

**APPROVED MINUTES
REGULAR MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD
TUESDAY, March 8, 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

Attendance Roll Call

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

Also in attendance: Mark G. Kitrick, Esq., serving as Board attorney, Board engineer David J. Hoder, Board planner Jennifer C. Beahm, and Board secretary Candace B. Mitchell

ITEMS OF BUSINESS

Approval of 2/22/22 Regular Meeting Minutes

Board member Mark A. Leckstein, Esq. offered a motion to approve the minutes. Second was offered by Board Vice Chair David DeSio, and the motion was carried on the following roll call vote of eligible members:

Ayes: Bieber, Cashmore, DeSio, Gorman, Lawrence

Nays: none

New Application No. 2022-07

Christopher Palladino

12 Riverview Place, Bl. 26, L. 1

Bulk variance relief for setbacks to place a shed and for height to place a 6' fence

Present for the application were applicants Christopher Palladino and Jacqlyn Aloisi.

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

- Application, received 2/2/22
- Zoning Denial No. 2022-06, dated 1/26/22
- Survey of Property prepared by Morgan Engineering & Surveying, filing date 11/16/1925, 1 page
- As-Is Property Survey, undated, 1 page
- Property Survey with Proposal, 1/31/22, 1 page
- 2 Photos, undated

- Jurisdictional Packet, received 3/2/22

Property owners Mr. Palladino and Ms. Aloisi were sworn in to testify. Board professionals David Hoder and Jennifer Beahm were also sworn in to testify.

Mr. Palladino explained that he and Ms. Aloisi would like to replace a 4' fence with a 6' fence in what is considered a front yard. They live on a corner lot and have no backyard nor private space out of view of the public right-of-ways. They would like to install a taller fence for privacy and security. Board member Marc Leckstein asked whether the shed shown on the plan is also to be considered, and Mr. Palladino answered that, no, the shed might be considered in a separate application.

Board member Stephen Cashmore asked the applicant where the fence is going. Mr. Palladino answered that it is going from the house to the corner, meeting the other fence. Mr. Cashmore asked what is behind it. Mr. Palladino explained that the driveway wraps around. Mr. Cashmore suggested that there is a problem in that when you're pulling out of the driveway, you can't see around the fence. The fence is supposed to be set back.

Board planner Jennifer Beahm pointed out there is a fence there now, and she doesn't see that the change in fence height would exacerbate the current situation.

Board engineer David Hoder clarified that the fence there currently is 5' and the applicant is going to 6'.

Mr. Cashmore commented that he is concerned with safety. When someone is pulling out of the driveway, they cannot see up that street unless they are pulled halfway out into the street. He stated that he has no problem with a 6' fence, but he thinks it should be set back.

Vice Chairman DeSio stated the street is a back street in a very quiet neighborhood.

Board member Heather Gorman added that that Riverview is also a one-way street, adding to its safety.

Jennifer Beahm stated that the fence is allowed to go there currently to 6'.

Dave Hoder added, except in a front yard.

Marc Leckstein stated it is only this property and their neighbor on their street. There is nobody else besides them.

Mr. Cashmore again stated his suggestion that it would be best if the fence was further back and not as tall.

There were no members in the public wishing to speak and Mark A. Leckstein, Esq. offered a motion to approve the application. A second was offered by Vice Chairman DeSio.

The motion carried upon the following roll call vote:

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

Application No. 2021-10
Beachfront Joe, LLC.
1084 Ocean Avenue, Bl. 15, L. 2
Site Plan and Bulk Variance Approval

Present for the application were attorney Rick Brodsky, architect Allende Matos, and applicant Joe Fontana.

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

- Application, received 5/5/21
- Architectural Plans titled "Additions & Renovations to Existing Commercial Restaurant, 1084 Ocean Ave., Sea Bright, Monmouth County, NJ," prepared by Allende Matos, AIA, LEED AP, 4 sheets, dated 3/22/21
- Revised Architectural Plans titled "Additions & Renovations to Existing Commercial Restaurant, 1084 Ocean Ave., Sea Bright, Monmouth County, NJ," prepared by Allende Matos, AIA, LEED AP, 4 sheets, dated 7/12/21
- Site Plan titled "1084 Ocean Avenue, Site Plan, Block 15, Lot 2, Borough of Sea Bright, Monmouth County, NJ, prepared by Marc S. Leber, PE, PP, 2 sheets, dated 12/11/17
- First Technical Review (Fees,) prepared by Board Engineer David J. Hoder, 1 page, dated 5/19/21
- First Technical Review, prepared by Board Engineer David J. Hoder, 4 pages, dated 6/8/21
- Second Technical Review, prepared by Board Engineer David J. Hoder, 4 pages, dated 10/2/21
- Proposed Addition & Existing Alteration to Existing Commercial Structure, prepared by Allende Matos, AIA, LEED AP, AM Architect's Studio, LLC, 4 sheets dated 3/8/22
- Third Technical Review, prepared by Board Engineer David J. Hoder, 4 pages, dated 3/2/22
- Board Planner Technical Review, prepared by Jennifer C. Beahm, 4 pages, dated 3/3/22
- Jurisdictional Packet, received 3/2/22

The credentials of Rick Brodsky, the attorney for the applicant, were accepted, and Mr. Brodsky offered a brief history of the property. The building had housed a dry-cleaning business before the destruction of super storm Sandy. The applicant previously had an ambitious plan for the building and was planning for a café on the first floor with an apartment upstairs. There were various iterations of the plan, and, with lengthy redevelopment plan discussions, the project was put on hold for awhile. The current plan is to have a take-out sandwich shop on the first floor and storage and office space upstairs. This would be a low intense use and would be operated by Mr. Fontana.

Chairman Cunningham asked whether there is an easement/right-of-way in the back. The

answer is that, yes, there is.

Mr. Brodsky stated that the building coverage is 100% of the lot, which is 1,076 sq.'

On her review Board planner, Jennifer Beahm, stated she indicates 5 parking spaces are needed.

Board member Marc Leckstein asked why the plans are entitled "Additions and Alterations" if the building is being torn down? Mr. Brodsky answered that the building will be torn down.

Mr. Leckstein stated that we have a huge parking problem in this town. Mr. Hoder stated that if you take the restaurant out, there isn't a parking requirement. The applicant's professionals should discuss what the flow is going to be. That should be part of the testimony.

Owner Joe Fontana, architect Allende Matos, Board engineer David Hoder, and Board planner Jennifer Beahm were sworn in to testify.

John Anderson, Esq., representing Marianne and Kristin, LLC, the hardware store, next door at 1092 Ocean Avenue, was sworn in to testify.

Allende Matos, the applicant's architect, gave his credentials and was accepted by the Board as an expert Witness. He entered into evidence Exhibit A-1 a revised architectural plan, composed of 4 pages. Mr. Allende stated that the existing building will be demolished. The new building will be raised above the BFE.

Mr. Leckstein asked whether the applicant will accept as a condition of approval that the existing building will be demolished within 60 days of approval. The applicant agreed.

Vice Chairman DeSio stated that the title page of the plans will need to be revised as there are many inaccuracies.

Jennifer Beahm stated that a revision date, not just a new date, has to be put on the title page every time the plan is changed.

Dave Hoder stated that the Tax Map shows an easement going down River Street. Mr. Leckstein asked who owns the easement. There is no recorded easement on the Tax Map. Attorney for the hardware store, Marianne and Kristin, LLC, John Anderson, spoke about the easement, not saying whether there is or is not an easement.

Chairman Cunningham stated that this Board is going to need to know about the easement before it can make a decision.

Jennifer Beahm stated this application has been hanging around for years. Why was this dispute not taken care of before?

Mark Leckstein stated that the Board needs to know before voting and suggests not going

forward with the testimony if the easement issue is not settled. He said that if there is room for parking behind the building, he would like to see parking.

Board member Heather Gorman asked whether deliveries will be made through the front entrance. Many businesses in town do that.

Chairman Cunningham said that the Board has trouble hearing the application without ownership over the easement.

Applicant attorney Rick Brodsky said that there is no parking in an easement, anyway.

Mr. Leckstein said that someone needs to do a serious Title search. He said they need a parking space and can't park in an easement. If he is being asked to vote on a parking variance he needs an answer to the ownership question.

Mr. Brodsky suggested the Board might want to see a smaller building and provide a parking space behind the building.

Mr. Leckstein again stated that more detailed title work needs to be done, asked how long that will take, and asked whether the Board wanted to hear testimony before the Title work is done.

Heather Gorman suggested establishing a new easement.

Ms. Beahm asked whether there is a survey of the property. Mr. Hoder stated that the plans reference a survey. The applicant should submit the survey to the Board.

Councilman Erwin Bieber asked whether, regardless of the easement, will the Board approve the application without a parking spot and suggested putting a time limit on these determinations.

The Board determined to carry the application to the meeting on May 10, 2022.

Ms. Beahm said the Board needs the applicant's engineer to provide testimony, analysis comparing to other towns. She also stated there is no differentiation in our ordinance between a sit-down restaurant and a take-out establishment.

Mr. DeSio stated there will only be foot traffic if it is a sandwich shop.

Board member Mark A. Leckstein, Esq. offered a motion to carry the application to the meeting of May 10, 2022 with no further notice. Attorney Mark Kitrick stated to members of the public that this announcement serves as the notice. A second was offered by Board member Elizabeth DeGiulio. The motion to carry the application was approved upon a unanimous voice vote.

There were no general comments from 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 March 22, 2022.

Adjournment

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Candace B. Mitchell".

Candace B. Mitchell
Board Secretary