

**APPROVED MINUTES  
REGULAR MEETING OF THE SEA BRIGHT UNIFIED PLANNING/ZONING BOARD  
Tuesday, December 12, 2023**

**Call to Order and Flag Salute**

Vice Chairman DeSio called the meeting to order at 7:30 p.m. and requested those present 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 this meeting to the Asbury Park Press, 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, Bills, Cashmore, DeGiulio, DeSio, Lawrence, Leckstein, Schwartz

Absent: Cunningham, Kelly, Zelina

Also attending: Board Attorney Ben A. Montenegro, Board Engineer David H. Hoder, and Board Secretary Candace B. Mitchell

**Approval of October 24, 2023 Meeting Minutes**

Councilman Bieber offered a motion to approve the minutes. Second was offered by Mr. Zelina, and the motion carried upon the following roll call vote:

Ayes: Bieber, Bills, Cashmore, DeGiulio, DeSio, Lawrence, Leckstein, Schwartz

Nays: none

**Approval of November 28, 23 Meeting Minutes**

Councilman Bieber offered a motion to approve the minutes. Second was offered by Mr. Zelina, and the motion carried upon the following roll call vote:

Ayes: Bieber, Bills, Cashmore, DeGiulio, DeSio, Lawrence, Leckstein, Schwartz

Nays: none

**ITEMS OF BUSINESS**

**Memorialization of Resolution**

**RESOLUTION OF THE  
SEA BRIGHT PLANNING-ZONING BOARD  
GRANTING ADMINISTRATIVE APPROVAL FOR SITE PLAN MODIFICATIONS  
APPLICANT: THE BREAK REAL ESTATE PARTNERS, LLC  
PROPERTY: 1080 OCEAN AVENUE (LOT 3, BLOCK 15)**

**WHEREAS**, The Break Real Estate Partners, LLC, whose mailing address is 32a Beach Road, Monmouth Beach, New Jersey 07750, has applied to the Borough of Sea Bright Unified Planning-Zoning Board for administrative approval to amend the site plan affecting premises located at 1080 Ocean Avenue, also known as Lot 3 Block 15, as designated on the Tax Map of said Municipality; and

**WHEREAS**, a public hearing was held on the said application on November 28, 2023 in the Municipal Building of said Municipality and testimony and exhibits were presented on behalf of the applicant and all interested parties having been heard; and

**WHEREAS**, the said Board, having considered said application, testimony, exhibits submitted, and from its inspection of the site, it makes the following determinations:

1. The tract in question (Lot 3) has an area of 4,674.76 square feet.
2. The tract in question is in the B-1 Zone.
3. The applicant is seeking administrative approval to modify the approved site plan as follows:
  - a. Place electric, phone and cable connections overhead instead of underground.
  - b. Eliminate the planting of two street trees on River Street.
  - c. Eliminate the installation of two pole mounted lights on River Street in lieu of adding two building mounted sconces.
4. The following were submitted in support of the application:
  - a. 11/15/23 correspondence of Applicant Counsel, Matthew P. Dolan, Esq.
  - b. Application for Administrative Approval
  - c. Revised Civil Site Plan Drawings, by WJH Engineering, Walter J. Hopkin, P.E. (dated 10/1/20; last revised 11/14/23)

- d. Red lined Civil Site Plan Drawings, by WJH Engineering, Walter J. Hopkin, P.E. (dated 10/1/20; last revised 11/14/23)
- e. Incon Lighting Decorative Light Fixture Document
- f. Photo Document with inset locations of poles to be eliminated and wall sconces locations
- g. Photo Document with inset locations for utilities
- h. JCPL DDS Map for 1080 Ocean Avenue
- i. JCPL Agreement for Installation of Electric Distribution Facilities
- j. Sewer Payment Confirmation Document
- k. Original Board Resolution of Site Plan Approval (Approved 1/26/21; Memorialized 2/9/21)

5. Kevin Higgins., testified on behalf of the application as follows, to wit:

A. He is the project manager for the contractor performing construction of the improvements for the subject property. In said role, he is fully familiar with the subject property and surrounding properties; as well as the previously approved plans and the modifications being requested.

B. As to the request to eliminate the condition for placing the utilities underground, he noted that all existing properties in the immediate area have overhead utilities. Further, the water table in this location would make providing for underground utilities impractical, inefficient, and excessively costly.

C. As to the request to eliminate the condition for the provision of two street trees on River Street, he noted that based upon the narrow width of the sidewalk in this area, providing same would create more detriment than benefit and be impractical from a design perspective. Applicant volunteered as a condition, that in lieu of planting the two street trees,

Applicant would provide for a landscape planter(s) of equal value, said planter(s) size/type and location to be subject to the review and approval of the Board engineer.

D. As to the request to eliminate the condition for the provision of two pole mounted street lights on River Street, he noted that based upon the narrow width of the sidewalk in this area, a better zoning alternative was to provide appropriate lighting in the area via wall mounted sconces as depicted on the revised plans submitted. Applicant agreed as a condition that the specific size/design/type of lighting fixture to be utilized shall be subject to the review and approval of the Board engineer to insure adequate lighting while mitigating any impact to surrounding property owners. Applicant also agreed that the sconce fixtures shall be on a photocell timing mechanism.

B. He acknowledged and agreed that all conditions of the prior approval remain binding on applicant, unless specifically modified herein.

6. No persons appeared in opposition to the Application.

7. The Board makes the following findings, to wit:

A. The proposed amended site plan is consistent with the original plan and will create no substantial detriment or impact on the overall site plan nor to the surrounding property owners, nor to the municipal zone plan/zoning ordinance. The modifications do not constitute a significant change nor elimination of any significant condition of approval of the original plans approved via Resolution approved 1/26/21, memorialized 2/9/21.

B. The plan modifications submitted require no additional variance relief and are appropriate and/or a better design in the layout for the site plan.

C. The proposed modifications and site plan changes improve the overall aesthetics on the site and/or functionality through the design as depicted on the plans submitted which is a benefit to the public good.

**NOW THEREFORE, BE IT RESOLVED**, by the said Board that on this 28th day of

November, 2023, based on the findings hereinabove stated, it does hereby grant the administrative approval application subject to the following conditions:

1. Applicant should obtain any other approvals with respect to the submission from any other Federal, County, State or Municipal Agency having jurisdiction over same.
2. Applicant should re-submit this entire proposal should there be any deviation from this Resolution or the submitted documents which are hereby made a part hereof and shall be binding on the applicant.
3. Applicant shall construct at applicant's sole cost and expense all improvements reflected on the submitted documents or required by this Resolution.
4. Applicant shall comply with all provisions set forth in the Board Engineer report dated 11/22/23, unless specifically exempted herein.
5. The specific size/design/type of lighting fixture to be utilized shall be subject to the review and approval of the Board engineer to insure adequate lighting while mitigating any impact to surrounding property owners. The fixtures shall be on a photocell timing mechanism.
6. In lieu of planting the two street trees, Applicant shall provide for a landscape planter(s) of equal value, said planter(s) size/type and location to be subject to the review and approval of the Board engineer.
7. All requirements and conditions of prior approval for Application 2020-14 (Resolution of Approval approved 1/26/21; memorialized 2/9/21) for the site shall remain in full force and effect unless specifically modified herein.

ADOPTED this 28th day of November, 2023 on a roll call upon a motion offered by Mr. Leckstein and a second by Ms. DeJulio

VOTE ON ROLL CALL:

IN FAVOR: Ms. Bills, Mr. Cashmore, Chairman Cunningham,  
Ms. DeGiulio, Vice Chairman DeSio, Mr. Lawrence.  
Mr. Leckstein, Mr. Zelina

OPPOSED: none

MEMORIALIZED this 12th day of December, 2023 on a roll call upon a motion offered by Mr. Leckstein and a second by Ms. DeGiulio

MEMORIALIZATION VOTE ON ROLL CALL:

IN FAVOR: Ms. Bills, Mr. Cashmore, Ms. DeGiulio, Vice Chairman DeSio, Mr. Lawrence, Mr. Leckstein

OPPOSED: None

CERTIFICATION

I, Candace B. Mitchell, Secretary of the Unified Planning/Zoning Board of the Borough of Sea Bright, County of Monmouth, State of New Jersey, do hereby certify the attached is a true copy of the Resolution for Application No. 2020-14 Amendment to Prior Approval, approved by the Unified Planning/Zoning Board at its regular meeting on November 28th, 2023 and memorialized on December 12th, 2023.

*Candace B. Mitchell*

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

Memorialization of Resolution

**RESOLUTION OF APPROVAL  
APPLICATION OF  
LINDSAY DECHIARO**

IN THE MATTER OF  
LINDSAY DECHIARO

: UNIFIED PLANNING/ZONING BOARD  
: BOROUGH OF SEA BRIGHT  
: APPLICATION NO. 2023-06  
: BLOCK 10, LOT 14  
: 27 CENTER STREET

**WHEREAS**, LINDSAY DECHIARO has requested variance relief approval pursuant to N.J.S.A. 40:55D-70 (c) (1) and (2) to renovate/expand an existing single-family home on the property located at Block 10, Lot 14 on the tax map of the Borough of Sea Bright, being commonly known as 27 Center Street, Sea Bright, New Jersey, and said premises being in the R-3 Zone; and

**WHEREAS**, the Board held public hearings on said application on August 22, 2023 and November 28, 2023; and

**WHEREAS**, the applicant provided adequate notice of the hearing in accordance with N.J.S.A. 40:55D-12; and

**WHEREAS**, Richard Brodsky, Esq., presented the Application on behalf of the Applicant; and

**WHEREAS**, the Board heard the testimony and evidence presented by the applicant, applicant's witness and received comments from the public.

**NOW, THEREFORE BE IT RESOLVED**, that the Unified Planning/Zoning Board of the Borough of Sea Bright, County of Monmouth and State of New Jersey, made the following findings:

1. The Board found the application complete.
2. According to the application, the applicant is seeking the following variance relief:
  - a. Front yard setback where 5' is required and 3.8' is proposed.
  - b. Side yard setback where 3' minimum is required and 1.4'/6.2' is proposed.
  - c. Maximum building height where 38'/2.5 stories is allowed and 39.2'/3 stories is proposed.
  - d. Rear yard setback where 15' is required and 11' is proposed to deck.
3. Based upon the comments of the Applicant's counsel, the Board heard the following:
  - a. The Applicant proposed to renovate/expand the existing single-family home as shown on the revised plans submitted.
  - b. The Applicant requested variance relief for front yard setback, side yard setback, rear yard setback (to deck), and building height.
  - c. Applicant clarified that Applicant was seeking approval for the additions/alterations for a single-family home (1

unit). Applicant was not seeking prior nonconforming use certification of a 2 unit multi-family home; nor was applicant seeking a use variance to allow for a 2 unit multi-family home.

d. The following were submitted in support of the Application:

- Zoning Permit Denial, dated 7/6/23
- Notice of Hearing
- Borough of Sea Bright Unified Planning-Zoning Board-Certified Application, received 7/31/23
- Architectural Plans (Original Plans) entitled “Proposed Addition and Renovation for Dechiaro Residence, 27 Center Street, Sea Bright, NJ, Lot 14, Block 10, (3 sheets) by Anthony Condouris, Architect (dated 6/12/23)
- 6 Exterior Photos
- 4 Interior Photos (Uneven floors)
- 8/15/23 Board Engineer Report of David J. Hoder, P.E., P.P., C.M.E.
- 8/10/23 Board Planner Report of Jennifer Beahm, P.P.
- A1 - Architectural Plans (Revised Plans) entitled “Proposed Addition and Renovation for Dechiaro Residence, 27 Center Street, Sea Bright, NJ, Lot 14, Block 10, (3 sheets) by Anthony Condouris, Architect (dated 6/12/23, last revision date 10/7/23)
- A2- Beacon Planning Aerial Photo
- A3 – Photo (Subject Property and Center St. Frontage)
- A4 – Photo (Objector Property at 25 Center St- Lot 13)
- A5 – Photo (Subject Property- Rear Elevation)
- A6 – Photo (27 and 25 Center Street – common property line view)
- O1- Photo (Entitled Fig. #1)
- O2- Photo (Entitled Fig. #2)



4. Based upon the sworn testimony of the Applicant Lindsay Dechiaro, the Board made the following findings of fact:

- a. She is the title owner of the subject property. She purchased the property in 2020 and resides there with her daughter.
- b. The subject property is located in the R-3 Zone.
- c. She is seeking to renovate/expand the home to make the home more functional for her use as shown on the plans presented.
- d. There is no proposed modification to the existing single family home (foundation) footprint.
- e. The home provides for two separate kitchens (mother-daughter type single family home) however, there are not two separate living units as all living space is connected/accessible.

5. Based upon the sworn and qualified testimony of the Applicant's Architect, Anthony Condouris, the Board made the following findings of fact:

- a. He is a licensed architect in the State of New Jersey and prepared the architectural plans for the renovation/addition submitted to the Board for approval.
- b. In preparing said plans, he inspected the premises and is fully familiar with the property and surrounding neighborhood.
- c. The Property is located on the north side of Center Street, 3 lots from the Shrewsbury River and is 31.5' by 71.5' (lot area of 2252 s.f. where 1800 s.f. is required).
- d. The Property is located in the R-3 zone and contains an existing elevated two-story structure. The renovation/addition maintains the same building footprint (only footprint expansion is for side stairs/deck).
- e. As depicted on the plans, the ground level provides for 4 off street parking spaces and storage (unfinished, non-habitable space).
- f. As depicted on the plans, the first floor provides for a family room, kitchen, 2 bedrooms, 2 full bathrooms, laundry room/closet and rear deck.

- g. As depicted on the plans, the second floor provides for a kitchen, living room, two bedrooms, two full bathrooms and rear deck.
- h. As depicted on the plans, the upper-level third story provides for 387 s.f. of habitable space (one bedroom, one full bath, one office and laundry room) together with front rooftop deck.
- i. The Property is located in the FIRM Flood Zone AE (Minimum Elevation 8.0). The elevation of the first floor (including structural beams) is at elevation 11.
- j. There is an existing nonconformity for side yard setback where 3' is required but the existing single-family home is set at 1.4'. This is an existing condition that has existed since construction of the home.
- k. There is an existing nonconformity for rear yard setback where 15' is required but the existing rear deck is set at 11' (the single-family home is set at 20.7'). This is an existing condition that has existed since construction of the home.
- l. The structure was previously elevated therefore 38' height is permitted in the zone. The home proposed is 39.2'/ 3 stories.
- m. The proposed application satisfies the Ordinance and RSIS requirement for off street parking, providing for 4 RSIS compliant parking spaces within the garage.
- n. He opined that there are no negative impacts created by the application for the renovation/addition proposed and that the benefits of the proposed plan from a functionality and aesthetic consideration, outweigh any detriments.
- o. He agreed as a condition to revise the plans to eliminate the dashed lines on the floor plans (unintended error in drafting).
- p. He agreed as a condition that the air conditioner units shall be placed at the rear of the home (not within the rear or side setback).

6. Based upon the sworn and qualified testimony of the Applicant's Planner, Andrew Janiw, the Board made the following findings of fact:

- a. He is a licensed professional planner in the State of New Jersey and has reviewed the application, plans and surrounding properties in preparation for his testimony.
- b. He entered as Exhibit A2, an aerial photo of the subject property and surrounding properties in the immediate neighborhood; noting that the proposed single family home is consistent in size and character as the existing development pattern in the neighborhood (specifically as to front, rear and side setbacks).
- c. He entered as Exhibit A3, a photo of the subject property frontage and neighboring frontages on Center Street, noting the general conformity of the front setbacks in this area on Center Street.
- d. He entered as Exhibit A4, a photo depicting the rear of the subject property as well as the neighboring home at 25 Center Street. That home at 25 Center Street extends (at three levels) much further into the rear yard than the subject property; thus creating a greater impact to light, air and open space.
- e. He entered as Exhibit A5, a photo depicting the rear of the subject property showing the location of the compliant rear yard of the home (20.7') and the rear yard decks (two level) that require variance relief (11'). He opined that the open air nature of the decks combined with the compliant rear yard setback of the actual home mitigates against the minor intrusion into the rear yard setback.
- f. He entered as Exhibit A6, a photo depicting the common side property line between the subject property and 25 Center Street; noting the noncompliance by the neighboring property at 25 Center Street as compared to the subject property location.
- g. He noted that the variance relief requested for front setback, rear setback (decks), and side setback are existing conditions at the site that will be continued by the renovation/additions but are consistent with the character of the single family development on Center Street.
- h. As to the height variance, he noted that the nonconformity is minor in nature and would be indistinguishable from a layperson's view on site.
- i. He opined that the proposed application meets the criteria for variance relief requested pursuant to the C (1) hardship criteria based upon the existing developed and elevated home on the subject property (with existing nonconformities) that constrains the renovations/additions. He noted that the slight nonconformity for

height is driven by the existing conditions of the home (floor levels) to the extent trusses are needed to be added for the renovation.

- j. He opined that the proposed application meets the criteria for variance relief requested under the C(2) criteria, opining that the application advances purposes of zoning pursuant to NJSA 40:55D-2 (a),(b), (c), (e), and (i).
  - k. In support of his opinions, he noted that the proposed application improves not only functionality for the owner, but improves the aesthetics at the site. He noted that the size and layout of the design is consistent with single family development on Center Street as shown on the photos and the aerial exhibits presented. He further noted that the home proposed will be fully compliant with FEMA regulations and current building codes for safety at the site; while providing for 4 off street parking spaces on the ground level.
  - l. As to prong 1 of the negative criteria, he opined that the relief may be granted without substantial detriment to the public good. He believes the design of the renovations will be a net benefit to the surrounding neighborhood and will create no negative impacts. He specifically pointed to the Exhibit A4 which depicts the much larger and more nonconforming home located next door at 25 Center Street to bolster his opinion. He also noted that the nonconformity for height and stories is mitigated by the architectural design which provides for the rooftop deck at the front of the structure with the third story to rear of the structure. In furtherance of same, Applicant agreed as a condition to set back the railing on the roof top deck an additional 1.2' so that same is at the 5' front setback line of the zone.
  - m. As to prong 2 of the negative criteria, he opined that the relief may be granted without substantial detriment to the zone plan and zoning ordinance. He noted that the proposal for a single family home (not a multi-family two unit use) is a permitted use in the zone. Making reference to Exhibit A2, he noted the consistency of character of the single family development in this neighborhood with the proposed application. Maintaining the consistency of the character of development in tact is an enunciated goal in the Borough's Master Plan.
7. A member of the public, John Taguer, appeared in opposition to the application, testifying as follows:
- a. He is the owner of 25 Center Street, the next door neighbor to the subject property.
  - b. He noted the close proximity of the eastern staircase to his home and objected to the expansion of that deck/staircase to the rear of the home.

- c. He objected to the proposed renovations/additions based upon its proximity to his property and impact on his enjoyment of his front porch. He noted that the prior owner had enclosed a front porch/deck to increase living space.
- d. He entered as Exhibit O1 and O2, photos of the subject property as existing to illustrate its location/proximity to his home.

CONCLUSIONS OF LAW:

**WHEREAS**, after careful deliberation, the Board has determined that the applicant has met the requirements of N.J.S.A. 40:55D-70 (c) (1) with conditions imposed, for the variances requested associated with this application based upon the existing location/nonconformities and building conditions (floor levels) of the elevated single family home at the subject property; and

**WHEREAS**, after careful deliberation, the Board has determined that the applicant has met the requirements of N.J.S.A. 40:55D-70(c) (2) with conditions imposed, for the variances requested associated with this application in as much as the proposed application is an appropriate development of the subject parcel with a permitted use in the Zone; and

**WHEREAS**, after careful deliberation, the Board has determined that the proposal advances purposes of zoning as set forth in N.J.S.A. 40:55D-2 (a) and (i) of the Municipal Land Use Law; providing for improved aesthetics and functionality of the single-family use with a reasonable renovation/addition design on this property, and those benefits outweigh any detriment from the proposal; and

**WHEREAS**, after careful deliberation the Board has determined that the proposed development will not have a substantial negative impact on the neighborhood and will be a benefit in terms of the function of the site for the owner, and improved aesthetics at the site; and

**WHEREAS**, the Board has determined that the relief sought can be granted without a substantial negative impact to the public good, provided all conditions of approval are satisfied or met; noting specifically the consistency of character of the proposal with the development in the immediate neighborhood; and

**WHEREAS**, the Board has determined that the relief sought does not impair the intent and purpose of the Master Plan or Zoning Ordinance of the Borough of Sea Bright.

**NOW, THEREFORE, BE IT RESOLVED** by the Unified Planning/Zoning Board of the Borough of Sea Bright, in the County of Monmouth and State of New Jersey, on the 28th day of November, 2023, upon a motion made by Mr. DeSio and seconded by Ms. Bills that the application of Lindsay Dechiaro be granted, subject to the following terms and conditions:

- a. The applicant shall be bound by all exhibits introduced, all representations made, and all testimony given before the Board at its meeting of August 22, 2023 and November 28, 2023.
- b. The applicant shall provide all required Site Performance Bond and Inspection Fees in accordance with the Municipal Ordinance, if necessary.
- c. The applicant shall be responsible for obtaining any other approvals or permits from other governmental agencies, as may be required by law, including but not limited to the Municipality's and State's affordable housing regulations; and the applicant shall comply with any requirements or conditions of such approvals or permits.
- d. The applicant must comply with the Development Fee Ordinance of the Borough of Sea Bright, if applicable, which Ordinance is intended to generate revenue to facilitate the provision of affordable housing.
- e. The applicant shall comply with all items set forth in the Board Engineer report dated 8/15/23, unless specifically exempted herein.
- f. The applicant shall submit proof of payment of all real estate taxes applicable to the property and payment of all outstanding and future fees and escrow charges, posting of all performance guarantees, if any, in connection with the review of this application prior to and subsequent to the approval of this application.
- g. The applicant shall comply with all building, FEMA and fire codes including, but not limited to, entrances and exits.
- h. The accuracy and completeness of the submission statements, exhibits and other testimony filed with or offered to the Board in connection with this application, all of which are incorporated herein by reference are specifically relied upon by the Board in granting this approval. This condition shall be a continuing condition, deemed satisfied unless and until the Board determines (on notice to Applicant) of a breach thereof.

- i. In the event that any documents require execution in connection with this approval, such documents shall not be released until all conditions are satisfied.
- j. The applicant shall pay to the municipality any and all sums outstanding for fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspections of improvements and other purposes authorized by the MLUL.
- k. No site work shall be commenced or plans signed or released or any work performed with respect to this approval until such time as all conditions of the approval have been satisfied or otherwise waived by the Board.
- l. Applicant shall comply with the following special conditions:
  - i. To insure proper notice to any future purchasers that the subject property (with two kitchens) is approved solely as a single family single unit (not a multi-family two unit use), Applicant shall record this Resolution of Approval in the chain of title for the subject property.
  - ii. Applicant shall revise the architectural plans to delete the dashed lines showing on the floor plans.
  - iii. Applicant shall locate the air conditioner condensor units at the rear of the home (not within the side or rear setbacks).
  - iv. Applicant shall revise the architectural plans to set the roof top deck railing at the 5' front setback line (an additional 1.2' as proposed by the plan submitted at the hearing).
- m. A brief notice of decision shall be published in the official newspaper of the municipality. Such publication shall be arranged by the applicant.  
(130-17 I.)

ADOPTED this 28th day of November, 2023

VOTE ON ROLL CALL:

IN FAVOR: Councilman Bieber, Ms. Bills, Mr. Cashmore, Chairman Cunningham, Ms. DeGiulio, Vice Chairman DeSio, Mr. Lawrence, Mr. Leckstein, Mr. Zelina

OPPOSED: none

MEMORIALIZED this 12th day of December, 2023 on a roll call upon a motion offered by Councilman Bieber and a second by Mr. Leckstein

MEMORIALIZATION VOTE ON ROLL CALL:

IN FAVOR: Councilman Bieber, Ms. Bills, Mr. Cashmore, Ms. DeGiulio, Vice Chairman DeSio, Mr. Lawrence, Mr. Leckstein

OPPOSED: none

CERTIFICATION

I, Candace B. Mitchell, Secretary of the Unified Planning/Zoning Board of the Borough of Sea Bright, County of Monmouth, State of New Jersey, do hereby certify the attached is a true copy of the Resolution for Application No. 2023-06 Approved by the Unified Planning/Zoning Board at its regular meeting on November 28th, 2023 and memorialized on December 12th, 2023.

Candace B. Mitchell

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

**Application No. 2023-12**

Jonathan and Catherine Goldin  
7 Atlantic Way, Bl. 29, L. 7

Bulk and use variance approval to construct an addition of a third floor (1/2 story) and partial enclosure for the existing open garage area for storage purposes

The applicant requested and was granted permission to carry the application to the meeting of January 9, 2024 with no further notice.



**Application No. 2023-11**

1485 Ocean Realty, LLC

1485 Ocean Avenue, Bl. 4, L. 5

Site plan and variance approval to install an awning over the existing deck

Present for the application were attorney Kevin J. Moore, Esq., Engineer Walter Hopkin, P.E., Asbury Awning President Chris Zatorski, and property owner William Stavola

The following items were submitted in support of the application.

- Zoning Permit Denial
- Application Cover Letter, 10-20-23
- Amended Site Plan, 10-17-23
- Site Plan Application, 10-20-23
- Awning Details 2023
- 200' Property List, 10-12-23
- CAFRA Permit 7-29-20.PDF
- Executed Res. No. 2021-05, 4-27-21
- Proof of Service 12-4-2023

Board Attorney Ben Montenegro verified the noticing has been reviewed, and the Board is prepared to accept jurisdiction and proceed on the application.

Attorney Kevin Moore introduced the application and stated that the appeal of the Zoning Office's decision has been formally withdrawn.

The property at 1485 Ocean Avenue, Block 4, Lot 5 on the Borough tax map, and is located in the B-3 Oceanfront Business Zone. The applicant is asking for C2 bulk variance approval for an awning which measures 1,021 sq. ft., where the permitted size of accessory structures is 500 sq. ft. In 2021, the Board granted a variance for the size of the deck which the awning is proposed to cover.

Mr. Moore offered the following exhibits:

A-1 Cover Sheet for the Amended Preliminary & Final Site Plan, prepared by Walter J. Hopkin, P. E., dated 2/22/21, revised 10/17/23,

A-2 Sheet 2 of the Amended Preliminary & Final Site Plan, prepared by Walter J. Hopkin, P. E., dated 2/22/21, revised 10/17/23,

A-3 Color rendering of the Amended Preliminary Site Plan, prepared by Walter J. Hopkin, P. E., dated 2/22/21, revised 10/17/23

A-4 Plan set showing the awning, prepared by Asbury Awning Manufacturing, dated 3/5/29, 9 pages

A-5 DEP CAFRA Individual Permit for the awning, approval date 7/29/20, 9 pages

A-6 Plans approved by the DEP in connection with the CAFRA Permit, prepared by Maser Consulting, date undiscernible, 3 sheets

Engineer Walter Hopkin was sworn in to testify.

Mr. Hopkin described the area surrounding the subject property. To the north is Edgewater Beach Club. To the south is a stretch of vacant beach. East is the ocean, and west is a mix of residential and commercial offices.

What is proposed this evening is covering a portion of the existing deck. A variance was approved for the elevated portion of the deck in 2021. Mr. Hopkin stated there was some question about the building height. Sea Bright's ordinance requires a maximum of 15 ft. for an accessory structure, and Mr. Hopkin calculated a height of 14.3 ft., which was not challenged.

Vice Chairman DeSio mentioned that the ordinance requiring the size of an accessory structure be no more than 500 sq. ft. was intended for tiny lots in the borough and should probably be updated to exclude large lots in that requirement.

Mr. DeSio asked for the dimensions of the upper deck and was told it's approximately 21 ft. by 44 ft. Mr. Hopkin re-stated that the awning would be covering only the elevated portion of the deck.

Ms. Bills asked what is on the lower and upper levels of the deck. Mr. Hopkin answered that the lower deck has tables, and the elevated portion of the deck is mostly used for entertainment and for people outside of the tiki bar.

William Stavola, one of the property owners, was sworn in to testify.

Ms. Bills asked for clarification about what is on the upper deck. She asked whether there are tables and chairs. Mr. Stavola said, yes, and sometimes the tables and chairs are cleared out to make room for dancing.

Engineer Dave Hoder asked for clarification about a smaller awning shown. He asked whether the new large awning will take the place of the small awning. Mr. Stavola told him that it will.

Councilman Bieber asked for clarification about the permanence of the awning structure. Mr. Stavola confirmed that the awning structure is removable and that the walls and windows have been removed from the tiki bar as required by the prior approvals. He explained his interpretation of the CAFRA Permit. He stated that the CAFRA permit says that "shells" can remain. Councilman Bieber stated that the Zoning Officer interpreted the awning as a permanent structure.

He also asked the Board attorney whether the Borough is vulnerable via CAFRA. Mr. Montenegro stated that it is the DEP's place to agree or disagree with the applicant's interpretation, and it is their job to regulate it. Mr. Leckstein stated that he agrees it is up to CAFRA.

Councilman Bieber also asked whether there is a conflict on the last page of the CAFRA permit. It only refers to the smaller deck for which an awning is not proposed.

Mr. Leckstein explained that CAFRA calls it a “shell” and that the applicant needs to make sure CAFRA knows what the applicant is proposing, that is an awning and not a “shell.”

After questions about a walkway and a deck concession stand, Vice Chairman DeSio stated that the application is asking only for variance approval for the size of the awning structure.

There were no questions from the public for Mr. Hopkin.

Chris Zatorsky, the awning manufacturer, was sworn in to testify. He described the awning. It is traditional and laces to the frame, and it is very strong.

There were no questions for Mr. Zatorsky.

Mr. Leckstein offered a motion to approve the application, with a second offered by Councilman Bieber. The motion carried on the following roll call vote:

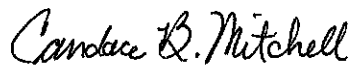
Ayes: Bieber, Bills, Cashmore, DeGiulio, DeSio, Lawrence, Leckstein, Schwartz

Nays: none

As there was no other business before the Board and no general public comments, the Vice Chairman announced the next regular meeting will take place on January 9, 2024.

The meeting was adjourned at 8:13 p.m. on a motion offered by, Councilman Bieber, seconded by Mr. Leckstein, and carried upon a unanimous voice vote by the Board members.

Respectfully submitted,



Candace B. Mitchell, Board Secretary