

January 20, 2021

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

Re: 3 Badminton Court Application  
Technical Review  
Block 16, Lot 14; R-3 Zone  
Sea Bright App. # Z2020-005  
HACE # SEP-152

Dear Ms. Mitchell:

Our office is in receipt of the above Use Variance plan. The applicant submitted the following:

- Cover letter from Henry Wolff, Esq dated Sept 30, 2020, with attached application package for project.
- Zoning Denial from Mary Tangolis, Zoning Officer dated 1/29/2020.
- Plan entitled "Survey of Property, Block 16, Lot 14, 3 Badminton Court, Borough of Sea Bright, Monmouth County, NJ", prepared by Charles Surmonte, PE & PLS, dated 9/24/2018, 1 sheet.

A) Introduction

The property is located on Badminton Court about 116 feet West of Ocean Avenue and 128 feet South of Peninsula Avenue. The property contains a 1 story dwelling, a shed and some concrete areas. The property is 47 feet wide and 50 feet long.

The applicant is proposing to use the property as storage which is not allowed in the R-3 zone. They wish to enter into a lease with Anjelica's Restaurant, to hold dry storage. No construction changes are to be made as part of this application.

B) Flood Zone Information

The property is located in the FIRM Flood Zone AE with a minimum elevation of 8.0. Any buildings built, if this application is approved, shall have the lowest horizontal structural member including basement, together with attendant utility and sanitary facilities, built to a minimum of three feet above the base flood elevation or 11.0.

C) Zoning

R-3 Residence Zone - Zone Schedule

Item	Required	Existing
Lot Area S.F.	1,800 S.F.	2,350 S.F.
Lot Width	25.0 Ft.	19.7 Ft. on street and 50.0 Ft. total
Lot Depth	60.0 Ft.	<b>47.0 Ft.</b>
Front Yard Setback	5 -12 Ft.	<b>3.0 Ft</b>
Side Yard Setback	3 Ft.	<b>0.0 Ft.</b> and 29.4 Ft.
Side Yard Comb.	6 Ft.	29.4 Ft
Rear Yard Setback	15 Ft.	<b>2.8 Ft.</b>
Max. Lot Coverage	70 %	53.0%
Max. Building Cov.	50 %	38.8 %
Max Building Height	38 Ft	unknown
Notes: Pre-existing Variances are in <b>Bold.</b>		

D) Use Variance

This is a change in use from residential to storage. Storage is not allowed in the R-3 zone. Therefore, the applicant must demonstrate that the application satisfies both the positive and the negative criteria of the Municipal Land Use Law for the grant of the use variance. The determination of the positive criteria establishes the benefits of the variance. The determination of the negative criteria establishes the detriments to the public good that would result from the variance. By nature, a variance is a departure from an impairment of the public zone plan. On balance, the benefits of granting the variance must be such that the resulting detriments are not substantial. The greater the benefits of the variance, the greater the detriments must be in order to be considered substantial.

E) Technical Review:

- 1) Section 130-43 E Off street parking – The closest of the uses in our ordinance for storage is “warehouses”. Parking is required as 1 space per 1000 SF. The building is about 815 SF by scale and the shed is about 100 SF, also by scale. Our ordinance would require one space. There is adequate space on the lot to park at least two vehicles. We believe this use will not require any vehicle parking.
- 2) The property is now either stone or concrete outside the building. The applicant should be required to pave the lot or add a fresh layer of stone to the property.
- 3) Any mechanical items should be shown above the flood plain
- 4) All gutters and leaders should be run to the West and to Badminton Court.

5) In regard to Stormwater Management, this project cannot be considered a Major Development in that the application is not disturbing more than one acre of land or is building more than one quarter of an acre of impervious surface.

F) If the applicant is successful, the following items shall be provided at the appropriate time:

1) Section 130-67 A 1 - Performance Guarantees - Prior to the signing of a final plat of a subdivision or of a site plan, issuance of a development permit and/or the commencing of any clearing, grading or installation of improvements, the developer shall have filed with the Borough a performance guaranty sufficient in amount to equal 120% of the total cost to the Borough, as estimated by the Borough Engineer, of constructing those on-site, on-tract, off-site and off-tract improvements necessary to protect adjacent property and the public interest in the event development of the site were not completed. We believe that there will be no need for bonding on this application, but future testimony may change that opinion.

2) The applicant shall be subject to any affordable housing requirements of Sea Bright.

G) Outside Agency Approval

The application shall be subject to review by all regulatory agencies having jurisdiction, including:

- 1) Sea Bright Fire Marshall
- 2) Sea Bright Flood Plain Official

If you have any questions regarding the matter please do not hesitate to contact our office.

Very truly yours,

HODER ASSOCIATES



David J. Hoder, P.E., P.P., C.M.E.  
Unified Planning Board Engineer