

December 8, 2022

Ms. Candace Mitchell  
Planning Board Secretary  
Borough of Sea Bright  
Unified Planning Board  
1199 Ocean Avenue  
Sea Bright, NJ 07760

**Re: William A.G. Inc.  
1106 Ocean Avenue  
Block 13, Lot 37  
Preliminary & Final Site Plan  
Our File: SBPB 22-08**

Dear Board Members:

Our office received and reviewed materials that were submitted in support of an application for preliminary and final site plan approval for the above referenced project. The following documents were reviewed:

- Borough of Sea Bright Planning/ Zoning Board Application dated December 2, 2022
- Borough of Sea Bright Application for a Zoning Permit dated September 21, 2022.
- Photos of current conditions and renderings of proposed additions.
- Architectural Plans, consisting of five (5) sheets, prepared by Kevin C. Roy, Architect, LLC, dated August 4, 2022.
- Preliminary and Final Major Site Plan, consisting of three (3) sheets, prepared by Douglas D. Clelland, PE, of InSite Engineering, LLC, dated September 15, 2022.

**1. Site Analysis and Project Description**

The subject property consists of Block 13, Lot 37; a 4,338 sq. ft. lot located on the southwest corner of Ocean Avenue and Church Street in the B-1 Central Business Zone District. The property is currently developed with a one- and two-story mixed use building, consisting of three (3)

commercial units on the first floor and one (1) apartment on the second floor. Commercial uses are located to the south of the site, and across Ocean Avenue to the east. The Sea Bright United Methodist Church is located to the north of the subject property, across Church Street. Residential properties are located to the west of the subject property.

The subject property is located within the FEMA Special Flood Hazard Area with a BFE of AE 8', requiring a design flood elevation of 11' per the Borough's ordinance. The existing first floor elevation of the building is at 5.3'. The subject application will be required to confirm to the requirements of Sea Bright's Flood Damage Prevention Ordinance.

The applicant is seeking site plan approval to renovate and enlarge the existing apartment on the second floor of the structure to include a total of four (4) bedrooms and three (3) bathrooms, as well as a kitchen, dining room, great room, laundry room, and two (2) balconies; and to add a rooftop room and balcony on the third floor.

**2. Bulk Requirements**

A. The bulk requirements of the B-1 Central Business Zone District as they relate to the subject application are as follows:

	Required	Proposed
Minimum Lot Area	3,000 sq. ft.	4,338 sq. ft.
Min. Lot Width	50 ft.	59.70 ft.
Minimum Lot Depth	60 ft.	69.2 ft.
Min. Front Yard Setback (Ocean Ave.)	0 ft.	1.2 ft.
Min. Front Yard Setback (Church St.)	0 ft.	0.6 ft. over <sup>+</sup>
Min. Side Yard Setback	0 ft.	0.1 ft.
Min. Rear Yard Setback	15 ft.	0.1 ft. over <sup>+</sup>
Maximum Lot Coverage	75%	100.0% <sup>+</sup>
Maximum Building Coverage	50%	91.11% <sup>+</sup>
Max. Building Height	3 stories/ 42 ft.	3 stories/ 33 ft.

\*variance required <sup>+</sup>existing non-conformity

B. The minimum required rear yard setback in the B-1 Zone is 15 ft., whereas the existing setback 0.1 ft. over the property line is existing in the southwest corner. This is an existing non-conformity.

C. The maximum permitted lot coverage in the B-1 Zone District is 75%, whereas 100% is existing and proposed. This is an existing nonconformity.

D. The maximum permitted building coverage in the B-1 Zone District is 50%, whereas 91.11% is existing and proposed. This is an existing non-conformity.

E. The minimum permitted front yard setback in the B-1 Zone District is 0 ft., whereas the existing front yard setback 0.6 ft. over the property line. While the applicant is

proposing an addition to the second story along the Church St. frontage, the proposed addition remains within the boundaries of the property line. This is an existing non-conformity.

### 3. Parking Requirements

- A. As per §130-32, off-street parking spaces, open air or indoor, shall be provided with all new construction or with the creation of new uses as specified in this chapter, on the same lot as the use which they are intended to serve and shall be furnished with necessary passageways and driveways. All such space shall be deemed to be required space on the lot on which the use it serves is situated and shall not be encroached upon or reduced in any matter. All parking areas, passageways and driveways shall be surfaced with a dustless, durable, all-weather surface, clearly marked for car spaces, except when provided in connection with single-dwelling units and, except in the CP Zone, where only stone may be used to create the parking area, passageway and driveway. Each shall be adequately drained and subject to the approval of the Borough Engineer. The provision of off-street parking, in accordance with the standard of this section, shall accompany any rebuilding, reconstruction, alteration or remodeling of any building or premises. **No parking is proposed. A variance is needed.**
- B. The applicant and board engineer have indicated that 23 spaces are required, whereas 0 spaces are provided. Testimony should be given regarding the use of the proposed third (3<sup>rd</sup>) floor, as it may require additional parking spaces. A variance is required.**

### 4. Other Ordinance Requirements

- A. As per §130-31, a buffer strip shall be established on all developed, nonresidential lots in business and industrial districts and zones which abut a residential district or zone. Unless otherwise specified, such buffer strips shall be established along the common lot line between the nonresidential and residential lots, on the nonresidential lot and shall be at least 15 feet wide. **Testimony should be provided regarding any existing buffer and any proposed buffer improvements.**
- B. As per §130-33, off-street loading berths for the pickup and discharge of merchandise, goods, supplies and the like shall be provided at the rate of one berth for each 10,000 square feet (or part thereof) of gross leasable floor area of nonresidential uses and one berth for each 30,000 square feet (or part thereof) of gross floor area of residential uses (except for one-family) uses. An off-street loading berth shall be held to be at least 45 feet long, 15 feet wide and 15 feet high, not including driveways or entrances and exits, maneuvering areas or loading platforms. Insofar as possible, off-street loading berths shall be enclosed within the building which they serve. In any event, off-street loading berths shall be subject to the requirements of access, entrances and exits and screening

set forth for off-street parking. **Testimony should be provided as to compliance with this ordinance section.**

## **5. Required Proofs for Variance Relief**

### ***A. C Variances***

A “c” variance is required. There are two types of c variances with different required proofs.

- 1) Boards may grant a c(1) variance upon proof that a particular property faces hardship due to the shape, topography, or extraordinary and exceptional situation uniquely affecting the specific property.
- 2) Boards may grant a c(2) variance based upon findings that the purposes of zoning enumerated in the MLUL are advanced by the deviation from the ordinance, with the benefits of departing from the standards in the ordinance substantially outweighing any detriment to the public good. The Supreme Court’s ruling in Kaufmann v. Planning Board for Warren Township provides additional guidance on c(2) variances, stating that “the grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of the c(2) case, then, will be...the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community.”
- 3) C variances must also show consistency with the negative criteria as well.

## **5. Additional Comments**

- A. The Applicant should provide testimony on all required variances and clarify all points where additional information is needed.
- B. Testimony should be provided as to how the third (3<sup>rd</sup>) story space will be utilized.
- C. The architectural renderings show a garage door along the Church St. frontage, however this is not depicted in the architectural plans. The applicant should confirm whether or not a garage door is proposed and revise either the renderings or plans accordingly.
- D. The applicant should provide testimony as to how and when deliveries will be made to the site.
- E. The applicant should provide a detail of any proposed signage. All signage should be in compliance with Article XI Signs, of the Land Use ordinance. Additional variances may be needed.
- F. The applicant should provide testimony as to whether any lighting, landscaping, or additional site improvements are proposed.

G. The applicant should ensure that all construction is in compliance with the Borough's Flood Damage Prevention Ordinance.

Please be advised that additional comments may follow upon completion of testimony and/or submission of further revisions by the Applicant. Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.

A handwritten signature in black ink, appearing to read 'Jennifer C. Beahm', is written over the typed name and title.

Jennifer C. Beahm, P.P.  
Board Planner

JCB:clb

cc: David J. Hoder, P.E., Board Engineer  
Monica Kowalski, Esq., Board Attorney  
Douglas D. Clelland, PE, Applicant's Engineer  
Kevin Asadi, Esq., Applicant's Attorney