

**APPROVED MINUTES
REGULAR MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD
TUESDAY, March 22, 2022**

Call to Order and Flag Salute

Chairman Cunningham called the meeting to order at 7:31 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

Attendance Roll Call

Present: Cashmore, DeSio, Gorman, Lawrence, Leckstein, DeGiulio

Not Present: Bieber, Bills, Cunningham, Kelly, Schwartz

Also in attendance: Board Attorney Monica C. Kowalski, Esq., Board Secretary Candace B. Mitchell

Board Vice Chairman David DeSio served as Chairman for this evening's meeting.

ITEMS OF BUSINESS

Approval of 3/8/22 Regular Meeting Minutes

Board member Heather Gorman offered a motion to approve the minutes. Second was offered by Board member Marc A. Leckstein, Esq., and the motion was carried on the following roll call vote of eligible members:

Ayes: Cashmore, DeSio, Gorman, Lawrence, Leckstein, DeGiulio

Nays: none

Memorialization of Resolution of Approval

**APPLICANT: CRAIG LEWIS
APPLICATION NUMBER: 2022-05
BLOCK: 30
LOT: 35
ADDRESS: 378 OCEAN AVENUE
RESOLUTION NUMBER: 2022-05**



**RESOLUTION OF THE UNIFIED PLANNING/ZONING BOARD
OF THE BOROUGH OF SEA BRIGHT
FOR BULK VARIANCE RELIEF**

WHEREAS, BOARD MEMBER STEPHEN CASHMORE offered the following Motion moved and seconded by **BOARD MEMBER HEATHER GORMAN:**

WHEREAS, CRAIG LEWIS 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:

Located in the corner of the property there is an existing 8’ x 8’ shed. The Applicant would like to replace the existing shed with a 9’x 20’ shed in the existing footprint.

The Applicant will be seeking Variance Relief for the following:

Ord. §130-38D(1)(c) An accessory building is not permitted in the front yard. The shed is in the front yard per definition §130-5.

Ord. §130-38D (1)(c) If the shed were allowed in this yard, a shed of 100 SF or more requires a 5 ft. setback where 3 ft. is proposed

In addition, the Applicant will request such other variances, exceptions, interpretations, and design waivers as may be determined to be necessary by the Planning/Zoning Board, and/or its professionals, in order to develop this property as stated above and will amend its application on the record accordingly.

WHEREAS, the application pertains to premises known and designated as Block 30, Lot 35 on the Tax Map of the Borough of Sea Bright, which premises are located at 378 Ocean Avenue, Sea Bright, NJ 07760; and

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, **FEBRUARY 22, 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 and appearing on the Sea Bright website (seabrightnj.org) for presentation at the Public Meeting conducted in person, with public notice:

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

- Jurisdictional Packet, received 2/18/22
- Application, received 1/3/22
- Zoning Permit Denial, dated 9/24/21
- Preferred Option Plan prepared by Craig Lewis, undated, consisting of one (1) sheet
- Alternate Option Plan, prepared by Craig Lewis, consisting of one (1) sheet
- 3 Photos, prepared by Craig Lewis, undated
- Tideland Survey, prepared by David J. Von Steenburg, PLS, dated 8/25/20, consisting of one (1) sheet
- Easement paperwork, dated 1925, representing an easement for driveway access for 378 Ocean Ave., with a shared driveway with 376 Ocean Avenue, consisting of 9 pages

WHEREAS The Board listened to the Testimony of the following:

CRAIG AND JODIE LEWIS

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

NONE.

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

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. Mr. Lewis described the property and the project. Applicants would like to replace an existing 8' x 8' shed with a 9' x 20' shed (180 SF), which is larger than allowed. They have no other storage on the property, no garage nor basement. The accessory structure will have to be placed in the front yard because the applicants do not have a back yard. This condition qualifies as a hardship.
2. Applicants advised that the proposed structure would NOT have electricity and would be utilized only as a storage shed.
3. Applicant's advised (and the Board accepted) that the proposed shed will be 11' high in the front and 8' high in the back and is designed as a "wedge".
4. The shed is not proposed to be raised for flood elevation purposes.
5. The shed will be located on the property and was told that it would be located behind the neighbor's setback, 3' and 5' from the planter. The shed will be located next to the driveway and will not be a nuisance in its location and is not considered an encumbrance on the neighboring properties.
6. This is not considered to be a "permanent structure" and is being placed to afford storage to the subject property.

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**:

Applicant is GRANTED bulk variance relief pursuant to NJSA 40:55D-70.c and applicant is granted variances to install an accessory building (9'x20' shed) in the front yard setback per the application and receives variances for the following:

Ord. §130-38D(1)(c) An accessory building is not permitted in the front yard. The shed is in the front yard per definition §130-5. A Variance is GRANTED.

Ord. §130-38D (1)(c) If the shed were allowed in this yard, a shed of 100 SF or more requires a 5 ft. setback where 3 ft. is proposed. A Variance is GRANTED.

The existing shed (8'x8') shall be removed as a condition of approval.

ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) 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

APPLICATION VOTE:

Adopted on a roll call on a motion by Board member Stephen Cashmore and Seconded by Board member Heather Gorman

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

THOSE OPPOSED: None

RECUSED: Leckstein (Conflict)

ABSENT: Bills, Cunningham, Kelly, Schwartz

ABSTAINED: None

MEMORIALIZATION VOTE:

Adopted on a roll call on a motion offered by Board member Heather Gorman and Seconded by Board member David DeSio

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

THOSE OPPOSED: None

RECUSED: Leckstein (Conflict)

ABSENT: Bieber, Bills, Cunningham, Kelly, 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 March 22, 2022.

Date: March 22, 2022

Candace B. Mitchell
Candace B. Mitchell, Administrative Officer
Unified Planning/Zoning Board
Borough of Sea Bright

Memorialization of Resolution of Approval

APPLICANT: ARMEN KHACHATURIAN
ATTORNEY: JOHN A. SARTO, ESQ.
APPLICATION NUMBER: 2022-06
BLOCK: 29
LOT: 23 AND 23.01
ADDRESS: 48 NORMANDIE PLACE
RESOLUTION NUMBER: 2022-06



RESOLUTION OF THE UNIFIED PLANNING/ZONING BOARD OF THE BOROUGH OF SEA BRIGHT FOR BULK VARIANCE RELIEF

WHEREAS, BOARD MEMBER MARC LECKSTEIN, ESQ. offered the following Motion moved and seconded by **BOARD MEMBER HEATHER GORMAN:**

WHEREAS, ARMEN KACHATURIAN, by and through his Attorney, **JOHN A. SARTO, ESQ.** 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:

Based on the requirements of local ordinance §130-50.C, applicant is seeking a rear yard setback approval where 15’ is required and 7’ is proposed, as well as maximum building coverage where 50% is the maximum and 52.5% is proposed, as well as maximum lot coverage where 70% is the maximum and 71.8% is proposed.

In addition, the Applicant will request such other variances, exceptions, interpretations, and design waivers as may be determined to be necessary by the Planning/Zoning Board, and/or its professionals, in order to develop this property as stated above and will amend its application on the record accordingly.

WHEREAS, the application pertains to premises known and designated as Block 29, Lot 23 and 23.01 on the Tax Map of the Borough of Sea Bright, which premises are located at 48 Normandie Place, Sea Bright, NJ 07760; and

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, **FEBRUARY 22, 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 and appearing on the Sea Bright website (seabrightnj.org) for presentation at the Public Meeting conducted in person, with public notice:

- Jurisdictional Packet, received 2/3/22
- Zoning Denial No. 2021-079, 12/3/21
- Application, received 1/18/22
- General Permit No. 5 & Plot Plan for Variance prepared by Charles E. Lindstrom, PE, PP, dated 6/21/17, one (1) sheet
- Plan of Survey prepared by William H. Doolittle, dated 7/28/21, one (1) sheet
- Site Plans prepared by J.W., Cutrona Architecture, PLLC, dated 1/12/22

Page 1 of 3: Sheet 1 A-100.00V Site Plan, Zoning & Building Code Info & Notes Page 2 of 3:

- 3 Photos, undated, east view, west view, overhead view
- NJDEP Division of Land Use Regulation Application Form for Permits/Authorizations, dated 1/14/22, six (6) pages

EXHIBITS submitted at the public hearing:

- A-1 Enlarged overhead photo of the property prepared by Mr. Khachaturian on 2/21/22
- A-1a. First overlay: the originally proposed building, including deck, prepared by Mr. Khachaturian
- A-1b. Second overlay: the currently proposed building, including deck, prepared by Mr. Khachaturian

WHEREAS The Board listened to the Testimony of the following:

ARMEN KHACHATURIAN (APPLICANT)

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

NONE.

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

ADAM KHACHATURIAN.

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. Mr. Khachaturian presented and described the photograph, Exhibit A-1, and each of the two overlays prepared. The first overlay, A-1a., indicates the structure and variances previously approved in 2018. Based on a slight redesign of the home, certain additional variances are necessary.
2. The second overlay, A-1b., presents the additional variances requested in this application and how said variances enhance or modify prior approvals.
3. Applicant stated that in 2018 the deck proposed was very small. Applicant is making a larger deck and moving the house forward, towards the river, by 7.5'. The proposed building is larger, has been moved forward and has the same building footprint as the originally proposed building, and requires no additional lot coverage.
4. The board, upon review, indicated that the applicant just needs a setback variance as the building is not extending any further than the neighbors' homes are and said movement is in conformance with the setbacks of neighboring properties.
5. Applicant advised there will be no permanent structures beyond the deck.
6. The Board noted that the applicant is just making the deck larger, and the applicant advised they were just increasing the front yard setback and improving parking for the subject site.
7. Applicant advised that they have applied for the CAFRA permit which has not yet been received.
8. The Board noted there is 1,750 square feet upland of the high-water line, so no wetland issue appears to exist.
9. The Board noted that with addition of the granted riparian lot, only side yard setbacks will be necessary but riparian lot was not originally included in the calculations provided, hence the variance request.

10. Applicant advises (and the Board agrees) that this request is based on a hardship for the side yard based on lot width.

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 bulk variance relief pursuant to NJSA 40:55D-70.c and applicant is granted variances on the requirements of local ordinance §130-50.C, applicant is GRANTED rear yard setback approval where 15' is required and 7' is proposed, as well as maximum building coverage where 50% is the maximum and 52.5% is proposed, as well as maximum lot coverage where 70% is the maximum and 71.8% is proposed. (Again, the Board notes these variances are based upon the Application as submitted without the inclusion of the grant of the riparian lot. Inclusion of the granted lot mitigates variances)

ALL APPROVALS ARE SUBJECT TO RECEIPT OF A CAFRA PERMIT WHICH APPLICATION WAS SUBMITTED IN JANUARY 2022 FOR AMENDMENT.

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**

APPLICATION VOTE:

Adopted on a roll call on a motion by Board member Marc A. Leckstein, Esq. and Seconded by Board member Heather Gorman

THOSE IN FAVOR: Bieber, Cashmore, DeSio, Gorman, Lawrence, Leckstein, DeGiulio

THOSE OPPOSED: None

RECUSED: None

ABSENT: Bills, Cunningham, Kelly, Schwartz

ABSTAINED: None

MEMORIALIZATION VOTE:

Adopted on a roll call on a motion offered by Board member Marc A. Leckstein and Seconded by Board member Heather Gorman

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

THOSE OPPOSED: None

RECUSED: None

ABSENT: Bieber, Bills, Cunningham, Kelly, 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 March 22, 2022.

Date: March 22, 2022

Candace B. Mitchell

Candace B. Mitchell, Administrative Officer
Unified Planning/Zoning Board
Borough of Sea Bright

Memorialization of Resolution of Approval

BOROUGH OF SEA BRIGHT PLANNING BOARD

RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF SEA BRIGHT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY GRANTING BULK VARIANCE APPROVAL FOR CHRISTOPHER PALLADINO AND JACQUELINE ALOISI WITH RESPECT TO 12 RIVERVIEW PLACE, DESIGNATED AS BLOCK 26, LOT 1

WHEREAS, Christopher Palladino and Jacqueline Aloisi (the “Applicants”) filed an application for variance relief with respect to property identified as Block 26, Lot 1 with a street address of 12 Riverview Place (the “Property”) which calls for the construction of a six (6) foot high vinyl picket fence along Riverview Place Avenue, and removal of the existing four (4) foot fence (the “Application”); and

WHEREAS, such proof of publication of notice of hearing as may be required by New Jersey statutes and municipal ordinance requirements has been furnished; and

WHEREAS, public hearings were held concerning the Application on March 8, 2022, in the Borough of Sea Bright and testimony and exhibits were presented on behalf of the Applicants, and all interested parties were afforded an opportunity to be heard; and

WHEREAS, the Borough of Sea Bright having considered said application, testimony of the Applicants and exhibits submitted, and after having received information and consultation from its professional staff, the Borough of Sea Bright Planning Board does hereby make the following findings of fact and law:

- A. The subject property known as 12 Riverview Place (Block 26, Lot 1) is located within the R-2 Zone. It is a corner lot. The Applicants are seeking to install a six (6) foot tall fence in what is considered to be the front yard. The Applicants are proposing to install thirty-two (32) feet of fence along the easternly property line. From the Northeast corner of the existing dwelling to the Northeast corner of the property.
- B. The Applicants requires a variance as follows:
 - a. Variance relief for the proposed fence/fences up to six (6') feet in height in the front yard, whereas Ordinance §130-34A does not permit the height of the fence in the front yard to be greater than four (4) feet in height.
- C. Christopher Palladino and Jacqueline Aloisi, owners of the property, testified in support of their proposal. The current four (4) foot fence does not connect around the entire property. The proposed six (6) foot vinyl fence will connect around the front. Currently they have no outdoor space out of sight of the public right away. The fence, as proposed, at six (6) feet will provide security and privacy.
- D. During the Public portion of the meeting, no one appeared.
- E. Based on these findings, the Board has balanced the positives of the application against any negatives and finds that the bulk variance may be granted without substantial detriment to the public good or impairment of the intent and purpose of the zone plan.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Sea Bright, on the 22nd day of March 2022, that the Applicant's request for bulk variances pursuant to NJSA 40:55D-70(C)(1), be approved subject to the conditions as set forth below; and,

BE IT FURTHER RESOLVED, that a copy of the Resolution be forwarded by the Planning Board Secretary, to the Applicants, the Borough Clerk and the Building Department.

BE IT FURTHER RESOLVED, that notification of this favorable approval be published in an official newspaper of the Borough of Sea Bright by the Clerk.

BE IT FURTHER RESOLVED, that this approval is subject to the following conditions:

1. The Applicants shall comply with all representations made before the Planning Board.
2. All materials, methods of construction and detail shall be in conformance with the current engineering and building requirements of the Borough of Sea Bright, which are on file in the office of the Borough Construction Official.
3. Applicants shall obtain all approvals required by any Federal, State, County or Municipal agency having regulatory jurisdiction of this development. Upon receipt of such approval(s), the Applicants shall supply a copy of the permit(s) to the Board. In the event that any other agency requires a change in the plans approved by this Board, the Applicants must reapply to the Borough of Sea Bright Planning Board for approval of that change.
4. Applicants shall resubmit this entire proposal for re-approval should there be any deviation from the terms and conditions of this resolution, or the documents submitted as part of this application, all of which are made a part hereof and shall be binding upon the applicants.

5. Applicants shall provide a statement from the Borough of Sea Bright Tax Collector that all taxes are paid in full as of the date of this Resolution and as of the date of the fulfillment of any condition(s) of this Resolution.
6. If applicable, Applicants shall post an inspection fund with the Borough Clerk in an amount to be determined by the Borough Engineer.
7. The Applicants shall reimburse the Borough of Sea Bright Planning Board for all professional fees extended or expended with regard to this application.
8. Applicants shall comply with all generally applicable Borough ordinances.

APPLICATION VOTE:

Adopted on a roll call on a motion by Board member Marc A. Leckstein and Seconded by Board Vice Chairman David DeSio

THOSE IN FAVOR: Bieber, Cunningham, DeSio, Gorman, Lawrence, Leckstein, DeGiulio

THOSE OPPOSED: Cashmore

RECUSED: None

ABSENT: Bills, Kelly, Schwartz

ABSTAINED: None

MEMORIALIZATION VOTE:

Adopted on a roll call on a motion offered by Board member Marc A. Leckstein and Seconded by Board member Heather Gorman

THOSE IN FAVOR: DeSio, Gorman, Lawrence, Leckstein, DeGiulio

THOSE OPPOSED: None

RECUSED: None

ABSENT: Bieber, Bills, Cunningham, Kelly, Schwartz

ABSTAINED: Cashmore

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 March 22, 2022.

Date: March 22, 2022

Candace B. Mitchell

Candace B. Mitchell, Administrative Officer
Unified Planning/Zoning Board
Borough of Sea Bright

New Application No. 2022-04

Ruth Fialko

158 Ocean Ave., Bl. 34, L. 1

Bulk variance relief for lot width, front yard setback, and building height to demolish an existing single-story home and build a new 2½ story single-family home

Present for the application were applicant Ruth Fialko, attorney Rick Brodsky, Esq., and architect Salvatore La Ferlita.

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

- Denial Letter, dated 10/29/21
- Planning/Zoning Board Application, received 1/22/22
- Survey prepared by Charles C. Widdis and dated 12/7/04
- Proposed 3-story addition floor plans prepared by Salvatore La Ferlita, Architect, with a revised date of 11/2/21, consisting of two (2) sheets
- Jurisdictional Packet, received by email 3/18/22

The Board Attorney stated that the applicant's notice was accepted, and the Board took jurisdiction over the matter.

Attorney Rick Brodsky introduced the application. The applicant will build a new home. The lot size is fine, but the lot width needs a variance. Variances will be needed for front yard setback and for height.

Applicant Ruth Fialko and Architect Salvatore La Ferlita were sworn in to testify. Mr. La Ferlita stated his professional credentials and was accepted as an expert witness by the Board.

Mr. La Ferlita presented Exhibit A-100, which was a copy of the exhibit posted on the municipal website. He stated the present house will be demolished, and he described the setbacks for the new house: lot width, where 50' is required, 40' is proposed, and 40' is requested; front yard setback, where 25' is required and 8' is proposed; and building height, where 33' is allowed and 34.92' is proposed. He stated the top floor qualifies as a half story, making the new home 2 ½ stories.

Board Vice Chairman David DeSio asked about putting in a sidewalk up to the widening line on Mountainview Way, like the new development Mountain View Villas at Sea Bright will be doing. They had asked for a right-of-way to put in sidewalks, a widening line on an undersized street.

Ms. Fialko stated the lot is narrow as it is.

Board member Leckstein suggested asking the Board Engineer to look at the project and determine whether a sidewalk should be added.

Board member Cashmore stated that it makes sense to continue the sidewalk if the other homes on the street are doing sidewalks.

Mr. DeSio stated that the Board might have to give relief on the sidewalk if the Engineer wants to do it.

Exhibit A SK-1, the southside elevation, dated 3/22/22, was entered into evidence. Photos were identified as Exhibit 2.

Mr. Cashmore asked where the mechanicals will be placed. He was answered that they will be on the west.

There were no public comments or questions for Mr. La Ferlita.

Mr. Leckstein offered a motion to direct the attorney to prepare a positive resolution and a motion to carry the application to the next meeting, which is April 12th. The motions were seconded by Ms. DeGiulio and carried upon the following roll call vote:

Ayes: Cashmore, DeSio, Gorman, Lawrence, Leckstein, DeGiulio
Nays: none

New Application No. 2022-09

Gareth and Dawn Middleton

22 Surf Street, Bl. 11, L.14

Bulk variance relief for lot area, front yard setback, side yard setback, both side yard setbacks, rear yard setback, and building height to demolish an existing two-story home and construct a three-story (elevated) home

Present for the application were applicants Gareth and Dawn Middleton. They were sworn in to testify.

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

- Denial Letter, dated 1/26/22
- Planning/Zoning Board Application, received 3/3/22
- Proposed plans prepared by Brian Manthey, Architect, dated 12/10/21, consisting of eight (8) pages
- Survey prepared by Charles Surmonte, PE and PLS, dated 6/21/17
- Photos (11)
- Jurisdictional Packet, received 3/22/22

Board Attorney Kowalski deemed the applicant's noticing appropriate, and the Board took jurisdiction over the matter.

Mr. Middleton introduced the application, describing the present structure, stating the home is 100 years old and has many problems. He found it would be better to demolish and build a new home, which will be owner-occupied. Variance relief is needed for minimum lot area, where 1800' sq. ft. is required, and existing and proposed are 1696 sq. ft; minimum side yard setback, where 3' is required, 0.1' is existing, and 0.1' is proposed; minimum both side yard setbacks where 6' is required, 4.7' is existing, and 3.1' is proposed; minimum rear

yard setback where 15' is required, 12.6 ' is existing, and 12.6' is proposed; and maximum building height, where 38' is allowed, 28' is existing, and 42' is proposed.

Mr. Cashmore stated that he would like to see the placement of the house on the lot improved with the building of a new home, which brings the opportunity to do so.

Mr. Middleton stated the setback is existing. They are using the foundation of the existing home.

Mr. Middleton mentioned the setbacks of the neighboring homes as being similar.

Ms. Gorman asked how high is the roof deck. Mr. Middleton answered that it is 37'.

Mr. Lawrence commented that on every elevation the house looks like a 3-story home, and nothing around it is similar. He stated it will look out of character and suggested that moving the window-wall back would be preferable. Mr. Lawrence continued that he doesn't see any 3-story homes in the neighborhood.

Attorney Kowalski suggested clarifying the height with the applicant's attorney and architect. The applicant may want to get testimony.

Mr. Cashmore stated that the top floor for a 2½ story home can be no more than 33% of the second floor.

Ms. Kowalski asked whether the calculations of the architect are correct. The open space may not be more that 30%, and she asked whether it is a true 3-story?

Mr. DeSio commented that under a roof line it is a 3-story.

Mr. Lawrence added that the envelope of the building is 3 stories. The interior may not be.

Ms. Kowalski stated that the Board should have the applicant bring in testimony.

Mr. Middleton was asked to provide full-size architectural plans to the Board for the next meeting.

Public Questions and Comments

David and Louise Mayer, 24 Surf Street, were sworn in. Mr. Mayer stated that his home was located just to the west of this property. He said he doesn't have a problem with anything except the fact that it's a 3-story structure. The ridge height is 39.9'. Ms. Mayer stated that the new house will block their view of the ocean. Ms. Kowalski explained that no one's view is protected.

Ms. Kowalski suggested asking the Borough's Zoning Officer, John Mele, to offer his perspective about the questions regarding the third-floor percentage of the second floor and whether this new building is a 3-story or a 2½ -story home.

The Board decided to carry this application to the meeting of April 12, 2022 with no further notice.

Review Ordinance No. 03-2022 and advise Council of comments or recommendations

ORDINANCE No. 03-2022:

AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT AMENDING CHAPTER 130, "LAND USE," ARTICLE IX, "DESIGN STANDARDS," SECTION 130-51, "DESIGN STANDARDS FOR SPECIFIC USES," SUBSECTION 130-51G, "BULKHEAD MAINTENANCE," OF THE CODE OF THE BOROUGH OF SEA BRIGHT

The Board made no comments nor suggestions regarding this ordinance.

Mr. Leckstein offered a motion to have the Board Secretary send a letter to Council stating the Board recommends adopting Ordinance No. 03-2022 as is. A second was offered by Ms. Gorman, and the motion was carried upon a unanimous voice vote.

Public Comments

There being no general comments by members of the public and there being no other business before the Board, the Chairman made an announcement of the next meeting date, which is April 12, 2022.

Adjournment

The meeting was adjourned at 8:47 p.m. on a motion offered by Mr. Leckstein, seconded by Ms. DeGiulio, and carried upon a unanimous voice vote by the Board members.

Respectfully submitted,

Candace B. Mitchell
Board Secretary