

**APPROVED MINUTES  
SEA BRIGHT UNIFIED PLANNING/ZONING BOARD  
TUESDAY, October 22, 2024**

**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 notice of the time, date, and location of this meeting to the Asbury Park Press and Two River Times, 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, DeSio, Lawrence, Lefkort, Zelina

Absent: Kelly, Leckstein, Schwartz

Also in attendance: Board Secretary Candace B. Mitchell

**ITEMS OF BUSINESS**

**Approval of the 9/24/24 Regular Meeting Minutes**

Vice Chairman DeSio offered a motion to approve the minutes. Second was offered by Mr. Cashmore, and the motion carried upon the following roll call:

Ayes: Cashmore, Cunningham, DeSio, Lawrence, and Lefkort

Nays: none

**Memorialization of Resolution**

**RESOLUTION OF APPROVAL  
APPLICATION OF  
11 CHURCH ST ASSOCIATES LLC**

IN THE MATTER OF	: UNIFIED PLANNING/ZONING BOARD
11 CHURCH ST ASSOCIATES LLC	: BOROUGH OF SEA BRIGHT
	: APPLICATION NO. 2024-08
	: BLOCK 14, LOT 7
	: 11 CHURCH STREET

**WHEREAS**, 11 CHURCH ST ASSOCIATES LLC has requested preliminary and final site plan approval/conditional use approval to demolish the existing single-family home on the property to build a multi-family (2 unit duplex) at the property located at Block 14, Lot 7 on the tax map of the

Borough of Sea Bright, being commonly known as 11 Church 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 September 24, 2024; and

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

**WHEREAS**, the applicant was represented by counsel, John B. Anderson, III., Esq., who presented the Application; and

**WHEREAS**, the Board heard the testimony and evidence presented by the applicant, applicant's witnesses and received no 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. Based upon the opening comments of the Applicant's counsel, the Board heard the following:
  - A. The Applicant seeks conditional use/site plan approval to demolish the existing single-family home on the property to build a multi-family (2 unit duplex) which is a permitted conditional use in the zone on a property that meets all bulk criteria for the zone.
  - B. No variance relief is requested/required for the development proposed.
3. The following were submitted in support of the Application:
  - A. Exhibit A1 – Zoning Denial by Zoning Officer Mary Tangolis, dated 8/13/24
  - B. Exhibit A2 – Certified Application
  - C. Exhibit A3 – Certified Tax List
  - D. Exhibit A4 - Survey of Property, by Schwanewede Hals & Vince Engineers, dated 7/15/24 (1 sheet)
  - E. Exhibit A5 – Plot Plan by Schwanewede Hals & Vince Engineers, dated 7/17/24 (last revised 8/16/24)
  - F. Exhibit A6 – Architectural Plans, by Anthony Condouris, AIA, dated 7/9/24 (3 sheets)
  - G. Exhibit A7 - Aerial Photo of subject property.

4. Based upon the sworn and qualified testimony of the Applicant's Architect Anthony Condouris, AIA, the Board made the following findings of fact:
- A. He is a licensed architect in the State of NJ and prepared the architectural plans submitted to the Board for review/approval.
  - B. The subject property is located in the R-3 Zone.
  - C. The property is located on the north side of Church Street, 307' from Ocean Avenue.
  - D. The existing site contains a single-family home and garage in poor condition.
  - E. The Applicants' intent per the architectural plans submitted is to modify the site to demolish the existing single-family home and garage on site to construct a fully conforming two unit structure. The two-family structure-use is a conditional use in the zone and the proposed plan submitted meets all conditions of the ordinance for the development.
  - F. He testified that as shown on the plans, the development meets all flood zone requirements for the construction proposed. The ground level provides for 3 off street parking spaces and storage space. The first floor provides for a living room, dining room, kitchen, powder room, laundry room and exterior deck. The second floor provides for 3 bedrooms and 2 bathrooms. The design provides for a bonus room in the habitable attic/ half-story. This space provides for no bedrooms or bathrooms. The proposed structure meets the height criteria for the zone where 38' is allowed (mean roof height) and 36' is proposed.
  - G. Applicant agreed as a condition and so long as technically feasible from an engineering perspective pursuant to prevailing law to provide for two separate driveways with modified curbing to accommodate same; dimension and location to be subject to the review and approval of the Board Engineer.
  - H. Applicant agreed as a condition that any curb and sidewalk that requires replacement as a result of the construction (as determined by the Board Engineer) shall be replaced prior to issuance of a certificate of occupancy and shall be bonded for in advance of same.

- I. He opined that there will be no negative impacts created by the application for conditional use/site plan approval with this fully conforming conditional use development and that there are significant benefits to the neighborhood by the development proposed.
  - J. He opined that the proposed development will be an aesthetic and safety improvement to the site; while developing a fully conforming two unit structure that is compliant with all current FEMA requirements and building codes.
5. Based upon the sworn and qualified testimony of the Applicant's Engineer Joseph F. Vince, P.E., P.L.S., P.P., the Board made the following findings of fact:
- A. He is a licensed engineer and professional planner in the State of New Jersey and prepared the plot plan submitted for approval to the Board.
  - B. He is fully familiar with the site, the surrounding properties, and development proposed.
  - C. He testified that the lot dimensions meet all bulk requirements for the R-3 zone.
  - D. He testified that the two unit multifamily duplex structure proposed similarly meets all bulk requirements for the R-3 zone.
  - E. He further confirmed that the development proposed meets all flood zone requirements for the site and will be an improved condition from a building and flood zone safety perspective than the structures that are existing on site currently.

#### CONCLUSIONS OF LAW:

**WHEREAS**, after careful deliberation, the Board has determined that the applicant has met the requirements for conditional use/site plan approval in as much as the plans are conforming and an appropriate development of the subject parcel with a conditionally permitted use in the Zone;

**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; 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 improved aesthetics and safety at the site; and

**WHEREAS**, the Board, noting that no members of the public appeared to comment on the application, has determined that the relief sought can be granted without a substantial negative impact to the public good; 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 as said application for conditional use/site plan approval is fully conforming and requires no variance relief.

**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 24th day of September, 2024, upon a motion made by Mr. DeSio and seconded by Ms. Lefkort that the application of 11 Church St Associates, LLC be granted, subject to the following terms and conditions:

1. The applicant shall be bound by all exhibits introduced, all representations made, and all testimony given before the Board at its meeting of September 24, 2024.
2. The applicant shall provide all required Site Performance Bond and Inspection Fees in accordance with the Municipal Ordinance.
3. 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 CAFRA, and the Municipality's and State's affordable housing regulations; and the applicant shall comply with any requirements or conditions of such approvals or permits.
4. 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.
5. The applicant shall comply with all items set forth in the Board Engineer report dated 9/18/24, unless specifically exempted herein.
6. 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.

7. The applicant shall comply with all building, FEMA and fire codes including, but not limited to, entrances and exits.
8. 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.
9. In the event that any documents require execution in connection with this approval, such documents shall not be released until all conditions are satisfied.
10. 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.
11. 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.
12. Applicant shall comply with the following special conditions:
  - a. So long as technically feasible from an engineering perspective pursuant to prevailing law, Applicant shall provide for two separate driveways with modified curbing to accommodate same; dimension and location to be subject to the review and approval of the Board Engineer.
  - b. Any curb and sidewalk that requires replacement as a result of the construction (as determined by the Board Engineer) shall be replaced prior to issuance of a certificate of occupancy and shall be bonded for in advance of said construction.

13. Publication of a notice of this decision shall be published in the official newspaper of the Board. Such publication shall be arranged by the applicant.

ADOPTED this 24th day of September, 2024.

VOTE ON ROLL CALL:

IN FAVOR: Mr. Cashmore, Ms. Lefkort, Mr. DeSio, Mr. Lawrence and Chairman Cunningham

OPPOSED: None

MEMORIALIZED this 22nd day of October, 2024.

On a motion offered by Mr. DeSio and a second offered by Ms. Bills

VOTE ON ROLL CALL:

IN FAVOR: Mr. Cashmore, Chairman Cunningham, Mr. DeSio, Mr. Lawrence, and Ms. Lefkort

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. 2024-08 Approved by the Unified Planning/Zoning Board at its regular meeting on September 24, 2024 and memorialized on October 22, 2024.

Candace B. Mitchell

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

**RESOLUTION OF APPROVAL  
APPLICATION OF  
SURFSIDE MARINE CORPORATION**

IN THE MATTER OF : UNIFIED PLANNING/ZONING BOARD  
: BOROUGH OF SEA BRIGHT  
SURFSIDE MARINE CORPORATION : APPLICATION NO. 2024-09  
: BLOCK 3, LOT 16 & 16.01  
: 1306 OCEAN AVENUE

**WHEREAS**, SURFSIDE MARINE CORPORATION has requested amended preliminary and final site plan approval to construct a marina building and site improvements at the property located at Block 3, Lot 16 & 16.01 on the tax map of the Borough of Sea Bright, being commonly known as 1306 Ocean Avenue, Sea Bright, New Jersey, and said premises being in the B-2 zone; and

**WHEREAS**, the Board held a public hearing on said application on September 24, 2024; and

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

**WHEREAS**, the applicant was represented by counsel, Kevin I. Asadi, Esq., who presented the Application; and

**WHEREAS**, the Board heard the testimony and evidence presented by the applicant, applicant's witnesses and received no 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:

6. The Board found the application complete.
7. Based upon the opening comments of the Applicant's counsel, the Board heard the following:
  - C. The Applicant seeks site plan approval to construct a new marina building (pre-fabricated building) with handicapped parking, and sidewalk around the building.
  - D. No variance relief is requested/required for the development proposed.



8. The following were submitted in support of the Application:
- H. Cover Letter from Zager Fuchs, P.C., dated 9/5/24 with application package-exhibits
  - I. Preliminary and Final Minor Site Plan for Surfside Marina, Block 3, Lots 16 & 16.01, Borough of Sea Bright, NJ, prepared by Engenuity Engineering, dated 8/23/24 (7 sheets)
  - J. Architectural Plans entitled "New Marine Workshop Building, 1306 Ocean Avenue, Sea Bright, NJ 07760 by Settembrino Architects, Red Bank, NJ (8 sheets) (last revision date 8/21/24)
  - K. Boundary and Topographic Survey, by DPK Consulting, LLC- James J. Heiser, P.L.S., dated 5/19/21
  - L. Exhibit A1 – 9/17/24 Report by Jaclyn Flor, P.E., P.P., C.M.E. – Engenuity Engineering
9. Based upon the sworn and qualified testimony of the Applicant's Architect Kevin Settembrino, AIA, the Board made the following findings of fact:
- K. He is a licensed architect in the State of NJ and prepared the architectural plans submitted to the Board for review/approval.
  - L. The subject property is located in the B-2 Zone.
  - M. The property is located on the west side of Ocean Avenue across from Tradewinds Lane.
  - N. The site has 150' of frontage on Ocean Avenue and 150' of frontage on the Shrewsbury River.
  - O. The existing site contains an active marina, with a marina building, parking/storage area and boat slips in the Shrewsbury River.
  - P. The Applicants' intent per the architectural plans submitted is to modify the site to replace the existing marina building with a new prefabricated marina building together with compliant handicapped parking spaces and a sidewalk around the building.
  - Q. The property is located in the FIRM Flood Zone AE with a BFE of 8 (DFE of 11). The ground level workshop is at elevation 5.25 while the proposed office areas are at elevation 13.
  - R. He confirmed there is no proposed third floor or habitable attic proposed with this application.

- S. He described the architecture of the building proposed, it's footprint dimensions of approximately 30' x 62', and the ground floor plan for boat workshop and storage; with second floor plan for office use.
- T. He agreed as a condition to provide a landscape plan, subject to the review and approval of the Board Engineer to improve the overall aesthetics and curb appeal as viewed from Ocean Avenue.
- U. He agreed as a condition to modify the architectural plan to provide for cultured stone at the base of the building on the eastern facing façade (dimension subject to the review and approval of the Board Engineer).
- V. He testified that as shown on the plans, the development meets all flood zone requirements for the construction proposed.
- W. Applicant agreed as a condition that any curb and sidewalk that requires replacement as a result of the construction (as determined by the Board Engineer) shall be replaced prior to issuance of a certificate of occupancy and shall be bonded for in advance of same.
- X. He opined that there will be no negative impacts created by the application for site plan approval with this fully conforming plan and that there are significant benefits to the neighborhood by the development proposed.
- Y. He opined that the proposed development will be an aesthetic and safety improvement to the site; while developing a fully conforming marina structure that is compliant with all current FEMA requirements and building codes while improving aesthetics at the site.

10. Based upon the sworn and qualified testimony of the Applicant's Engineer Jaclyn Flor, P.E., P.P., C.M.E., the Board made the following findings of fact:

- F. She is a licensed engineer and professional planner in the State of New Jersey and prepared the site plan submitted for approval to the Board.
- G. She is fully familiar with the site, the surrounding properties, and development proposed.
- H. She testified that the lot dimensions meet all bulk requirements for the B-2 zone.

- I. She testified that the marina building proposed similarly meets all bulk requirements for the B-2 zone; no variances are required for the application as proposed.
- J. She further confirmed that the marina building proposed meets all flood zone requirements for the site.
- K. She identified on the plan the site design/usage both in the summer season and the off-season.
- L. She confirmed that the site design meets the Borough Ordinance for parking – 22 spaces required in summer season and 27 provided; 11 spaces required in the off season and 15 spaces provided. The proposal provides for two paved handicapped parking spaces.
- M. She entered as Exhibit A1 a 9/20/24 report (incorporated herein as if reiterated at length) providing factual responses to the 9/17/24 Board Engineer report inquiries.

11. Based upon the sworn testimony of the Applicant's representative, Christopher Stokes and Owner Chip Schulz, the Board made the following findings of fact:
- a. During winter months, the Applicant stores approximately 65 boats and additional jet skis. All are shrink wrapped for the off-season.
  - b. Almost all deliveries are by van/small box truck that comfortably utilize the parking spaces on site. Approximately once per year there is a tractor trailer delivery for anti-freeze which has never caused any functional problem on or off site.
  - c. There is an existing dumpster that is picked up by private hauler once per week.
  - d. This application and the new marina building will not change the amount of deliveries or trash for the site. It will not increase usage or intensity on the site; just make the operation more efficient and functional while improving the overall aesthetics at the site.

#### CONCLUSIONS OF LAW:

**WHEREAS**, after careful deliberation, the Board has determined that the applicant has met the requirements for amended site plan approval in as much as the plans are conforming and an appropriate development of the subject parcel with a permitted use in the Zone;

**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) (b) and (i) of the Municipal Land Use Law; 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 improved aesthetics, function and safety at the site; and

**WHEREAS**, the Board, noting that no members of the public appeared to comment on the application, has determined that the relief sought can be granted without any negative impact to the public good; 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 as said application for amended site plan approval is fully conforming and requires no variance relief.

**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 24th day of September, 2024, upon a motion made by Mr. DeSio and seconded by Mr. Cunningham that the application of Surfside Marine Corporation be granted, subject to the following terms and conditions:

14. The applicant shall be bound by all exhibits introduced, all representations made, and all testimony given before the Board at its meeting of September 24, 2024.
15. The applicant shall provide all required Site Performance Bond and Inspection Fees in accordance with the Municipal Ordinance.
16. 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 CAFRA, and the Municipality's and State's affordable housing regulations; and the applicant shall comply with any requirements or conditions of such approvals or permits.
17. 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.
18. The applicant shall comply with all items set forth in the Board Engineer report dated 9/17/24, unless specifically exempted herein.

19. 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.
20. The applicant shall comply with all building, FEMA and fire codes including, but not limited to, entrances and exits.
21. 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.
22. In the event that any documents require execution in connection with this approval, such documents shall not be released until all conditions are satisfied.
23. 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.
24. 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.
25. Applicant shall comply with the following special conditions:
  - a. Any curb and sidewalk that requires replacement as a result of the construction (as determined by the Board Engineer) shall be replaced prior to issuance of a certificate of occupancy and shall be bonded for in advance of same.
  - b. Applicant shall provide a landscape plan, subject to the review and approval of the Board Engineer to improve the overall aesthetics and curb appeal as viewed from Ocean Avenue.
  - c. Applicant shall modify the architectural plan to provide for cultured stone at the base of the building

- on the eastern facing façade (dimension subject to the review and approval of the Board Engineer).
- d. Applicant shall amend the plans to comply with all plan modification/addition items as set forth in Exhibit A1.

26. Publication of a notice of this decision shall be published in the official newspaper of the Board. Such publication shall be arranged by the applicant.

ADOPTED this 24th day of September, 2024.

VOTE ON ROLL CALL:

IN FAVOR: Mr. Cashmore, Chairman Cunningham, Mr. DeSio,  
Mr. Lawrence, and Ms. Lefkort

OPPOSED: None

MEMORIALIZED this 22nd day of October, 2024.

On a motion offered by Mr. DeSio and a second offered by Mr. Lawrence

VOTE ON ROLL CALL:

IN FAVOR: Mr. Cashmore, Chairman Cunningham, Mr. DeSio,  
Mr. Lawrence, and Ms. Lefkort

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. 2024-09 Approved by the Unified Planning/Zoning Board at its regular meeting on September 24, 2024 and memorialized on October 22, 2024.

Candace B. Mitchell

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

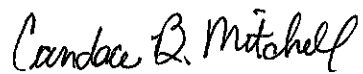
**OTHER BUSINESS**

With no further business before the Board and no Public Comments, the next meeting date, November 12, 2024, was announced.

**ADJOURNMENT**

The meeting was adjourned at 7:34p.m. on a motion offered by Vice Chairman DeSio, a second by Ms. Bills, and a unanimous voice vote of the board members.

Respectfully submitted,

A handwritten signature in black ink that reads "Candace B. Mitchell". The script is cursive and fluid.

Candace B. Mitchell  
Board Secretary