

LEON S. AVAKIAN, INC. *Consulting Engineers*

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March 11, 2024

Ms. Candace Mitchell
Planning Board Secretary
Borough of Sea Bright
Unified Planning Board
1199 Ocean Avenue
Sea Bright, NJ 07760

**Re: Rooney
 East Ocean Ave
 Block 23, Lot 128
 Variance Relief
 Planning Review
 Our File: SBPB 24-05**

Dear Board Members:

Our office received and reviewed materials that were submitted in support of an application for variance approval for the above referenced project. The following documents were reviewed:

- Borough of Sea Bright Planning/ Zoning Board Application dated February 2, 2024.
- Borough of Sea Bright Zoning Permit Denial dated December 20, 2023.
- Cover Letter from Anthony M. Condouris, dated February 8, 2024.
- Premier Deck Builders Deck Plans, consisting of one (1) sheet, prepared by Anthony M. Condouris Architect, Inc., dated January 29, 2024.
- Location and Topographic Survey, consisting of one (1) sheet, prepared by James B. Goddard, PLS, of Land Control Services, LLC, dated November 13, 2023.
- Easement Agreement, prepared by Kevin E. Kennedy, Esq., dated December 11, 2020.

1. Site Analysis and Project Description

The subject property consists of Block 23, Lot 128, a 9,000 sq. ft. parcel located east of Ocean Ave in the C-P Coastal Protection Zone District. The property is currently developed with two (2)

gravel parking areas and one (1) deck and stairs to cross the seawall. The properties to the west of the subject property, across Ocean Avenue, Lots 2.02 and 2.03 in Block 33, were created through a subdivision in 2019. As a condition of sale of the subdivided lot, Lot 2.02 was granted an easement to the subject property to conditionally utilize and access a 50 ft. portion of Block 23, Lot 128 (the sea wall Lot) directly across the street from Block 33, Lot 2.02, permitting the grantee to construct a deck and associated staircase over a portion of the seawall.

The applicant received a zoning permit denial and as such is seeking variance approval to construct a staircase and deck over a portion of the seawall.

2. Consistency with the Zone Plan

The property is located in the CP Coastal Protection Zone District. The CP Coastal Protection Zone is a special zone covering a very narrow strip of land between Ocean Avenue and the Atlantic Ocean, subject to regulations including: Owners of property within this zone may park automobiles, noncommercial automobiles and noncommercial trucks no greater than one ton in weight, without charge, provided that cars are only parked on gravel. Additionally, steps and platforms for access to the beach over the existing rocks may be erected, and the same shall have three-foot railings on both sides of the stairways and around the east/west perimeter of the platforms. **The proposed steps and platform are a permitted use in the Zone District.**

3. Platforms and other structures on seawall

As per §130-38C.(8)(b), the following requirements pertain to platforms and other structures on seawalls in the CP Zone District:

- A. All construction of stairs and platforms on top of the seawall shall be as per Borough of Sea Bright specifications for platforms and stairs over the sea wall. Free public access along the sea wall and across the platform must be permitted.
- B. No structure shall be permitted with any roof of any kind on said platforms.
- C. Any such platform which shall be placed on said rock piles shall be at the risk of the person so placing the same thereon and using same. Any such platform must be constructed and maintained so as not to create an obstruction or hazard.
- D. All posting of signs on any portion of the sea wall on the oceanfront in the Borough of Sea Bright, New Jersey is hereby prohibited, except that signs may be erected by the Borough. All "no trespassing" signs posted on steps leading to a platform must clearly indicate that no trespassing is limited to the private steps only and not to the sea wall itself.

The applicant should provide testimony as to compliance with all ordinance requirements.

5. **Additional Comments**

- A. The Applicant should provide testimony on all required variances and clarify all points where additional information is needed.
- B. The applicant should ensure compliance with all terms and conditions of the easement agreement.

Please be advised that additional comments may follow upon completion of testimony and/or submission of further revisions by the Applicant. Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.

A handwritten signature in black ink, appearing to read 'J. Beahm', with a large, stylized loop at the end.

Jennifer C. Beahm, P.P.
Board Planner

JCB:clb
cc: David J. Hoder, P.E., Board Engineer
Anthony M. Condouris, Applicant's Architect