AMENDED SITE PLAN APPROVAL**

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**WHEREAS, BOARD VICE CHAIR DI SEO** offered the following Motion moved and seconded by **BOARD MEMBER CUNNINGHAM:**

**WHEREAS,** hereinafter referred to as the “applicant” filed an application with the Unified Planning/Zoning Board of the Borough of Sea Bright, (hereinafter referred to as the “Board”) seeking the following relief:

Amended Site Plan Approval from the Resolution entered on February 13, 2018 in conjunction with the Settlement Agreement (NJ Appellate Docket A-004249-18) entered on December 6, 2019 between the Applicant’s Phan and The Land’s End Townhouse Condominium Association, Inc (upon Notice to The Borough of Sea Bright).

Specifically, the Applicant will be seeking Amended Site Plan/Bulk (“c”) Variance Approval for the following:

- Eliminate the two (2) rear exterior decks;
- Incorporate any front decks or balconies below the roof deck;
- Incorporate “Juliet Balcony(ies)” on the rear elevation of the House;

Change the contour of the rear stairwell, thereby reducing the length as to the area of the rear stairwell from the back of the house by three (3) feet, which shall not change the footprint of the livable space;

Incorporate the planting of no less than five (5) trees of similar species, size, height, and caliper as currently exists on the Property in the buffer between the Property and the Association's property;

Extend the brick wall that runs half-way up the Ocean Avenue exterior stairwell with any other non-transparent material to the entire height of the stairwell. The enclosure of the stairwell triggers a front yard setback variance from Ocean Avenue whereas 25 feet is required and 17 feet is proposed;

Install a solid barrier (non-transparent) at the left-side railing on the roof deck adjacent to the Lands' End Condominium.

The Applicant will also be seeking approval for any and all other Variances and/or Design Waivers which are necessary, or which may become necessary, during the Public hearing process.

**WHEREAS**, the application pertains to premises known and designated as Block 33, Lot 20.01 on the Tax Map of the Borough of Sea Bright, which premises are located at 164 Ocean Avenue, Sea Bright, NJ 07760;

**WHEREAS**, all notice requirements were satisfied by the applicant and the Board has jurisdiction to hear, consider and determine the application at issue; and

**WHEREAS** the Board held a public hearing with regard to the referenced application on the following date, **NOVEMBER 9, 2021 AND JANUARY 11, 2022**:

**WHEREAS**, the following items were entered as Exhibits at the hearing which includes but is not limited to; any and all documentation as submitted at the hearing as well as those appearing on the Sea Bright website (seabrightnj.org) for presentation at the Public Meeting as referenced above:

- Application, 6-25-21, with 2018 Resolution of Approval, 2-27-18 and Superior Court Stipulation of Settlement, 12-11-19 (pdf)
- Cover letter, 9-30-21 (pdf)
- Architectural Plans, dated 9-25-17 (pdf)
- Architectural Plans, revised to 4-24-21 (pdf)
- 2018 Application - Approved Architectural Drawings for comparison to 4-24-21 amended plans (pdf)
- Board Engineer's First Technical Review, 10-9-21 (pdf)
- Revised Architectural Plans, revised to 12-25-21 (pdf)
- Board Engineer Second Technical Review, 1-3-22 (pdf)
- Affidavit of Mailing, 10-5-21 (pdf)
- Reviewed Mail Service, 10-8-21 (pdf)
- Additional Mail Service, 10-15-21 (pdf)
- Affidavit of Publication, 10-18-21 (pdf)
- Reviewed Second Mail Service 10-28-21 (pdf)

- Affidavit of Mailing Mail Manifest, 10-28-21 (pdf)
- Affidavit of Publication, 11-9-21 (pdf)
- Tax and Sewer Certification, 11-9-21 (pdf)

**WHEREAS** The Board listened to the Testimony of the following:

**1. CATHERINE FRANCO, ARCHITECT**

**WHEREAS** The Board took Questions from the following member of the Public as to the witnesses presented:

**2. NONE.**

**WHEREAS,** The Board took Public Commentary on the Application upon conclusion of the witness testimony as follows:

**1. DAVID JANAZZO**

**WHEREAS,** the Board, having given due consideration to the Exhibits moved into evidence and the Testimony presented at said hearing(s), does make the following findings of fact:

1. The Board reviewed the testimony of Architect Catherine Franco, Catherine Franco – AIA and PP 150 Monmouth Ave, Atlantic Highlands regarding the settlement and prior resolution
2. Ms. Franco testified to modifications from the Appellate Division:
  - a. Eliminate the two rear decks and the plans had to incorporate any front deck or balcony below the roof deck, create Juliet balconies;
  - b. Turn the contour of the stairwell facing Ocean Avenue by making a solid wall all the way up instead of a half wall appearance.
  - c. Add landscape bumper.
3. The testimony initially provided was that the change of plans in accordance with the Settlement Agreement triggered a front yard setback variance on Ocean Avenue as the Applicant’s enclosed the stairs and added a deck which movement changed the setback.
4. Board Vice Chair DiSeo pointed out that the structure was enlarged by 400 square feet total (200 sq/floor)
5. Board Vice Chair DiSeo advised that a 25’ set back on Ocean Avenue – measured to curb was a non-negotiable item given the addition to the structure and the room to move the structure towards the back of the lot per the survey. This “movement forward” into the Ocean Avenue setback was not contemplated by the original resolution of 2018.
6. The applicant, in consideration of comments made, revised and resubmitted their plans for the structure for the January 11, 2022 meeting with the Ocean Avenue set back variance being eliminated.
7. Further, applicant per the revised plans, will conform with other requirements and buffering to plant 5 trees in between properties, with 4 trees in back and 1 in the front pf the property, in the buffer as shown on the revised plans.
8. The Board, after revision of the plans, advised that the plans were now in compliance with the 2018 Resolution and subsequent Settlement Agreement.
9. Ms. Franco, testifying on the revised plans, stated that the building changes are found on sheet one (1) of the plans. The front circular driveway was now incorporated in the building and therefore, eliminated the variance. Instead of the proposed 17’ front yard setback, the setback will now be 25’ 6”, which is above the requirement. The rear stairwell will now be placed horizontally, to go against the back wall, and its left wall will be a solid, instead of a half solid wall. Also, building coverage has been reduced by 100 sq.’. The only stair to the roof is a spiral staircase located on the front side of the house. The rear decks have been taken away. Everything else is the same as in the original application.
10. Vice Chairman DeSio commented that he was glad the front setback was improved. He noted that the property has two front yards, and the applicants were granted relief on the Mountain View Way side in the first application’s approval. He is pleased that the setback on Ocean Avenue is now in compliance.
11. Board Engineer David Hoder referenced his Second Technical Review, dated January 3, 2022, and stated the applicant should provide a place on the plan for the Board engineer to sign, which is a Condition of Approval. The applicant should also place on the plan a note that any curb, sidewalk, or road surface

damaged during construction will be replaced according to the Borough or NJDOT standards, which is also a condition of approval.

**WHEREAS**, In order to prevail on an application for a variance, the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D – 70, requires the applicant to establish that the variance can be granted without substantial detriment to the public good and that the granting of the variance does not substantially impair the intent and purpose of the master plan, zone plan and zoning ordinance.

**NOW THEREFORE, BE IT RESOLVED**, by the Unified Planning/Zoning Board of the Borough of Sea Bright that it hereby adopts the aforesaid findings of fact and specifically makes the following conclusions:

- d. Based upon the aforesaid findings of fact, the Board concludes that:
  - i. The applicant has demonstrated that the proposed use of the property in question is substantially the same kind of use as that to which the premises were devoted at the time of the passage of the zoning ordinance.
- e. Based upon the aforesaid findings of fact, the Board further concludes that the granting of the approval set forth herein will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance and the zoning plan of the Borough of Sea Bright.
- f. **The Board specifically includes herein by reference, the Transcripts from the hearings, which provide the detailed basis and description of the decision as memorialized in this Resolution and do hereby rely upon same for further reference, as necessary.**

**BE IT FURTHER RESOLVED**, by the Unified Planning/Zoning Board of the Borough of Sea Bright that the following be and are hereby **GRANTED**, as follows:

Applicant is granted Amended Site Plan Approval from the Resolution entered on February 13, 2018 in conjunction with the Settlement Agreement (NJ Appellate Docket A-004249-18) entered on December 6, 2019 between the Applicant's Phan and The Land's End Townhouse Condominium Association, Inc (upon Notice to The Borough of Sea Bright).

Applicant is **GRANTED** bulk variance relief pursuant to NJSA 40:55D-70.c **PER THE REVISED PLANS SUBMITTED AND REFERENCED ABOVE; TO**

Eliminate the two (2) rear exterior decks;

Incorporate any front decks or balconies below the roof deck;

Incorporate "Juliet Balcony(ies)" on the rear elevation of the House;

Change the contour of the rear stairwell, which was revised to show a solid wall;

Incorporate the planting of no less than five (5) trees of similar species, size, height, and caliper as currently exists on the Property in the buffer between the Property and the Association's property;

Extend the brick wall that runs half-way up the Ocean Avenue exterior stairwell with any other non-transparent material to the entire height of the stairwell;

Install a solid barrier (non-transparent) at the left-side railing on the roof deck adjacent to the Lands' End Condominium.

Requires the original (existing footprint) to be unchanged;

(Board Engineer Hoder indicates the plans reflect these changes 1/3/2022)

Further, as a Condition of Approval, Board Engineer David Hoder referenced his Second Technical Review, dated January 3, 2022, and stated the applicant should also provide a place on the plan for the Board Engineer to sign, and the *Applicant should also place on the plan a note that any curb, sidewalk, or road surface damaged during construction will be replaced according to the Borough or NJDOT standards by the Applicant.*

**ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:**

- (2) The applicant shall comply with any requirements established by, and obtain any necessary approvals of the following, IF APPLICABLE, to the proposed construction herein:
- a. SUBJECT TO ALL REPRESENTATIONS AND TESTIMONY OF THE APPLICANT BEING TRUTHFUL AND ACCURATE
  - b. SUBJECT TO ALL TERMS AS CONTAINED IN THE REVIEW LETTER OF HODER ASSOCIATS DATED JANUARY 3, 2022

**APPLICATION VOTE:**

Adopted on a roll call on a motion by Board Vice Chair DeSio and Seconded by Board Chair Cunningham

THOSE IN FAVOR: Cashmore, Cunningham, DeSio, Gorman, Lawrence, Leckstein

THOSE OPPOSED: None

RECUSED: None

ABSENT: Bills, DeGiulio, Schwartz

ABSTAINED: None

**MEMORIALIZATION VOTE:**

Adopted on a roll call on a motion offered by Board Chair Cunningham and Seconded by Board member Lawrence

THOSE IN FAVOR: Cashmore, Cunningham, DeSio, Gorman, Lawrence

THOSE OPPOSED: None

RECUSED: None

ABSENT: Bills, DeGiulio, Leckstein, Schwartz

ABSTAINED: None

I certify the foregoing to be a true copy of the Resolution memorialized by the Unified Planning/Zoning Board of Sea Bright at its meeting on January 25, 2022.

Date: January 25, 2022

*Candace B. Mitchell*

Candace B. Mitchell

Administrative Officer of the Unified Planning Board of the Borough of Sea Bright



**New Application No. 2022-02**

**Christopher Jerry**

15 Church Street, Bl. 14, L. 9

Bulk variance approval

Boardmember Heather Gorman stepped away from the Board because she owns property that is included in the 200' Certified Property List.

Present for the application was the applicant, Christopher Jerry.

Board attorney Monica C. Kowalski, Esq. stated that noticing for the application has been reviewed and is acceptable, and the Board has accepted jurisdiction in this matter.

The following exhibits had been made available for view on the Borough website:

- Zoning Permit Denial No. 2021-081, dated 10/14/21
- Location Survey prepared by Richard E. Stockton, LPLS, dated 8/17/21, consisting of one (1) sheet
- Architectural Plans prepared by Kurt J. Ludwig, AIA, dated 9/30/21, consisting of sheets A-1 and A-2
- Jurisdictional Packet received 1/21/22

Exhibits introduced at this evening's meeting:

- A-1 through A-6: photos of the property prepared by Mr. Jerry.

Mr. Jerry described his project. The single-family home is being elevated. Currently, the home has an existing 3' x 3' stoop with attached stairwell to the street in front of the home. The stairs have been removed. In conjunction with further elevating the home to allow ground level parking, Mr. Jerry proposes extending the stoop/deck area. The proposed deck will measure 20' long by 3' deep. The deck will provide a small outdoor seating area.

Board member DeGiulio inquired whether the project would look similar to neighboring properties. Mr. Jerry answered that it is in keeping with neighboring properties. The proposed deck will not affect the view or walkability.

Mr. Lawrence inquired about the type of railing to be installed.

Board engineer Hoder discussed the two variances requested: front setback and side yard setback where 3' is required and 2.7' is requested on the east side and .6' is requested on the west side. The setbacks are the same as for the house. The front setbacks will not change.

Councilman Bieber asked whether a variance would be required for a front stair. Mr. Hoder answered, only if the stair were to be rebuilt today. Councilman Bieber's concern was for safety with the elevated deck reaching out to the sidewalk. Mr. DeSio explained that it will actually be a little less than the existing stairs. He is lessening the distance moving in toward the curb.

Board attorney Kowalski asked Mr. Jerry whether what he is proposing if the projection above would be in line with the neighbors. Mr. Hoder stated that we don't know that because we don't have a survey showing that.

**Public Questions:**

Christina Doxey, 9 Church Street, was sworn in and asked whether the balcony is going to hang over the sidewalk. She was told that the setback will be the same as it currently is. It is not going to hang over the sidewalk.

Erin Keating, 13 Church Street, was sworn in and asked whether the side yard setbacks will have the same footprint. Right now, it is flush to the side of the house. Mr. DeSio answered that it is not going to extend further. Ms. Keating stated that there had been a porch there. Ms. Kowalski answered that the enclosure that was done on the front of the house didn't require a variance.

Board member Cashmore asked whether there was a variance needed to raise the home, and was answered, there was not. Also, was a variance needed for enclosing the front of the house and was answered that, no, there was not.

**Public Statements:**

Christina Doxey, 9 Church Street, stated that the balcony would look out of place. The houses are very close together, and the neighborhood has become more dense. Other houses on the street kept their existing porches and did not enclose them. Ms. Doxey stated that she strongly objects to the granting of these two variances and that she does not believe it conforms to the surrounding area. The applicant had a porch which conformed with the setbacks. Granting these two variances will set a precedent for other Church Street residents. She further stated that this application should not be accepted.

Drew Miller, 16 Church Street, was sworn in to make a statement. He stated that he respects his neighbor, Chris Doxy, but disagrees with her. He stated that everyone is beautifying their homes since Sandy. Mr. Jerry has been beautifying his home since he purchased it. He further stated that this project is a small one compared to the enormity of other projects, Mr. Jerry is upgrading his property, and he has no objection to what is being proposed.

Erin Keating, 13 Church Street, stated that the deck will be an obstruction, and that the enclosed porch could have been reopened if the applicant desires more outdoor space. This application is opening the door for neighbors to do the same thing, enclosing their porches and extending out by building a deck in front.

**Board Comments:**

Mr. DeSio stated that the proposed project is not encroaching any further. He is reducing a little, and he will have off-street parking after the house lift. He has no ability to put a new staircase there.

Councilman Bieber stated that he is concerned with encroachment on the sidewalk.

Mr. Cashmore stated that he understands the neighbors' concerns, but what is proposed is in line with the neighbors. He doesn't see that it is a detriment to the aesthetics of the street.

Mr. Lawrence stated that it seems to fit into character with what else has been done to neighboring properties.

Vice Chair DeSio offered a motion to approve the application, with a second offered by Mr. Lawrence. The motion carried upon the following roll call vote:

Ayes: Bieber, Cashmore, Cunningham, DeSio, Lawrence, DeGiulio

Nays: none

**New Application No. 2022-01**

**Michael and Vicki Tatelman**

6 Willow Way, Bl. 27, L. 7.01

Site plan and bulk variance approval

Board member Gorman rejoined the Board for this application.

Present for the application were attorney Rick Brodsky, Esq., architect Anthony M. Condouris, and Michael and Vicki Tatelman.

The following exhibits had been made available for view on the Borough website:

- Zoning Permit Denial No. 2021-085, dated 10/22/21
- Application, received 11/22/21
- Survey prepared by Seneca Survey Co., dated 1/29/18
- Architectural Plans prepared by Anthony M. Condouris, Architect, dated 10/5/21, consisting of three (3) sheets
- Two (2) Photos of property as it currently exists, undated
- Jurisdictional Packet, received 1/21/22

Board attorney Monica C. Kowalski, Esq. stated that noticing for the application has been reviewed and is acceptable, and the Board has accepted jurisdiction in this matter.

Mr. Brodsky introduced the application. The applicants wish to demolish the existing single-family home and construct a new single-family home. Approval for three variances is requested: for front yard setback where 25' is required and 16.9' is proposed, for building height where 2.5 stories are allowed and 3 stories are proposed, and for building height where 38' is allowed and 39' is proposed. Mr. Brodsky explained that other setbacks will be brought into conformity.

Architect Anthony Condouris was sworn in to testify and was accepted by the Board as an expert witness. Mr. Condouris added the following exhibits to discuss:

- A-1 a height diagram comparison, October 5, 2021
- A-2 a colorized rendering – aerial view with front yard setback
- A-3 a colorized rendering – northwest side

- A-4 a colorized rendering – northeast side

He described the proposed setback as being 16', is currently 12', and will be a bit further back than the neighboring properties.

Vice Chair DeSio pointed out that the front yard setback variance will be decreased further because the correct existing setback is 10.9'

Mr. Condouris stated that the new house setbacks will comply on the back and sides of the house. The applicants are asking for 39' height, which is 1' more than allowed, driven by roof line. He illustrated an imaginary complying house and the way the height is calculated.

Mr. Brodsky discussed the number of stories proposed. The applicants are asking for three stories, the third being a partial story which can be only one third of the second story in square feet.

Mr. Condouris stated that the final lot surface will be grass plus a driveway.

Engineer Hoder pointed out that a plot plan, required later, will show grading and water and sewer lines.

Board member Cashmore asked a question regarding the height when raising, and Councilman Bieber asked whether there are any issues with safety on the third floor. Vice Chair DeSio answered that construction rules will apply.

There was no one in the public or on the Board wishing to ask a question.

#### Public Comments:

Scott Hall, 556 Ocean Avenue, stated that he doesn't think the third floor is appropriate for the neighborhood.

#### Board Comments:

Mr. DeSio asked Mr. Condouris to go through the elevations and asked if he could save on height anywhere.

Attorney Kowalski noted that eliminating the third floor would not eliminate a variance.

Ms. Gorman stated that approving this application opens the door for other homeowners to ask for the same.

Mr. Cashmore stated that 2 ½ stories and 38' are permitted. Is there any reason the applicants cannot do that? Mr. Brodsky stated that the third floor provides the benefit of additional living space, and he doesn't see any negative impact.

Vice Chairman DeSio stated that the application is improving the setbacks, centering the house, creating of-street parking, and that this is a good application.

Chairman Cunningham stated that most of the third floor is open air and that there are a fair number of homes in this style in the neighborhood.

With no further comments from Board members or from members of the public, Vice Chair DeSio offered a motion to approve the application, with a second offered by Councilman Bieber. The motion carried upon the following roll call vote:

Ayes: Bieber, Cashmore, Cunningham, DeSio, Gorman, Lawrence, DeGiulio

Nays: none

**Application No. 2021-10**

**Beachfront Joe, LLC.**

1084 Ocean Avenue, Bl. 15, L. 2

Site Plan and Bulk Variance Approval

(scheduled/not heard 7/3, 8/10, 9/28, 10/12, 10/26, 12/14)

Rescheduled to 1/25/22 by request

Attorney Rick Brodsky was present. He explained that he and the applicant have been working with an objecting neighbor and needed to have revised plans prepared based on these discussions. They are prepared to go forward on March 8<sup>th</sup>.

Attorney Kowalski was in favor of an adjournment to March 8<sup>th</sup> and stated that if the application does not go forward on March 8<sup>th</sup> it will be dismissed.

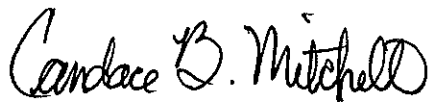
There were no general public comments.

There being no other business before the Board, the Chairman made an announcement of the next meeting date, which is February 8, 2022.

**Adjournment**

The meeting was adjourned at 8:45 p.m. on a motion offered by Mr. DeSio, seconded by Mr. Cunningham, and carried upon a unanimous voice vote by the Board members.

Respectfully submitted,



Candace B. Mitchell

Board Secretary