

**APPROVED MINUTES
SEA BRIGHT UNIFIED PLANNING/ZONING BOARD
TUESDAY, AUGUST 13, 2024**

Call to Order and Flag Salute

Vice Chairman DeSio called the meeting to order at 7:34 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, DeSio, Leckstein, Zelina
Absent: Cunningham, Kelly, Lawrence, Schwartz, Lefkort

Also in attendance: Board Secretary Candace B. Mitchell

ITEMS OF BUSINESS

Approval of 7/9/24 Regular Meeting Minutes

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

Ayes: Mr. Cashmore, Mr. DeSio, and Mr. Leckstein

Nays: none

Memorialization of Resolution

**RESOLUTION OF APPROVAL
APPLICATION OF
CHRIS AND LAUREN KELLY**

IN THE MATTER OF	: UNIFIED PLANNING/ZONING BOARD
CHRIS AND LAUREN KELLY	: BOROUGH OF SEA BRIGHT
	: APPLICATION NO. 2024-07
	: BLOCK 11, LOT 8
	: 15 BEACH STREET

WHEREAS, CHRIS AND LAUREN KELLY have requested variance relief approval pursuant to N.J.S.A. 40:55D-70(c)(1) for construction of a second-floor addition, second floor balcony, attic floor addition and roof deck on the property located at Block 11, Lot 8 on the tax map of the Borough of Sea

Bright, being commonly known as 15 Beach 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 July 9, 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 Chris and Lauren Kelly were not represented by counsel, but rather Chris Kelly presented the Application on his own behalf; and

WHEREAS, the Board heard the testimony and evidence presented by the applicant and no persons from the public 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:
 - a. Proposed number of stories, where 2.5 are permitted and 3 is proposed.
 - b. Minimum front yard setback where 5-12' is required and 1.3' is proposed.
 - c. Minimum side yard setback where 3' is required and 2.8/2.1' is proposed (existing).
 - d. Minimum combined side yard setback where 6' is required and 5.6' is proposed (existing).
 - e. Minimum rear yard setback where 15' is required and 10.8' is proposed (existing).
 - f. Maximum lot coverage where 70% is allowed and 79.38% is proposed (existing).
 - g. Maximum building coverage where 50% is allowed and 61.66% is proposed (existing).
3. Based upon the opening comments of the Applicant, the Board heard the following:
 - a. The Applicant proposes to construct a second-floor addition, second floor balcony, attic floor addition and roof deck 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 5/24/24
 - Variance plan checklist, dated 5/24/24
 - Survey, by AEBT Surveying, dated 8/21/03
 - Architect Plans entitled "Proposed Addition and Alteration, Kelly Residence, 15 Beach Street, Sea Bright, NJ" prepared by Kurt Ludwig, AIA, dated 10/19/23, 3 sheets
 - Zoning Denial by Mary Tangolis, Zoning Officer, last revised 4/18/24
 - Zoning and Bulk Schedule, dated 4/5/24
 - 200' Property List, dated 4/13/24
 - Board Engineer Report of David J. Hoder, P.E., P.P., C.M.E., dated July 3, 2024
4. Based upon the sworn testimony of the Applicant Chris Kelly, the Board made the following findings of fact:
- a. He and his wife are the title owners of the subject property and he is fully familiar with the property, the surrounding neighborhood and the proposed project.
 - b. The subject property is located in the R-3 Zone.
 - c. The subject property is 2,038 s.f. and located on Beach Street.
 - d. Applicants acquired the property in 2019.
 - e. The home is currently an elevated one-story single-family home.
 - f. Applicant is seeking approval for an addition of second floor with a balcony, as well as a third-floor attic with roof deck.
 - g. The renovation/addition maintains the same building footprint.
 - h. As depicted on the plans, the existing ground floor and first floor remain the same.
 - i. The existing first floor contains two bedrooms, a living room, a kitchen, two bathrooms and front and rear balconies.
 - j. The proposed second floor provides for three bedrooms, laundry room, bathroom and a front balcony.
 - k. The proposed full story attic floor plan provides a study, bathroom and front roof deck.
 - l. The new variances proposed by the application are for the number of stories, where 3 are proposed and 2.5 are permitted, and an extension of the existing nonconforming

front setback, where 5-12' is required and 1.3' is proposed (3.6' currently exists).

- m. The remainder of the variances sought are existing nonconformities.
- n. Applicant agreed as a condition to provide the Board with an updated, current survey of the property as the survey submitted with the application is from 2003.
- o. Applicant agreed as a condition that no exterior mechanical equipment for the property shall be located in the setbacks.

5. 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 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, noting that no persons appeared in opposition to the proposed home, 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 and functionality 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 9th day of July, 2024, upon a motion made by Mr. Leckstein and seconded by Chairman Cunningham that the application of Chris and Lauren Kelly 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 July 9, 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 comply with all items set forth in the Board Engineer report, dated July 3, 2024, 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 must submit an updated, current survey of the property to the Board in order to confirm variance relief being approved.
 - ii. All exterior mechanical equipment on the property must be located within the building envelope.
- 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 9th day of July, 2024.

VOTE ON ROLL CALL:

IN FAVOR: Mr. Cashmore, Mr. Desio, Mr. Lawrence, Mr. Leckstein, Mr. Schwartz, Ms. Lefkort and Chairman Cunningham

OPPOSED: None

MEMORIALIZED this 13th day of August, 2024.

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

VOTE ON ROLL CALL:

IN FAVOR: Mr. Cashmore, Mr. DeSio, and 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. 2024-07 approved by the Unified Planning/Zoning Board at its regular meeting on July 9, 2024 and memorialized on August 13, 2024.

Candace B. Mitchell

Candace B. Mitchell, Secretary

Borough of Sea Bright Unified Planning/Zoning Board

Memorialization of Resolution

RESOLUTION OF DISMISSAL WITHOUT PREJUDICE APPLICATION OF FRANK CAMUSO, LP & VINCE SCIORTINO

IN THE MATTER OF
FRANK CAMUSO, LP &
VINCE SCIORTINO

: UNIFIED PLANNING/ZONING BOARD
: BOROUGH OF SEA BRIGHT
: APPLICATION NO. 2024-04
: BLOCK 30, LOT 63
: 14 SOUTH WAY

WHEREAS, FRANK CAMUSO, LP and VINCE SCIORTINO have requested variance relief approval pursuant to N.J.S.A. 40:55D-70(c) and (d) for construction of a second-floor addition to the existing single-story accessory dwelling on the property located at Block 30, Lot 63 on the tax map of the Borough of Sea Bright, being commonly known as 14 South Way, Sea Bright, New Jersey, and said premises being in the R-2 Zone; and

WHEREAS, the application was originally scheduled for a hearing on March 26, 2024; and

WHEREAS, prior to the hearing, applicants were notified by the Zoning Officer and Board Secretary that an updated survey, elevation certificate and the projected construction cost of the project needed to be submitted prior to the hearing date; and

WHEREAS, applicants have failed to submit required documents despite being carried three times (April 9, 2024; May 28, 2024; and July 9, 2024); and

WHEREAS, applicant was scheduled for a hearing at the July 9, 2024 Board meeting (4th attempt); and

WHEREAS, applicant still had not submitted the required documents despite repeated requests from the Board Secretary; and

WHEREAS, applicant's escrow account balance is deficient and has not been replenished despite repeated requests from the Board Secretary starting on May 1, 2024; and

WHEREAS, as a result of the applicant's failure to submit required documents, replenish the escrow account and communicate with the Board, hereby determines that the application should be dismissed without prejudice; and

NOW, THEREFORE BE IT RESOLVED, by the Unified Planning/Zoning Board of the Borough of Sea Bright, County of Monmouth and State of New Jersey, upon motion by Mr. DeSio and seconded by Mr. Schwartz on the 9th day of July, 2024, as follows:

1. Application No. 2024-04 is hereby dismissed without prejudice.
2. A copy of this Resolution shall be mailed to the applicant and the applicant's attorney, and notice of its adoption shall be published in the official newspaper of the municipality.

ADOPTED this 9th day of July, 2024.

IN FAVOR: unanimous voice vote of eligible board members to dismiss the application without prejudice

OPPOSED: None

MEMORIALIZED this 13th day of August, 2024.

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

IN FAVOR: unanimous voice vote of eligible board members to dismiss the application without prejudice

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. 2024-04 approved by the Unified Planning/Zoning Board at its regular meeting on July 9, 2024 and memorialized on August 13, 2024.

Candace B. Mitchell

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

PUBLIC COMMENTS

There were no comments nor questions from the public.

OTHER BUSINESS

With no further business before the Board and no Public Comments, the next meeting date, September 10, 2024, was announced.

ADJOURNMENT

The meeting was adjourned at 7:37 p.m. on a motion offered by Councilman Leckstein, a second offered by Mr. DeSio, and a unanimous voice vote of the board members.

Respectfully submitted,

Candace B. Mitchell

Candace B. Mitchell
Board Secretary