

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

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 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: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Lawrence, Leckstein, Schwartz, Zelina

Absent: Bieber, Kelly

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

Approval of 8/22/23 Regular Meeting Minutes

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

Ayes: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Lawrence, Leckstein, Schwartz, Zelina

Nays: none

Approval of 8/22/23 Executive Session Minutes

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

Ayes: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Lawrence, Leckstein, Schwartz, Zelina

Nays: none

ITEMS OF BUSINESS

Memorialization of Resolution

**RESOLUTION OF APPROVAL
APPLICATION OF
GERARD UZZI**

IN THE MATTER OF
GERARD UZZI

: UNIFIED PLANNING/ZONING BOARD
: BOROUGH OF SEA BRIGHT
: APPLICATION NO. 2023-05
: BLOCK 10, LOT 6
: 11 CENTER STREET

WHEREAS, GERARD UZZI has requested variance relief approval with variance relief pursuant to N.J.S.A. 40:55D-70 (c) (2) to renovate/expand an existing single-family home on the property located at Block 10, Lot 6 on the tax map of the Borough of Sea Bright, being commonly known as 11 Center Street, Sea Bright, New Jersey, and said premises being in the R-3 Zone; and

WHEREAS, the Board held a public hearing on said application on August 22, 2023; and

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

WHEREAS, the applicant Gerard Uzzi, a licensed attorney, presented the Application on his own behalf; 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. Minimum Lot Area where 1800 s.f. is required and 1787 s.f. is proposed (existing).
 - b. Side yard setback where 3' minimum is required and 1.2' is proposed (existing, but extended vertically by extent of addition).
 - c. Rear yard setback where 15' minimum required and 3' is proposed (existing, but extended vertically to extent of addition).
 - d. Maximum building coverage where 50% maximum is allowed and 51.37% is proposed (existing).

3. Based upon the comments of the Applicant, the Board heard the following:

- a. The Applicant proposed to renovate/expand the existing single-family home as shown on the plans submitted.
- b. The Applicant requested variance relief for side yard setback, rear yard setback, lot area and building coverage.
- c. The following were submitted in support of the Application:
 - A1 – Borough of Sea Bright Unified Planning-Zoning Board-Certified Application, dated 7/21/23
 - A2 –Borough of Sea Bright Application for Zoning Permit, dated 7/6/23 (denial)
 - A3- Photo of Subject Property
 - A4-Architectural Plans entitled Uzzi Residence, 11 Center Street, Sea Bright, NJ, Lot 6, Block 10, (3 sheets) by Anthony Condouris, Architect (dated 6/28/23)
 - 8/10/23 Board Engineer Report of David J. Hoder, P.E., P.P., C.M.E.

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

- a. He is the General Counsel and managing member of CMN Properties, LLC, the title owner of the subject property. He purchased the property in June, 2022.
- b. The subject property is located in the R-3 Zone.
- c. There is an existing single-family home on the subject property. The home was elevated for FEMA flood zone compliance prior to his ownership.
- d. He is seeking to renovate/expand the home to make the home more functional for his use (together with his three children) all as shown on the plans presented.
- e. There is no proposed modification to existing single family home footprint.

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, 6 lots from Ocean Avenue and is 25' by 71.5' (lot area of 1787s.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 footprint but expands the second story as well as the half story and roof top deck.
 - e. As depicted on the plans, the ground level provides for parking and storage (unfinished, non-habitable space).
 - f. As depicted on the plans, the first floor provides for a front balcony, living room, dining room, full bath, kitchen, and family room.
 - g. As depicted on the plans, the second floor provides for 4 bedrooms and 2 full baths.
 - h. As depicted on the plans, the upper-level half-story provides for 332 s.f. of habitable (no bedrooms allowed) space, together with 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 1.2'. This is an existing condition that has existed since construction of the home. The proposed application would extend that side setback for the dimension of the additions proposed as shown on the plans.
- k. There is an existing nonconformity for rear yard setback where 15' is required but the existing single-family home is set at 3'. This is an existing condition that has existed since construction of the home. The proposed application would extend that rear setback for the dimension of the additions proposed as shown on the plans.
- l. There are existing nonconformities for lot area and building coverage which are not modified in any way by the application.
- m. The structure was previously elevated therefore 38' height is permitted in the zone. The home proposed is 36'/ 2.5 stories – fully compliant with the zoning ordinance. No variance relief is requested by Applicant, nor granted by the Board.
- n. In order to satisfy the Ordinance and RSIS requirement for off street parking, Applicant agreed as a condition to remove the existing column in the garage to provide for 3 RSIS compliant parking spaces within the garage.
- o. To address the impact of variances requested and need Ordinance/RSIS off street parking compliance, Applicant agreed to a condition (to be provided by way of deed restriction for adequate notice to future owners) that no bedrooms shall be constructed/allowed in the upper-level half-story.
- p. 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.

6. Persons from the public (Jeremy Clark, Janet Sanders and Murphy Anderson) appeared to comment on the Application, all indicating that they were in favor of the application.

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) (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; 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 22nd day of August, 2023, upon a motion made by Mr. Leckstein and seconded by Ms. Bills that the application of Gerard Uzzi 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.
- 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 8/10/23, 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. Applicant shall remove the existing column in the garage to provide for 3 RSIS compliant parking spaces within the garage.
- ii. (To be provided by way of deed restriction for adequate notice to future owners) no bedrooms shall be constructed/allowed in the upper-level half-story. The proposed deed must be provided to the Board Attorney for review/approval prior to recording.
- 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.)

APPLICATION VOTE ON ROLL CALL:

IN FAVOR: Councilman Bieber, Ms. Bills, Chairman Cunningham,
Ms. DeGiulio, Mr. Lawrence, Mr. Leckstein, and Mr. Zelina
OPPOSED: None

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

MEMORIALIZATION VOTE ON ROLL CALL:

IN FAVOR: Ms. Bills, Mr. Cunningham, Ms. DeGiulio, Mr. Lawrence,
Mr. Leckstein, and Mr. Zelina
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. 2023-05 approved by the Unified Planning/Zoning Board at its regular meeting on August 22, 2023 and memorialized on September 12, 2023.

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

New Application No. 2023-07

Armen Khachaturian

48 Normandie Place, Bl. 29, L. 23

Bulk variance relief for maximum lot coverage and for paving closer than 3' to property line

Present for the application were the property owner, Armen Khachaturian, and Attorney John A. Sarto, Esq.

Chairman Cunningham stepped down from hearing the application due to a business affiliation with the applicant.

The following items were submitted in support of the Application:

- Borough of Sea Bright Unified Planning-Zoning Board-Certified Application, dated 8/17/23
- Borough of Sea Bright Application for Zoning Permit, dated 7/19/23 (denial)
- Photo of Subject Property
- Resolution 2022-06
- A1-Plans entitled "Final As-Built" Lots 23 & 23.01, Block 29, Sea Bright, Monmouth County, NJ, by Lindstrom, Diessner & Carr, P.C.- William Doolittle, P.L.S. - (last revision date 8/18/23- 1 sheet)
- A2 - Photo of subject and neighboring properties (Street view)
- A3 - Photo of subject and neighboring properties (Rear view)
- 9/7/23 Board Engineer Report of David J. Hoder, P.E., P.P., C.M.E.

Board Attorney Ben Montenegro stated that the applicant's notices were reviewed and are complete, and the Board assumes jurisdiction over the application.

Property owner Armen Khachaturian was sworn in to testify. Mr. Khachaturian described the history of the property and his application in 2022 to build a new home with approval granted by Resolution No. 2022-06. Mr. Khachaturian made changes to the approved construction by constructing a paver walkway which, unbeknownst to Mr. Khachaturian, increased the impervious coverage of the site. He is requesting variance relief for lot coverage and for building a paver sidewalk within 3' of the side property line. He passed around a photo of the property to the Board members.

Board Vice Chairman Dave DeSio expressed concern about drainage and that water has no place to go and will run onto the neighbor's property. Engineer Dave Hoder added that the water could damage the neighbor's house. Dave DeSio asked whether a drain should be installed. Mr. Khachaturian stated that the roof design provides for the roof leaders to connect underground to a perforated drainpipe. There are five drains at the downspouts already, and he is willing to install a drain under the pavers to mitigate any drainage impact. The drain plan will be submitted to the Board Engineer for approval on the final plan submitted.

Board member Peggy Bills asked to see the five drains on the plan and was shown where they are.

Board member Marc Leckstein identified the neighboring houses on the photos provided.

Public Comments and Questions:

Gerard Logan, 42 Normandie Place was sworn in. Mr. Logan is the neighbor whose property is located to the north of Mr. Khachaturian's property. Mr. Logan said that, since the house was constructed, there has been no impact on his property when it rains. He also said that the paver walkway is an aesthetic improvement, and he supported Mr. Khachaturian's application.

Board member Mark Zelina stated that he doesn't think the drain under the pavers is necessary based on the testimony of the neighbor.

Dave Hoder asked the neighbor whether he had ever seen water accumulating. Mr. Logan answered that he had not.

Marc Leckstein asked Dave Hoder whether he thinks the drain is necessary. Mr. Hoder stated that it would be better to put in a small drain in consideration of water and possible accumulation of ice.

The public portion of the meeting was closed.

Mr. Leckstein offered a motion to approve the application with the condition of the installation of a small plastic drain. A second was offered by Mr. Cashmore, and the motion carried on the following roll call vote:

Ayes: Bills, Cashmore, DeGiulio, DeSio, Lawrence, Leckstein, Schwartz, Zelina
Nays: none

Chairman Cunningham rejoined the Board.

Carried Application No. 2023-01 REVISED PLANS (First heard 3/14/23)

16 Via Ripa Properties, LLC.

16 Via Ripa, Bl. 31, L. 6

Bulk variance relief for front yard setback, side yard setback, and maximum lot coverage;
Use variance relief to permit a two-family structure in a single-family zone

The Board was asked to continue to carry this application to the meeting of 10/24/23 based on a request made by the applicant's attorney, Rick Brodsky, Esq.

Mr. Leckstein offered a motion to carry the application to the meeting of 10/24/23 on condition that the applicant agrees to re-notice for the benefit of the public. A second was offered by Mr. DeSio, and the motion carried on the following roll call vote:

Ayes: Bills, Cashmore, Cunningham DeGiulio, DeSio, Lawrence, Leckstein, Schwartz, Zelina
Nays: none

Public Comments

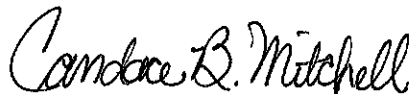
There were no members of the public wishing to speak.

CLOSING ITEMS

The Chairman announced the next regular meeting to take place on September 26, 2023.

With no further business, the meeting was adjourned at 8:08 p.m. on a motion offered by Mr. Leckstein, seconded by Mr. Cashmore, and carried upon a unanimous voice vote by the Board members.

Respectfully submitted,



Candace B. Mitchell, Board Secretary