

**APPROVED MINUTES  
REGULAR MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD  
TUESDAY, JUNE 11, 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, Lawrence, Leckstein, Schwartz, Lefkort  
Absent: DeSio, Kelly, Zelina

Also in attendance: board attorney Ben Montenegro, board engineer David J. Hoder, and board secretary Candace B. Mitchell

**ITEMS OF BUSINESS**

**Approval of 5/28/24 Regular Meeting Minutes**

Mr. Leckstein offered a motion to approve the minutes. A second was offered by Mr. Lawrence, and the motion was adopted upon a unanimous voice vote of eligible members.

**Resolution for Memorialization**

**RESOLUTION OF APPROVAL**

**APPLICATION OF  
CHRISTOPHER AND KATHLEEN PULTORAK**

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| IN THE MATTER OF<br>CHRISTOPHER & KATHLEEN<br>PULTORAK | : UNIFIED PLANNING/ZONING BOARD<br>: BOROUGH OF SEA BRIGHT<br>: APPLICATION NO. 2024-06<br>: BLOCK 30, LOT 2<br>: 504 OCEAN AVENUE |
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**WHEREAS**, CHRISTOPHER & KATHLEEN PULTORAK have requested variance relief approval pursuant to N.J.S.A. 40:55D-70 (c) (1) and (2) for construction of an addition to accommodate a residential elevator on the property located at Block 30, Lot 2 on the tax map of the Borough of Sea Bright, being commonly known as 504 Ocean Avenue, Sea Bright, New Jersey, and said premises being in the R-2 Zone; and

**WHEREAS**, the Board held a public hearing on said application on May 28, 2024; and

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

**WHEREAS**, the applicants Christopher & Kathleen Pultorak were not represented by counsel but rather presented the Application on their own behalf; and

**WHEREAS**, the Board heard the testimony and evidence presented by the applicants, and their witnesses, and no persons from public appeared/provided any comments regarding the application.

**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:
  - i. Side yard setback where 7' each is required and 3.46'/3.9' are proposed.
  - ii. Side yard setback (combined) where 15' is required and 7.36' is proposed.
  - iii. Front yard setback where 25' is required and 22' is proposed (existing).
  - iv. Lot width where 50' is required and 37.5' is proposed (existing).
3. Based upon the opening comments of the Applicant, the Board heard the following:
  - a. The Applicant proposes to construct a building addition to construct a residential elevator on the subject property.
  - b. The following were submitted in support of the Application:
    - Borough of Sea Bright Unified Planning-Zoning Board-Certified Application, dated 4/23/24
    - Borough of Sea Bright Application for Zoning Permit, (denial issued 2/28/24)
    - Survey, by Seneca Survey Co., Robert W. Smith, Jr. P.L.S., dated 4/17/18

- Architectural Plans, by Michael Savarese Associates, dated 2/20/24
- Elevation Certificate, by James B. Goddard, P.L.S., dated 5/28/21

4. Based upon the sworn testimony of the Applicants Christopher & Kathleen Pultorak, the Board made the following findings of fact:
  - a. They are the title owners of the subject property and are fully familiar with the property, the surrounding neighborhood and the proposed project.
  - b. The subject property is located in the R-2 Zone.
  - c. The subject property is a 5,250 s.f. lot located on Ocean Avenue, currently developed with a 2.5 story single family home.
  - d. With all proper/required permits, in June of 2020, they elevated the home for flood zone compliance. That project required more stairs from ground level to the first finished floor.
  - e. The intent of the application is to construct an addition to the existing home to allow for a residential elevator. No additional living space is proposed, just the addition footprint to accommodate the elevator.
  
5. Based upon the sworn and qualified testimony of the Applicant's Architect, James Conner, R.A., the Board made the following findings of fact:
  - a. He is a licensed architect in the State of NJ and a member of the firm that prepared the architectural plans submitted to the Board for review/approval.
  - b. The plans provided specific dimensions for the proposed addition for the elevator; the exterior elevations for the appearance of same; and the floor plan layout of the home for the integration of the elevator to the existing home.
  - c. He noted that the reasonable desire for the Applicants to add a residential elevator to the existing home was constrained by the existing construction and limited lot width of the subject property.
  - d. There was no reasonable ability to construct/add the elevator within the confines of the existing home and its floor plan layout.
  - e. As such, his firm designed the addition to incorporate the elevator into the existing floor plan via the small building addition in a location and manner that impacted the site and surrounding properties as little as possible. He opined that the architectural feature incorporating the elevator shaft is an aesthetic benefit to the overall rendering design.

- f. In discussion with the Board, Applicant agreed as a condition to add a note to the plans that all exterior material for the addition shall match the existing materials of the home.
- g. Applicant agreed as a condition that a passive pipe/drain plan for the proposed construction shall be added to the plans and subject to the review and approval of the Board engineer.

6. No persons appeared in opposition to 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 ) (1), with conditions imposed, for the variances requested due to the existing size and dimensions of the subject lot in conjunction with the existing location of the elevated single family home; 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 residential elevator for an elevated flood compliant home in a design/size/location on the site that mitigates any negative impacts from the ordinance deviations; 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, safety and functionality of the adjacent single-family use, and those benefits outweigh any detriment from the proposal; and

**WHEREAS**, noting that no persons appeared in opposition to the application, 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

**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 28th day of May, 2024, upon a motion made by Mr. Leckstein and seconded by Mr. Zelina that the application of Christopher & Kathleen Pultorak 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 meetings of May 28, 2024.
- 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 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.
- f. The applicant shall comply with all building, FEMA and fire codes including, but not limited to, entrances and exits.
- g. 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.
- h. In the event that any documents require execution in connection with this approval, such documents shall not be released until all conditions are satisfied.
- i. 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.

- j. 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.
- k. Applicant shall comply with the following special conditions:
  - i. Applicant shall add a note to the plans that all exterior materials for the addition shall match the existing materials of the home.
  - ii. A passive pipe/drain plan for the proposed construction shall be added to the plans and subject to the review and approval of the Board engineer.
- l. 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 May, 2024.

VOTE ON ROLL CALL:

IN FAVOR: Mr. Cashmore, Mr. DeSio, Mr. Lawrence, Mr. Leckstein, Mr. Zelina and Ms. Lefkort

OPPOSED: None

**MEMORIALIZED** this 11th day of June 11, 2024.

On a motion offered by Mr. Leckstein and a second offered by Mr. Cunningham

VOTE ON ROLL CALL:

IN FAVOR: Mr. Cashmore, Mr. Lawrence, Mr. Leckstein, 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. 2024-06 Approved by the Unified Planning/Zoning Board at its regular meeting on May 28, 2024 and memorialized on June 11, 2024.

Candace B. Mitchell

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

**Application No. 2024-05**

**Coast Ventures, LLC.**

**1123-1127 Ocean Avenue, Bl. 20, L. 1, (zone B-1)**

Seeking minor site plan approval with bulk variances to construct a one-story addition for storage to serve the existing commercial use and 4 apartments on the 2<sup>nd</sup> and 3<sup>rd</sup> floors, along with 2<sup>nd</sup> and 3<sup>rd</sup> floor decks above for the apartments, along with related site improvements

Board member Frank Lawrence stepped down due to the proximity of his property to the subject property.

Present for the application were attorney Jennifer S. Krimko and architect Jeremiah J. Regan.

Mr. Regan was sworn in and accepted by the board as an expert witness.

Items submitted in support of the application:

- Zoning Permit Denial, dated 2/23/24
- Planning/Zoning Board Application, dated 2/23/24
- Board Engineer's Technical Review, David J. Hoder, P.E., dated 4/2/24
- Exhibit A-1 - Survey of Property by Charles Surmonte, P.L.S., dated 11/23/22 (1 sheet)
- Exhibit A-2 - Variance/Architectural Plans by Jeremiah J. Regan, AIA, dated 7/8/23, last revised 12/10/23 (2 sheets)
- Exhibit A3 - 3 Photographs: E. Surf Street views and Aerial view

Ms. Krimko introduced the application. The applicant is proposing to modify the existing commercial first floor and the 4 second and third floor residential apartments to add a one-story addition to the southeast corner of the building with second and third story open-air decks above the addition.

Variance relief is needed for lot depth where 60' is required and 50' feet is proposed, which is an existing condition; rear yard setback where 15' is required and 4.98' is proposed for the addition. 2.9' existing from building will remain unchanged; maximum building coverage where 50% is allowed and 86.85% is proposed; 79.23% is existing; front yard setback where 25' is required and 2.63' is proposed for the addition. The remaining existing conditions for the building to remain unchanged; and maximum impervious lot coverage where 75% is allowed and 95.09% is proposed. 87.57% is existing.

Mr. Regan offered a summary of the changes proposed, reiterating those proposed by Ms. Krimko.

Councilman Leckstein asked whether the exterior siding on the addition will blend in with the present siding. Mr. Regan agreed, and this agreement will be a condition of approval.

The meeting was opened to the Public for questions:

Mr. Frank Lawrence, 14 E. New Street, stated his concern with the current trash container area, and Ms. Krimko answered the plan is to make the trash area more aesthetically pleasing, and fencing will be added.

With no additional public questions, the public portion was closed.

Councilman Leckstein offered a motion to approve the application with the following conditions: the exterior siding on the addition will match the existing siding; the plan will be modified for a trash corral; and use of the first-floor addition will be only for storage as depicted on the plans. A second was offered by Mr. Schwartz, and the motion carried upon the following roll call vote:

In Favor: Ms. Bills, Mr. Cashmore, Chairman Cunningham, Mr. Leckstein, Mr. Schwartz, and Ms. Lefkort

Opposed: none

**Application No. 2024-02 Amended**

**BD Real Estate Adventures, LLC**

**1124 Ocean Avenue, Bl. 12, L. 2 and 1132 Ocean Avenue, Bl. 12, L. 1(zone B-1)**

Seeking amended preliminary and final site plan approval with bulk variances to permit the installation of a roof over the bathroom area and existing bar, as well as proposed signage

Present for the application were attorney Rick Brodsky, architect Anthony M. Condouris, and applicant principal Eric Daley.

Items submitted in support of the application:

- Resolution of Approval, dated 3/12/24
- Zoning Denial, dated 4/23/24 for a courtyard pergola
- Zoning Denial, dated 5/15/24 for signage
- Application for Amended Sight Plan Approval, dated 5/31/24
- Property Survey, dated 8/17/23
- Architectural Plans, dated 5/28/24 (1 sheet)
- Board Engineer's Technical Review, dated 6/5/24

Attorney Rick Brodsky reviewed the approvals in the first application and offered the proposals of this amendment, which include the addition of roofing and signage. The applicant proposes adding 2 mounted wall signs, a gazebo-roof over the outdoor courtyard bar, and a covered vestibule area to the restroom which is accessed through the courtyard.

Variance relief requested is needed for building coverage where 50% is permitted, 57.2% is existing, and 65.8% is requested; total lot coverage where 75% is permitted and 89% is approved, an existing condition unchanged; a third perpendicular mounted sign near the Lot 1 entrance; re-approval of the variances previously existing and which are not modified by this application for Lot 1 lot area, lot width, lot depth, rear yard setback, building coverage, lot coverage, and parking; Lot 2 rear yard setback; applicant seeks reapproval for



off street parking where no parking is proposed and existing. 30 spaces are required for Lot 1 and 114 spaces are required for Lot 2.

Anthony Condouris was sworn in and accepted as an expert witness. He described the roof over the bar and roof over the restroom area, stating that it will look better and provide better weather protection for patrons and staff.

Attorney Montenegro clarified there will be different names and different signs for the two sides of the building, though the building is one integrated restaurant.

Engineer Dave Hoder referred to his technical review letter, stating that sign requirements are in the letter.

Principal applicant Eric Daley was sworn in to testify. He disclosed a stop-work order for the southern part of the building. He asked to have building plans approved as soon as possible so that work can get going and keep going.

**Board Comments:**

Board members were very complimentary of the project and the principals. Frank Lawrence, Peggy Bills, Chairman Cunningham, and Councilman Leckstein offered positive statements.

Councilman Leckstein proposed adding a meeting to the schedule in two weeks, on June 25<sup>th</sup>, to memorialize a resolution in order to move the approval process along for the applicant.

There were no questions from members of the Public, and Councilman Leckstein offered a motion to approve the application, with a second offered by Peggy Bills.

The motion was carried upon the following roll call vote:

In Favor: Ms. Bills, Mr. Cashmore, Chairman Cunningham, Mr. Lawrence, Mr. Leckstein, Mr. Schwartz, and Ms. Lefkort.

Opposed: none

**Application No. 2023-04 - Request for Extension of Approval  
Timothy Chenoweth, Cambridge Custom Homes  
16 New Street; Block 12, Lot 10 (zone R-3)**

Present for the request for extension of approvals were attorney Michael J. Convey and applicant Timothy Chenoweth.

**Items submitted in support of the application:**

- Letter Requesting Extension of Approvals dated 6/5/24
- Resolution Granting Minor Subdivision Approval dated 7/25/23  
Expiration date: 1/31/24

Mr. Convey explained to the board that despite reasonable efforts, the applicant Timothy Chenoweth, incurred delays in obtaining legally required approvals. He had diligently pursued those approvals and was prevented directly or indirectly from the timely filing of the minor subdivision plat.

The board granted the applicant's request for an extension of time for the filing of the approved minor subdivision plat with the condition that the extension will run for a total of 120 days from the date of approval, which is October 9, 2024. All other conditions in the original resolution of approval, which was adopted on July 25, 2023, will remain in full force.

Mr. Chenoweth will first submit resolution compliance plans to the Planning Board office. When resolution compliance has been met, Mr. Chenoweth will then file the subdivision with the County.

Councilman Leckstein offered a motion to approve the request for extension of approvals, with a second offered by Chairman Cunningham.

The motion was carried on the following roll call vote:

In Favor: Ms. Bills, Mr. Cashmore, Chairman Cunningham, Mr. Lawrence, Mr. Leckstein, Mr. Schwartz, and Ms. Lefkort.

Opposed: none

#### **ANY OTHER BUSINESS FOR THE BOARD**

The next meeting date of 6/25/24 was announced as an additional meeting date. The meeting will be advertised in the Asbury Park Press and Two River Times.

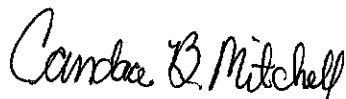
#### **GENERAL PUBLIC COMMENTS**

There were no general public comments, and the public portion of the meeting was closed.

#### **ADJOURNMENT**

With no further business to come before the board, the meeting was adjourned at 8:12 p.m. on a motion offered by Councilman Leckstein, a second offered by Ms. Bills, and a unanimous voice vote made by the board members.

Respectfully submitted,



Candace B. Mitchell  
Board Secretary