

BOROUGH OF SEA BRIGHT PLANNING/ZONING BOARD APPLICATION

**1099 Ocean Avenue Sea Bright, New Jersey 07760
732-842-0099 ext. 123**

The application with supporting documentation must be filed with the office of the Planning Board Secretary and must be delivered for review **at least ten (10) days** prior to the meeting at which the application is to be considered.

NOTE: All plans must be folded. Any rolled plans will not be accepted.

To be completed by Municipal staff only.

Date Filed _____ Application No. _____

Application Fees _____ Escrow Deposit _____

Reviewed for Completeness _____ Hearing _____

1. SUBJECT PROPERTY

Location: 1124 Ocean Avenue and 1132 Ocean Avenue

Block 12 Lots 2 and 1

Dimensions: Frontage See below Depth See below Total Area _____

Zoning District: B-1

Frontage: Lot 1 - approx. 32' (Ocean Avenue)/approx. 63' (Surf Street); Lot 2 - 75'/25'
Depth: Lot 1 - 65.33' Lot 2 - 91.86'

2. APPLICANT

Name: BD Real Estate Adventures, LLC

Address: 23 Schoolhouse Lane, Morristown, NJ 07960

Telephone Number: 973-722-1800

Applicant is a: Corporation ☐ Partnership ☐ Individual ☐ Limited Liability Company ☒

3. DISCLOSURE STATEMENT: Pursuant to J.J.S. 40:55D-48-1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership, applicant must be disclosed. In accordance with N.J.S. 40:55D4-8.2 that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed. (Attach pages as necessary to fully comply.)
Eric H. Daley, 23 Schoolhouse Lane, Morristown, NJ 07960 - 50%
Keith Brothers, 13 Trinity Place, Warren, NJ 07059 - 50%

4. If owner is other than the applicant, provide the following information on the

Owner(s). Owner of 1132 Ocean Avenue, Block 12, Lot 1, Sea Bright, New Jersey

Owner's Name: Lawrence A. Cole and Laura Jean Cole

Address 4 Gull Point Road, Monmouth Beach, NJ 07750

Telephone Number 732-233-5320

5. Property Information:

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:

(Attach copies)

No N/A Proposed _____

Note: All deed restrictions, easements, association by-laws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

Present the use of the premises: Commercial/Restaurant (vacant)

6. Applicant's Attorney: Rick Brodsky, Esq.

Address: Ansell Grimm & Aaron, PC, 1500 Lawrence Avenue, CN 7807, Ocean, NJ 07712

Telephone Number 732-922-1000 Email: rbrodsky@ansell.law

7. Applicant's Engineer: _____

Address: _____

Telephone Number _____ Email: _____

8. Applicant's Planning Consultant: _____

Address: _____

Telephone Number _____ Email: _____

9. Applicant's Traffic Engineer: _____

Address: _____

Telephone Number _____ Email: _____

10. List any other Expert(s) who will submit a report or who will testify for the Applicant: (Attach additional sheets as may be necessary).

Name: Anthony M. Condouris, Architect

Field of Expertise: Architecture

Address 20 Bingham Avenue, Rumson, NJ 07760

Telephone Number 732-922-1000 Email rbrodsky@ansell.law

11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

X **PLOT PLAN or VARIANCE PLAN APPROVAL**

 SUBDIVISION

 Minor Subdivision Approval

 Subdivision Approval (Preliminary)

 Subdivision Approval (Final)

Number of lots to be created (including remainder lot)

Number of proposed dwelling units (if Applicable)

SITE PLAN:

<input type="checkbox"/>	Minor Site Plan Approval
<input checked="" type="checkbox"/>	Preliminary Site Plan Approval
<input checked="" type="checkbox"/>	Final Site Plan Approval
<input type="checkbox"/>	Amendment or Revision to an Approval Site
<input type="checkbox"/>	Plan Area to be disturbed (square feet)
<input type="checkbox"/>	Total number of proposed dwelling units
<input type="checkbox"/>	Request for Waiver from Site Plan Review and Approval
<input checked="" type="checkbox"/>	Request for Variance Approval

Reason for request:

The benefits of granting the relief sought substantially outweigh any detriment, especially where, as here, the proposed restaurant use is permitted in the zone, and replaces the same uses previously existing on the 2 sites, except that now it will be a single restaurant rather than two separate restaurants.

<input type="checkbox"/>	Informal Review
<input type="checkbox"/>	Appeal decision of an Administrative Officer (N.J.S.A 40:55D-70A)
<input type="checkbox"/>	Map or Ordinance Interpretation of Special Question (N.J.S.A.40:55D-70b)
<input checked="" type="checkbox"/>	Variance Relief (hardship) (N.J.S. A. 40:55D-70c (1))
<input checked="" type="checkbox"/>	Variance Relief (substantial benefit) (N.J.SA.40:55D-70c (2))
<input type="checkbox"/>	Variance Relief (use) (N.J.S 40:55D-70d)
<input type="checkbox"/>	Conditional Use Approval (N.J.S 40:55D-67)
<input type="checkbox"/>	Direct issuance of a permit for a structure in bed of a mapped street, public drainage way, or flood control basin. (N.J.S 40:55D-334)
<input type="checkbox"/>	Direct issuance of a permit for a lot lacking street frontage (N.J.S 40:55D-35)

12. Section(s) of Ordinance from which a variance is

requested 130-3.B(1): Site Plan approval required for commercial site development/construction (b)(c);

130-39C, 130 Attachment 1: Maximum Building Coverage of 50% permitted, where 100% is existing and proposed for Lot 1; and where 55.3% is existing and 57.2% is proposed for Lot 2; 130-32: Off-street Parking: Lot 1: 30 spaces required, 0 spaces existing and proposed

13. Waivers requested of development standards and/or

submission requirements:(attach additional pages as needed)

Lot 2: 114 spaces required, 0 spaces existing and proposed

14. Attach a copy of the Notice to Appear in the official newspaper of the municipality and to be mailed to the owners of all real property, as shown on the current tax duplicate, located within the State and within 200 feet in all directions of the property which is the subject of this application. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable. See attached

The publication and the service on the affected owners must be accomplished **at least 10 days prior** to the date scheduled by the Administrative Officer for the hearing. An Affidavit of Service on all property owners and Proof of Publication must be filed before the application will be complete and the hearing can proceed.

15. Explain in detail the exact nature of the application and the changes to be made at the premises including the proposed use of the premises: (attach pages as needed) : Combining the 2 existing structures located on Lots 1 and 2, respectively, both last utilized as separate restaurants, into a single restaurant, which is a permitted use in the B-1 Zone.

16. Is a public water line available? Yes

17. Is public sanitary sewer available? Yes

18. Does the application propose a well and septic system? No

19. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate lot and block number? N/A

20. Are any off-tract improvements required or proposed? N/A

21. Is the subdivision to be filed by Deed or Plat? N/A

22. What form of security does the applicant propose to provide as performance and maintenance guarantees? N/A

23. Other approvals, which may be required, and date plans submitted:

**MARK THE FOLLOWING WITH A YES OR NO
AND DATES OF THE PLANS SUBMITTED**

NE Regional Sewer Auth _____
Monmouth County Board Of Health _____
Monmouth County Planning Board _____
Freehold Soil Conservation District. _____
NJ DEP _____
Sewer Extension Permit _____
Sanitary Sewer Connection Permit _____
Stream Encroachment Permit _____
Waterfront Development Permit _____
Wetlands Permit _____
Tidal Wetlands Permit _____
Potable Water Constr. Permit _____
NJ Department of Transportation _____
Public Service Electric & Gas _____
Other _____

24. Certification from the Tax Collector that all taxes due on the subject property have been paid. Requested

25. Certification from Sewer Collector that sewer utility charges due on the subject property have been paid. Requested

Note: It is the responsibility of the Applicant to mail or deliver copies of the Application form and all supporting documents to the Board Secretary, Borough Engineer and Board Attorney for their review at least ten (10) days prior to the meeting at which the application is to be considered, otherwise the application will be deemed incomplete. A list of those required to receive documents is attached to the application form.

26. The Applicant hereby requests that copies of the reports of the Borough Engineer and Board Attorney reviewing the application be provided to the following of the applicant's professionals.

Applicant's Professional Report Requested:

Attorney Rick Brodsky, Esq.

Address: Ansell Grimm & Aaron, PC

1500 Lawrence Avenue, CN 7807, Ocean, NJ 07712

Phone Number: 732-922-1000

Email: rbrodsky@ansell.law

Architect: ~~Engineer~~ Anthony M. Condouris

Address: 20 Bingham Avenue

Rumson, NJ 07760

Phone Number: 732-842-3800

Email: tony@amcarchitect.com

CERTIFICATION

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate Application and that I am authorized to sign. (If the applicant is a corporation, this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner).

Sworn to and subscribed before me this 22nd day of January 2024.

A Notary Public of NJ Owner

My Commission Expires: _____

ALISON H. NEARY
NOTARY PUBLIC OF NEW JERSEY
COMMISSION EXPIRES SEPT. 13, 2025

I understand that the sum of \$ _____ has been deposited in an escrow account (Builder's Trust Account). In accordance with the Ordinances of the Borough of SeaBright, I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials.

Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required amount and shall add that sum to the escrow account within fifteen (15) days.

ANSELL GRIMM & AARON, PC, Attorneys for Applicant

Date: 1/22/24

Applicant: By: _____

RICK BRODSKY, ESQ.

PLOT PLAN OR VARIANCE PLAN
BOROUGH OF SEA BRIGHT PLANNING/ZONING BOARD

Application No. _____ Date 1/22/2024
Application Name BD Real Estate Adventures, LLO
Application Address 22 Schoolhouse Lane, Morristown, NJ 07960
Property Address 1124 and 1132 Ocean Avenue Block 12 Lot s 2 and 1

CHECKLIST

Prior to issuance of a Certificate of Completeness and assignment of a hearing date, the Administrative Officer shall determine that the following documents have been submitted:

To be completed by Applicant (C=complete, N=Not complete, NA=not-applicable)

- C 1. 17 copies of Zoning Permit Denial
C 2. 17 copies of completed application and check list, signed, dated, and notarized, **plus one** marked **"FOR PUBLIC INSPECTION"**
C 3. 17 sets of plot plan or variance plan signed, dated, and notarized, also **Show Base Flood Elevation, plus one** marked **"FOR PUBLIC INSPECTION"**
C 4. 17 copies of Survey (unless Variance Plan states that it is based upon the survey). Must indicate mean high waterline, if pertinent to application
To be provided 5 5. 17 (sets of) Photographs of property/dwelling as it currently exists
C 6. Description of proposed operation (No. 15 in first part of application)
C 7. Request for any variances (under No.11 in first part of application)
C 8. Certificate of owner authorizing submission (after No. 26 in first part of application)
N 9. Required application fees/check made payable to Borough of Sea Bright
N 10. Required escrow fees/check made payable to Borough of Sea Bright
C 11. Completed W-9 Form
Requested 12 12. Certification that taxes and sewer utility charges are paid to date
C 13. Completed Notice of Hearing
Requested 14 14. Certified list of property owners within 200 feet

The following requirements must also be met before an application may be heard:

- 15 15. Affidavit of Mailing and Service for Public Notice (Provide 7 days prior to hearing.)
16 16. Affidavit of Publication for Public Notice (Provide 7 days prior to hearing.)

If Applicable:

- 17 17. Proof of Application to Monmouth County
18 18. Proof of application to NJDOT
19 19. Application for CAFRA
20 20. Application for Floodplain Encroachment Permit
21 21. Application for Stream Encroachment Permit

After the application is deemed complete the Board Secretary will provide you with a hearing date so that you may notice property owners.

Certified mail receipts are to be provided **at least 7 days prior to hearing date.**

I certify the above information is accurate and complete.

DATED: 1/22/2024 NAME: ANSELL GRIMM & AARON, PC, Attorneys for Applicant
LICENSE NO. _____ by RICK BRODSKY, ESQ.
SEAL: _____ SIGNATURE _____

SITE PLAN - PRELIMINARY

BOROUGH OF SEA BRIGHT PLANNING/ZONING BOARD

Application No. _____ Date 1/22/2024
Application Name BD Real Estate Adventures, LLC
Application Address 23 Schoolhouse Lane, Morristown, NJ 07960
Property Address 1124 and 1132 Ocean Avenue
Block 12 Lots 2 and 1

CHECKLIST

Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following documents have been submitted:

To be completed by applicant (C=complete, N=Not complete, NA=not-applicable)

- | | |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>C</u> | 1. 17 copies of completed application and check list, signed, dated and notarized plus one marked "FOR PUBLIC INSPECTION" |
| <u>C</u> | 2. 17 sets of site plan signed, dated and notarized, with must have raised seal, also Show Base Flood Elevation plus one marked "FOR PUBLIC INSPECTION" |
| <u>C</u> | 3. Survey. Must indicate mean high waterline, if pertinent to application |
| <u>Requested</u> | 4. Checks payable to the Borough of Sea Bright (W-9 Escrow Account) |
| <u>Requested</u> | 5. Certified list of property owners within 200 feet |
| <u>Requested</u> | 6. Completed Notice of Hearing |
| <u>Requested</u> | 7. Affidavit of Mailing or service |
| <u>To be provided</u> | 8. Certification that taxes and sewer utility charges are paid to date |
| <u>To be provided</u> | 9. Photograph of property/dwelling as it currently exists |
| <u>To be provided</u> | 10. Application for Municipal and/or State Wetlands Permit |
| <u>To be provided</u> | 11. Description of off-tract improvements and cost estimates |
| <u>To be provided</u> | 12. Letter from utility companies |
| <u>To be provided</u> | 13. Environmental Impact Statement |
| <u>C</u> | 14. Certificate of owner authorizing submission |
| <u>C</u> | 15. Proof of Application to Monmouth County |
| <u>C</u> | 16. Proof of application to NJDOT |
| <u>C</u> | 17. Description of proposed operation |
| <u>C</u> | 18. Required escrow fees |
| <u>C</u> | 19. Request for any variances |
| <u>C</u> | 20. Application for CAFRA |
| <u>C</u> | 21. Application for Floodplain Encroachment Permit |
| <u>C</u> | 22. Application for Stream Encroachment Permit |

After the application is deemed complete then the Board Secretary will provide you with a hearing date so you may notice property owners. Certified mail receipts are to be provided **at least 7 days prior** to hearing date.

I certify the above information is accurate and complete.

DATED: 1/22/24 NAME: ANSELL GRIMM & AARON, PC, Attorneys for Applicant
LICENSE NO. _____ by RICK BRODSKY ESQ.
SEAL: _____ SIGNATURE [Signature]

SITE PLAN - FINAL

Application No. _____ Date 1/20/2024
Application Name BD Real Estate Adventures, LLC
Application Address 23 Schoolhouse Lane, Morristown, NJ 07960
Property Address 1124 and 1132 Ocean Avenue
Block 12 Lots 2 and 1

CHECKLIST

Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following documents have been submitted:

To be completed by Applicant (C: complete; N: not complete; NA: non-applicable)

- C 1. 17 copies of the application and plat **plus one** marked "FOR PUBLIC INSPECTION"
- _____ 2. All Federal, State and County approvals or proof of application
- _____ 3. Proof of provision of utility services
- _____ 4. Required application fees (W-9 required for Escrow)
- _____ 5. Description of Off-Tract Improvements and cost estimate
- C 6. Consent of owner to application
- _____ 7. Statement that final Site Plan follows exactly the Preliminary Site Plan in regard to all details or Statement setting forth all material changes

I certify the above information is accurate and complete.

DATED: 1/22/24
NAME: ANSELL GRIMM & AARON, PC, Attorneys for Applicant
by RICK BRODSKY, ESQ.
SIGNATURE _____
LICENSE NO. _____
SEAL:

**BOROUGH OF SEA BRIGHT
MONMOUTH COUNTY, NEW JERSEY**

NOTICE OF HEARING

**TO ALL OWNERS OF PROPERTY LOCATED WITHIN A RADIUS OF TWO HUNDRED FEET
FROM BLOCK 12, LOTS 1 AND 2**

PLEASE TAKE NOTICE that BD Real Estate Adventures, LLC has applied to the Planning/Zoning Board of the Borough of Sea Bright to consider an application for preliminary and final site plan approval, with variances, to permit the combination of the existing restaurant on Lot 2 with the adjacent restaurant building on Lot 1 to form one restaurant, with respect to premises located in the B-1 Zone and known as Block 12, Lots 1 & 2 on the Tax Map of the Borough of Sea Bright, and commonly known as 1132 and 1124 Ocean Avenue, respectively, Sea Bright, New Jersey. Applicant is seeking the following variances:

(i) Maximum Building Coverage of 50% permitted, where 55.3% is existing and 57.2% is proposed as to Lot 2, and 100% is existing and proposed as to Lot 1; and

(ii) No off-street parking existing or proposed, where 30 spaces are required as to Lot 1, and 114 spaces are required as to Lot 2.

In addition, the Applicant will request such other variances, exceptions, interpretations and design waivers as may be determined to be necessary by the Planning/Zoning Board, and/or its professionals, in order to develop this property as stated above and will amend its application on the record accordingly.

A regular meeting will be held by the Planning/Zoning Board of the Borough of Sea Bright on Tuesday, _____, 2024 at 7:30 p.m. at the Sea Bright Beach Pavilion, 1097 Ocean Avenue, Sea Bright, New Jersey, at which time you may appear in person or by agent or attorney and present any objection which you may have to granting this application.

A copy of the maps and application documents have been filed in the office of the Board Secretary and are available for public inspection at the Borough Hall, 1099 Ocean Avenue, Sea Bright, New Jersey during normal business hours and are available on the Borough website at www.seabrightnj.org.

This Notice is sent to you by the Applicant, by order of the Planning/Zoning Board of the Borough of Sea Bright.

ANSELL GRIMM & AARON, PC
Attorneys for Applicant

By: _____

RICK BRODSKY, ESQ.

Dated: _____