

# GIORDANO, HALLERAN & CIESLA, P.C.

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RED BANK, NJ 07701  
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March 13, 2024

Client/Matter No. 20737-0016

## **VIA HAND DELIVERY**

Candace B. Mitchell, Secretary  
Borough of Sea Bright Unified Planning Board  
1099 Ocean Avenue  
Sea Bright, NJ 07760

**RE: Denholtz Acquisitions  
Amended Preliminary Major Subdivision and Preliminary and Final Site  
Plan Approval  
Block 13, Lots 13-18, 20-22; Block 14, Lots 12 & 14, Block 15, Lots 5-12**

Dear Ms. Mitchell:

We represent the applicant, Denholtz Acquisitions ("Applicant") in connection with an application to the Borough of Sea Bright ("Borough") Unified Planning Board ("Board") seeking Amende Preliminary Major Subdivision and Preliminary and Final Site Plan approval ("Application").

The site is located at 16 Church Street; 21 Church Street; 29 New Street; 31 New Street; 50 Church Street and 4 Front Street, Sea Bright, New Jersey and designated as Block 13, Lots 13-18; 20-22; Block 14, Lots 12 & 14 and Block 15, Lots 5-12 on the Borough's Tax Map ("Property"). The Property is located in the Downtown Residence and Oceanfront Business ("R-3 and 'B-R Zones'").

Applicant proposes to amend the previous approval memorialized by Resolution on February 28, 2023 to allow for 4 bedroom units. In support of this Application please find the following enclosures:

1. One (1) original and fourteen (14) copies of the Borough of Sea Bright Planning/Zoning Board Application;
2. Fifteen (15) copies of the Site Plan Preliminary Checklist;

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3. Fifteen (15) copies of the Site Plan Final Checklist;
4. Fifteen (15) copies of the architectural plans entitled "Denholtz Properties Townhome Development – Model A" prepared by Daniel Condatore, RA, dated March 12, 2024 consisting of six (6) six sheets;
5. Fifteen (15) copies of the architectural plans entitled "Denholtz Properties Townhome Development – Model B" prepared by Daniel Condatore, RA, dated December 13, 2023 consisting of two (2) two sheets;
6. Fifteen (15) copies of the architectural plans entitled "Denholtz Properties Townhome Development – Model C (Group 1)" prepared by Daniel Condatore, RA, dated December 13, 2023 consisting of three (3) three sheets;
7. Original W-9;
8. Copy of the Resolution dated February 28, 2023;
9. Copy of the 200' certified property owner list request dated March 12, 2024;
10. Copy of the letter to the Sea Bright Tax Collector requesting the tax certification.

This will confirm you will calculate the necessary application and escrow fees. Once they are determined we will get you those checks.

This will further confirm that a copy of our application and one (1) set of the above referenced plans have been hand delivered to the Board Attorney, Board Engineer and Board Planner.

It is our understanding that this application will be on the March 26, 2024 agenda, please confirm.

If you require any additional information, please contact me or Denise Wegryniak. Kindly advise as to the earliest date that this matter can be scheduled for a public hearing.

Please acknowledge receipt of the within Application by signing a copy of this letter enclosed, as indicated, and returning a copy to my attention in the self-addressed stamped envelope provided.

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Thank you for your time and attention to this matter.

Very truly yours,



JOHN A. GIUNCO

JAG/dw

Encls.

cc: Steven Denholtz  
Steven Lidster  
Daniel Condatore, RA  
Denise M. Wegryniak  
Evan P. Zimmerman, Esq.  
Ben Montenegro, Esq. (Board Attorney)  
Hoder Associates (Board Engineer)  
Jennifer C. Beam (Board Planner)  
Jake Russo, Esq.

**I hereby acknowledge receipt of the within documents this \_\_\_\_ day of \_\_\_\_\_, 2024**

\_\_\_\_\_  
**Name:** \_\_\_\_\_

**BOROUGH OF SEA BRIGHT UNIFIED PLANNING/ZONING BOARD APPLICATION**

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

**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 \_\_\_\_\_

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**1. SUBJECT PROPERTY**

Location: Church Street, River Street, South Street, Poppinger Street, New Street and Front Street  
Block 13, 14 & 15 Lot 13-18, 20-22; 12 & 14 and 5-12  
Dimensions: Frontage \_\_\_\_\_ Depth \_\_\_\_\_ Total Area \_\_\_\_\_  
Zoning District: R-3 and BR

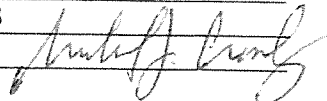
**2. APPLICANT**

Name: Denholtz Acquisitions  
Address: 116 Chestnut Street, Suite 102, Red Bank, NJ 07701  
Telephone Number: 732-386-3000  
Applicant is a: Corporation ☐ Partnership ☐ Individual ☐

**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.)

**4.** If owner is other than the applicant, provide the following information on the Owner(s).

Owner's Name: Jesse Howland & Sons, Inc.; CJM Associates of Sea Bright, LLC  
Address P.O. Box 419, Kingston, NJ 08528  
Telephone Number \_\_\_\_\_



5. Property Information:

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

(Attach copies)

No \_\_\_\_\_ 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:

6. Applicant's Attorney: John A. Giunco, Esquire - Giordano Halleran & Ciesla

Address: 125 Half Mile Road, Suite 300, Red Bank, NJ 07701

Telephone Number 732-741-3900 Email: jgiunco@ghclaw.com

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: Daniel M. Condatore, R.A.; MODE

Field of Expertise: Architect

Address 621 Lake Avenue, 3A, Asbury Park, NJ 07712

Telephone Number 732-800-1958 Email dcondatore@mode-arch.com

11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

\_\_\_\_\_ 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:**

\_\_\_\_\_ Minor Site Plan Approval  
\_\_\_\_\_ Preliminary Site Plan Approval  
\_\_\_\_\_ Final Site Plan Approval  
\_\_\_\_\_ x Amendment or Revision to an Approval Site  
\_\_\_\_\_ Plan Area to be disturbed (square feet)  
\_\_\_\_\_ Total number of proposed dwelling units  
\_\_\_\_\_ Request for Waiver from Site Plan Review and Approval  
\_\_\_\_\_ Request for Variance Approval

Reason for request:

Applicant proposes to amend the previous approval memorialized by Resolution  
on February 28, 2023 to allow for 4 bedroom units.

\_\_\_\_\_ Informal Review  
\_\_\_\_\_ Appeal decision of an Administrative Officer  
(N.J.S.A 40:55D-70A)  
\_\_\_\_\_ Map or Ordinance Interpretation of Special Question  
(N.J.S.A.40:55D-70b)  
\_\_\_\_\_ Variance Relief (hardship)  
(N.J.S. A. 40:55D-70c (1))  
\_\_\_\_\_ Variance Relief (substantial benefit)  
(N.J.SA.40:55D-70c (2))  
\_\_\_\_\_ Variance Relief (use)  
(N.J.S 40:55D-70d)  
\_\_\_\_\_ Conditional Use Approval  
(N.J.S 40:55D-67)  
\_\_\_\_\_ 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)  
\_\_\_\_\_ 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 \_\_\_\_\_

13. Waivers requested of development standards and/or submission requirements:(attach additional pages as needed)

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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. To be provided prior to the hearing

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)

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? no

20. Are any off-tract improvements required or proposed? no

21. Is the subdivision to be filed by Deed or Plat? To be filed under original approval

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

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 \_\_\_\_\_ No  
Monmouth County Board Of Health \_\_\_\_\_  
Monmouth County Planning Board \_\_\_\_\_  
Freehold Soil Conservation District. \_\_\_\_\_ No  
NJ DEP \_\_\_\_\_ No  
Sewer Extension Permit \_\_\_\_\_ No  
Sanitary Sewer Connection Permit \_\_\_\_\_ No  
Stream Encroachment Permit \_\_\_\_\_ No  
Waterfront Development Permit \_\_\_\_\_ No  
Wetlands Permit \_\_\_\_\_ No  
Tidal Wetlands Permit \_\_\_\_\_ No  
Potable Water Constr. Permit \_\_\_\_\_ No  
NJ Department of Transportation \_\_\_\_\_ No  
Public Service Electric & Gas \_\_\_\_\_ No  
Other \_\_\_\_\_

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

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

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

**Applicant's Professional Report Requested:**

**Attorney** \_\_\_\_\_ John A. Giunco, Esquire - Giordano Halleran & Ciesla  
Address: \_\_\_\_\_ 125 Half Mile Road, Suite 300  
\_\_\_\_\_ Red Bank, NJ 07701  
Phone Number: \_\_\_\_\_ 732-741-3900 \_\_\_\_\_ Email: \_\_\_\_\_ jgiunco@ghclaw.com

**Engineer:** \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_




### 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 13<sup>th</sup> day of March, 2024.

A Notary Public of NJ Owner

My Commission Expires: August 20, 2024

  
DENISE M. WEGRYNIAK  
A Notary Public of New Jersey  
My Commission Expires August 20, 2024

I understand that the sum of \$ 465 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.

Date: 3/13/24 Applicant:   
Denholtz Acquisitions

## SITE PLAN - PRELIMINARY

### BOROUGH OF SEA BRIGHT PLANNING/ZONING BOARD

Application No. \_\_\_\_\_ Date \_\_\_\_\_

Application Name Denholtz Acquisitions

Application Address 116 Chestnut Street, Suite 102, Red Bank, NJ 07701

Property Address 16 Church St.; 21 Church St.; 29 New St.; 31 New St.; 50 Church St.; 4 Front St.

Block 13; 14; 15 Lot 13-18, 20-22; 12 & 14; 5-12

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

LICENSE NO. \_\_\_\_\_ SIGNATURE 

SEAL: \_\_\_\_\_



**SITE PLAN - FINAL** n/a - applicant is merely revising floor plan

Application No. \_\_\_\_\_ Date \_\_\_\_\_  
Application Name \_\_\_\_\_  
Application Address \_\_\_\_\_  
Property Address \_\_\_\_\_  
Block \_\_\_\_\_ Lot \_\_\_\_\_

**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)

- \_\_\_\_\_ 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
- \_\_\_\_\_ 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: \_\_\_\_\_  
NAME: \_\_\_\_\_  
SIGNATURE \_\_\_\_\_  
LICENSE NO. \_\_\_\_\_  
SEAL:

## **RESOLUTION**

**SEA BRIGHT PLANNING BOARD  
DENHOLTZ ACQUISITIONS  
CHURCH STREET, RIVER STREET, SOUTH STREET  
POPPINGER PLACE, NEW STREET & FRONT STREET  
SEA BRIGHT, NJ  
BLOCK 13, LOTS 13-18, 20-22; BLOCK 14, LOTS 12 & 14;  
& BLOCK 15, LOTS 5-12**

**PRELIMINARY MAJOR SUBDIVISION  
PRELIMINARY AND FINAL SITE PLAN**

**FILE NO.: SBPB 22-08**

### **INTRODUCTION**

**WHEREAS**, Denholtz Acquisitions has made Application to the Sea Bright Planning Board for the property designated as Block 13, Lots 13-18, 20-22; Block 14, Lots 12 & 14; Block 15, Lots 5-12 being a 2.66 acre tract located west of Ocean Avenue along portions of Church Street, River Street, South Street, Poppinger Place, New Street and Front Street in Sea Bright, New Jersey, within the Borough's Sea Bright River Properties Redevelopment Plan (the "Plan"), for the following approval: Preliminary Major Subdivision and Preliminary and Final Site Plan approval which allow:

- Demolition of existing improvements;
- Construction of four new single-family homes, a condominium building containing fifteen condominium units and twenty-five multi-family townhouses; and
- Bulkhead, boardwalk, boat ramp, dog park and other associated amenities and improvements.

### **PUBLIC HEARINGS**

**WHEREAS**, the Board held a Public Hearing on February 14, 2023 at 3<sup>rd</sup> Floor, 1097 Ocean Avenue, Sea Bright, New Jersey, Applicants having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

### EVIDENCE / EXHIBITS

WHEREAS, at the said Hearing, the Board reviewed, considered, and analyzed the following:

#### Application Submissions:

- *PB -1 Cover letter and application package from John A. Guinco, Esq, Dated September 9, 2022;*
- *PB -2 Plans entitled "Preliminary Major Subdivision & Site Plan, Haven at Sea Bright" prepared by Walter Joseph Hopkin, P.E. of WJH Engineering, dated January 17, 2022, revised July 22, 2022, consisting of fifteen sheets;*
- *PB -3 Architectural plans entitled "Denholtz Properties "New Townhome Development- Condominiums" prepared by Daniel Condatore, RA, dated September 9, 2022 consisting of 9 sheets;*
- *PB -4 Architectural plans entitled "Denholtz Properties, New Townhome Development, Model A" prepared by Daniel Condatore, RA, dated September 9, 2022 consisting of 6 sheets;*
- *PB -5 Architectural plans entitled "Denholtz Properties, New Townhome Development, Model B" prepared by Daniel Condatore, RA, dated September 9, 2022 consisting of 11 sheets;*
- *PB -6 Architectural plans entitled "Denholtz Properties, New Townhome Development, Model C" Group 1 prepared by Daniel Condatore, RA, dated September 9, 2022 consisting of 8 sheets;*
- *PB -7 Architectural plans entitled "Denholtz Properties, New Townhome Development, Model C" Group 2 prepared by Daniel Condatore, RA, dated September 9, 2022 consisting of 10 sheets;*
- *PB -8 Photographs of the site;*
- *PB -9 Narrative of offsite improvements;*
- *PB -10 List of temporary submission waivers;*
- *PB -11 List of outside agency approvals required;*
- *PB -12 Stormwater Management Narrative;*
- *PB -13 Completeness Review Memo #01 by Hoder Associates Dated February 22, 2022;*
- *PB -14 Response letter from Walter Joseph Hopkin, P.E. of WJH Engineering, dated July 28, 2022;*
- *PB -15 Owner's affidavits of Authorization and consent;*
- *PB -16 Tax collector certification dated 9/9/22;*
- *PB -17 Copy of CAFRA application;*
- *PB -18 Schedule A of title commitment;*
- *PB -19 Title 39 letter;*

- *PB -20 Cover letter and application package from John A. Guinco, Esq, Dated February 7, 2022;*
- *PB -21 Zoning Permit application submitted Jan 27, 2022;*
- *PB -22 Borough of Sea Bright Planning/Zoning Board Application;*
- *PB -23 Stormwater Management Narrative including the Drainage Inlet Map;*
- *PB -24 Original W-9;*
- *PB -25 Ownership disclosure statement; (not included);*
- *PB -26 Signed Owner Consents; (not included);*
- *PB -27 Signed Certificate of Title; (not include);*
- *PB -28 Affidavit of Service;*
- *PB -29 Affidavit of Publication;*
- *PB -30 Completeness Review Memo #02 by Hoder Associates Dated September 12, 2022;*
- *PB -31 Technical Review Memo #01 by Hoder Associates Dated September 21, 2022;*
- *PB -32 Planning Review Letter by Leon S. Avakian, Inc. Dated September 22, 2022;*
- *PB -33 Second Planning Review Letter by Leon S. Avakian, Inc. Dated January 20, 2023;*
- *PB -34 Tax Collector Certification dated February 14, 2023.*

Hearing Exhibits:

- *A -1 3d Rendering of the Condominium Building;*
- *A -2 3d Rendering of the Townhome Building;*
- *A -3 Arial map of the Subject Tract with Superimposition of Overall Proposed Development;*
- *A -4 Architectural plans entitled "Denholtz Properties "New Townhome Development- Condominiums" prepared by Daniel Condatore, RA, dated September 9, 2022 consisting of 9 sheets;*
- *A -5 Architectural plans entitled "Denholtz Properties, New Townhome Development, Model A" prepared by Daniel Condatore, RA, dated September 9, 2022 consisting of 6 sheets;*
- *A -6 Easterly Elevation of Proposed Single Family Home;*
- *A -7 Plans entitled "Preliminary Major Subdivision & Site Plan, Haven at Sea Bright" prepared by Walter Joseph Hopkin, P.E. of WJH Engineering, dated January 17, 2022, last revised January 31, 2023.*

**WITNESSES**

WHEREAS, sworn testimony in support of the Application was presented by the following:

- Steven Lidster, Applicant Representative;

- Daniel Condatore, Architect;
- Walter Hopkin, Engineer;
- John Rea, Traffic Consultant;
- John A. Giunco, Esq., appearing;

## **TESTIMONY AND EVIDENCE PRESENTED BY THE APPLICANTS'**

### **REPRESENTATIVES**

WHEREAS, testimony and other evidence presented by the Applicants' and / or their representatives revealed the following:

- Existing conditions include a variety of commercial and residential uses. This proposal significantly reduces impervious coverage compared to what currently exists.
- Improvements were designed to blend into the downtown. Architectural design is moving away from Victorian style and the proposed building design represents a hybrid of styles that are harmonious with the area and conveys a light open feeling about the site, taking advantage of the views with roof decks and fenestration.
- The original submitted plans were modified in order to comply with all setback requirements in the Plan.
- The proposal fully complies with the Plan.
- The Applicants herein propose three different types of residential units:
  - Single family residential which will be four stories tall and include a roof deck. Ground floor is for parking, second level to contain living space (i.e. kitchen, dining and half bathroom), third level to contain two bedrooms and the fourth level to contain a master bedroom. Plans include provision for elevator. Building height is 41.6 feet;
  - Townhomes which will be approximately 2,000 square feet of living space and otherwise laid out similarly to the single family homes;
  - Condominium building which will contain fifteen condominium units, and include a gym, trash chute from each floor, flex space for use as party rooms, business center or other similar ancillary purpose serving the residents there. Each unit and the flex rooms to include a

balcony to take advantage of the view. Fourth level units have stair case that accesses the private roof deck area.

- The to-be-constructed buildings, will sided with material with a cedar shake look which is a prefinished durable product that holds up in tougher sea side environments. Color pallet will be in neutral greys and whites.
- Elevator shafts and stairwells will rise approximately ten feet above the roof line, which is permitted under the height ordinance. There will be no access whatsoever to persons upon the top of these elevator shafts.
- Railings along the roof decks will be light/transparent.
- There will be an approximately 35 foot boat ramp, new bulkhead along the entire associate river frontage and boardwalk. The boat ramp is served by two nearby public parking spaces. The bulkhead and boardwalk elevations are proposed at 9 feet height which exceeds the minimum under the Plan. The proposed height of the bulkhead provides increased flood protection. Applicant will enter into a Developers' Agreement with the Borough to develop a new pumping station for improved stormwater management.
- There will be bike racks and benches located per the plans within the public right of way.
- The Plan requires two parking spaces per residential unit. There are a total of 44 residential units proposed in this application, therefore requiring the provision of at least 88 off street parking spaces. The application proposes 95 off street parking spaces, exceeding the Plan standard. However, RSIS requires 101.5 off street parking spaces for this application which is not met in this application. A de minimis waiver will be required.
- Many of the off street parking spaces proposed are garage spaces. It was noted that people often use their garage for storage, rather than parking, and, if those cars were instead parked on the street, this could result in a hardship for the surrounding community.
- Due to the proposed reconfiguration of Front Street, this application would also create a net gain of between 8-15 on street parking spaces that will be available to the public that do not currently exist.
- Vehicle circulation around the development area will be greatly improved compared to what currently exists due to the re-routing of Front Street closer to the river. The application also proposes adequate vehicular circulation to the residential driveways and other off street parking areas.

#### **PUBLIC COMMENTS**



**WHEREAS**, public questions, objections, comments, and / or statements, in connection with the Application were presented by the following:

- Chris Jerry
- Rob Long
- Gareth Middleton
- Drew Miller
- Christina Doxey
- Mark Teichman

#### **FINDINGS OF FACT**

**NOW, THEREFORE, BE IT RESOLVED**, by the Sea Bright Planning Board, after having considered the aforementioned Application, plans, evidence, and testimony, that the Application is hereby **granted / approved with conditions**.

In support of its decision, the Planning Board makes the following Findings of Fact and Conclusions of Law:

1. The Sea Bright Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is shown on the Tax Map of the Borough of Sea Bright as Block 13, Lots 13-18, 20-22; Block 14, Lots 12 & 14; Block 15, Lots 5-12 being a 2.66 acre tract located west of Ocean Avenue along portions of Church Street, River Street, South Street, Poppinger Place, New Street and Front Street in Sea Bright, New Jersey, within the Borough's Sea Bright River Properties Redevelopment Plan.
3. The subject property contains a variety of commercial and residential uses and significantly more impervious surface than what is being proposed by this application.
4. This application promotes the purpose and intent of the Plan.
5. As such, the Applicants propose the following:

- Demolition of existing improvements;
- Construction of four new single-family homes, a condominium building containing fifteen condominium units and twenty-five multi-family townhouses; and
- Bulkhead, boardwalk, boat ramp, dog park and other associated amenities and improvements.

6. Details pertaining to the proposed buildings and other proposed improvements are set forth elsewhere herein and are also set forth on the submitted plans.

7. Such a proposal requires no variance relief and is fully conforming with the Plan.

8. The Sea Bright Planning Board is statutorily authorized to grant the requested approvals, and therefore, the matter is properly before the Board.

9. With regard to the Application, and the requested relief, the Board notes the following:

- The proposed residential use is a permitted use in accordance with the Plan.
- The proposed accessory uses are permitted in accordance with the Plan.
- The Applicants initially submitted a proposal which would have required some Variance relief. The application has since been revised to eliminate all non-conforming conditions, and is now fully conforming.
- The Board is of the opinion that the aforesaid revisions substantially improved the overall acceptability of the proposal.
- The Board is of the opinion that the application is compatible with the neighborhood and the downtown area.
- The Board appreciates the Applicants' concessions (listed hereinbelow), which resulted in a superior proposal (than what was initially submitted).
- Given the fact that the Applicants will be demolishing existing improvements and starting with vacant land, it is appreciated that Applicants complied with all of the requirements set forth in the Plan.
- The Board reviewed an extensive amount of testimony / information / documentation / pictures of the immediate area. Based upon the same, and

per the testimony and evidence presented, the Board finds that the requirements of the Plan of been satisfied. Additionally the Board finds substantial benefits to the surrounding community as a result of this project including increased number of off street parking spaces for public use, the creation of recreational area along the water front that will be accessible to all members of the public, increased flood protection for the area achieved through the construction of a new bulkhead with an elevation 9.0 top, revitalization of an area identified as being in need of redevelopment and the improved traffic circulation along the affected public streets as a result of re-routing Front Street.

- The Board is of the opinion that, given the Applicant's full compliance with the Plan requirements and the Applicant's willingness to agree to all of the conditions imposed by the Board during the hearing, the Applicant is entitled to approval of this application.
- The Application as initially submitted requested variance approval for a number of variances, including setback variances. However, prior the Hearing, the Applicants' representatives modified the proposal so as to eliminate all variances.
- The Board finds that the elimination of some of the initially requested variances substantially improves the overall merit / acceptability of the Application.
- The use of the land approved herein is, in fact, an appropriate use of the land.
- Subject to the conditions contained herein, the buildings approved herein have been appropriately scaled, and the same will be consistent with the kind of development called for in the Plan.
- Sufficiently detailed testimony / plans were represented to the Board.
- Additionally, the Board finds the application proposes needed architectural/aesthetic benefits to the subject property.
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated with the same.
- Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and, thus, the Application can be granted without causing substantial detriment to the public good.

- h. Applicant shall comply with all of the requirements set forth in Technical Review Memo #01 by Hoder Associates Dated September 21, 2022.
- i. Applicant shall revise plans to include a note designating two parking spaces as rideshare pickup spaces.
- j. Applicant shall revise the plans to reconfigure the condominium building such that it is rendered substantially in conformance with the concept plan that was submitted by the Applicant to the Governing Body as an exhibit to the Redevelopment Agreement between the parties to the satisfaction of the Borough Planner.
- k. Applicant shall submit a landscaping plan in conformity with the Plan to the Board professionals for review and approval.
- l. Applicant shall revise plans to reconfigure the two boat ramp parking spaces so that a 7 foot wide walk way is created along the side of the parking spaces.
- m. Applicant's traffic consultant shall review and come to agreement with the Board engineer concerning the possibility of rendering a portion of new Front Street between New Street and Church Street to a one-way street in a northerly direction during the compliance phase.
- n. Applicant shall include detail on the plans for how the trash storage areas serving the condominium building will be vented, deodorized and directed in such a way to prevent creating offensive odors to the existing residents to the satisfaction of the Board engineer.
- o. Applicant shall revise the plans to modify a portion of the gravel walkway to the boat ramp to pervious pavers.
- p. Applicant shall submit a lighting plan demonstrating compliance with the Plan.
- q. Applicant shall submit a signage plan indicating where all regulatory and advisory signs will be located.
- r. The Applicants shall obtain any and all necessary demolition Permits as the Borough of Sea Bright may require.
- s. The Applicants shall comply with any Prevailing FEMA Regulations.
- t. The Applicants shall comply with all Prevailing Affordable Housing Regulations / direction / contributions, which may be required by the United States of America, the State of New Jersey, the Borough of Sea

Bright, the Court System, C.O.A.H., and any other Agency having jurisdiction over the matter.

- u. The Applicants shall utilize good faith efforts to replace any existing trees at the site that will be removed during demolition.
- v. If applicable, the proposed structure shall comply with applicable Provisions of the Americans with Disabilities Act.
- w. The Applicants shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District.
- x. The Applicants shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.
- y. If required by the Board / Borough Engineer, the Applicants shall submit appropriate performance guarantees in favor of the Borough of Sea Bright.
- z. Unless otherwise agreed by the Planning Board, the within approval shall be deemed abandoned, unless, within 24 months from adoption of the within Resolution, the Applicants obtain a Certificate of Occupancy for the construction / development approved herein.
- aa. The applicant testified that trash from the townhomes and condominium building shall be picked up by private hauler, at no cost to the borough; trash from the remainder of the four single-family units shall be through public trash collection.
- bb. The applicant shall work with the Borough Planner to provide an increased setback of the condominium building from lot 11, block 14, to the satisfaction of the Borough Planner.
- cc. The applicant will provide signage throughout the site, at the boat ramp and on the adjacent public streets to the satisfaction of the Board Engineer.
- dd. The applicant will construct the storm water piping in the area of the future River Street Pump Station to be compatible with the future construction of the Pump Station. If the pump station is not built at the time when the Haven Development is completed, the developer will

construct the future outfall through the bulkhead to a size as required by a hydraulic analysis performed by the applicant.

ee. **The approval granted herein is specifically dependent upon the accuracy and correctness of the testimony and information presented, and the accuracy of the plans submitted and approved by the Board. The Applicants are advised that there can be no deviation from the plans approved herein, except those conditions specifically set forth or otherwise referenced herein. In the event post-approval conditions at the site are different than what was presented to the Board, or different from what was otherwise known, or in the event post-approval conditions are not necessarily structurally sound, the Applicants and their representatives are not permitted to unilaterally deviate or build beyond the scope of the Board Approval.**

**BE IT FURTHER RESOLVED**, that all representations made under oath by the Applicants and / or their agents shall be deemed conditions of the approval granted herein, and any mis-representations or actions by the Applicants' representatives contrary to the representations made before the Board shall be deemed a violation of the within approval.

**BE IT FURTHER RESOLVED**, that the Application is granted only in conjunction with the conditions noted above - and but for the existence of the same, the within Application may not be approved.

**BE IT FURTHER RESOLVED**, that the granting of the within Application is expressly made subject to and dependent upon the Applicants' compliance with all other appropriate Rules,

Regulations, and / or Ordinances of the Borough of Sea Bright, County of Monmouth, and State of New Jersey.

**BE IT FURTHER RESOLVED**, that the action of the Board in approving the within Application shall not relieve the Applicants of responsibility for any damage caused by the subject project, nor does the Planning Board of the Borough of Sea Bright, the Borough of Sea Bright, or its agents / representatives accept any responsibility for the structural design of the proposed improvement, or for any damage which may be caused by the development.

**APPLICATION VOTE:**

Adopted on a roll call on a motion by Board Member Councilman Bieber and Seconded by Board Member Mark Zelina:

THOSE IN FAVOR: Bieber, Bills, DeGiulio, DeSio, Lawrence, Zelina

THOSE OPPOSED: None

RECUSED: None

ABSENT: Cashmore, Cunningham, Kelly, Leckstein, Schwartz

ABSTAINED: None

**MEMORIALIZATION VOTE:**

Adopted on a roll call vote on a motion offered by Board Member Councilman Erwin Bieber and Seconded by Board Member Frank Lawrence, by members who voted to approve the application:

THOSE IN FAVOR: Bieber, Bills, DeGiulio, DeSio, Lawrence, Zelina

THOSE OPPOSED: none

RECUSED: none

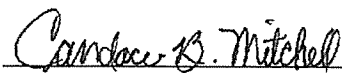
INELIGIBLE: Cashmore, Leckstein

ABSENT: Cunningham, Kelly, Schwartz

ABSTAINED: none

I certify the foregoing to be a true copy of the Resolution memorialized by the Unified Planning/Zoning Board of Sea Bright at its meeting on February 28, 2023.

Date: February 28, 2023



Candace B. Mitchell, Administrative Officer

Unified Planning/Zoning Board Borough of Sea Bright



# BOROUGH OF SEA BRIGHT

MONMOUTH COUNTY, NEW JERSEY

[www.seabrightnj.org](http://www.seabrightnj.org)

## REQUEST FOR 200' CERTIFIED LIST

Christine Pfeiffer, Borough Clerk  
Borough of Sea Bright  
1099 Ocean Avenue  
Sea Bright, NJ 07760

Date: March 12, 2024

Dear Ms. Pfeiffer:

Kindly provide a 200 foot certified list for the following property:

BLOCK # 13 LOT # 13-18, 20-22 Block 15, Lots 5-12  
Block 14 Lots 12-14  
PROPERTY ADDRESS Church St., River St., Front Street, South St.  
NAME OF PROPERTY OWNER Poppinger Place, New Street  
Jesse Hayland, Son  
CSM Associates of Sea Bright, LLC

Very truly yours,

Denise Wiegrynak  
NAME  
125 Half Mile Rd Suite 300  
ADDRESS  
Red Bank NJ 07701  
CITY, STATE, ZIP  
732 224 6506 / dwiegrynak@gnclaw.com  
TELEPHONE # OR EMAIL ADDRESS

CHOOSE METHOD OF DELIVERY, BELOW:

PLEASE MAIL LIST TO THE ADDRESS LISTED UNDER MY NAME. \_\_\_\_\_

PLEASE TELEPHONE ME TO PICK UP LIST WHEN READY. \_\_\_\_\_

PLEASE EMAIL THE LIST TO ME WHEN READY. ☒ \_\_\_\_\_

Note: Fee is \$10.00 – Make checks payable to Borough of Sea Bright.

\*\*\*\*\*Office Use Only\*\*\*\*\*

Paid Date: \_\_\_\_\_ Method: \_\_\_\_\_ Received By: \_\_\_\_\_



Giordano, Halleran & Ciesla, PC

Check Date: 03/12/2024 Payee: Borough Of Sea Bright

Attorney Business Account

Vendor Number: 0001763 Check Number: 000009093

Date	Invoice No.	Description	Amount of Invoice
03/12/2024		20737-0016	10.00
			10.00

THIS CHECK OR ITS EQUIVALENT HAS NOT BEEN RECORDED AT THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF NEW JERSEY

Giordano, Halleran & Ciesla  
A Professional Corporation  
Attorneys-At-Law

Attorney Business Account  
125 Half Mile Road, Suite 300  
Red Bank, NJ 07701-6777

Manasquan Bank  
2221 Landmark Place  
Wall Township, NJ 08736

009093

55-7216/2212


Date
03/12/2024

Amount
*****10.00

Pay: Ten and 00/100 Dollars

Pay  
To the  
Order of

Borough Of Sea Bright

  
Void After One Year

⑈009093⑈ ⑆221272167⑆ 1498000404⑈

**Request for Taxpayer  
Identification Number and Certification**

Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Give form to the  
requester. Do not  
send to the IRS.

**Before you begin.** For guidance related to the purpose of Form W-9, see *Purpose of Form*, below.

Print or type. See Specific Instructions on page 3.	<b>1</b> Name of entity/individual. An entry is required. (For a sole proprietor or disregarded entity, enter the owner's name on line 1, and enter the business/disregarded entity's name on line 2.) <b>Denholtz Acquisitions</b>	
	<b>2</b> Business name/disregarded entity name, if different from above.	
	<b>3a</b> Check the appropriate box for federal tax classification of the entity/individual whose name is entered on line 1. Check only <b>one</b> of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C corporation <input type="checkbox"/> S corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> LLC. Enter the tax classification (C = C corporation, S = S corporation, P = Partnership) . . . . . <b>Note:</b> Check the "LLC" box above and, in the entry space, enter the appropriate code (C, S, or P) for the tax classification of the LLC, unless it is a disregarded entity. A disregarded entity should instead check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) _____	<b>4</b> Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  Exempt payee code (if any) _____  Exemption from Foreign Account Tax Compliance Act (FATCA) reporting code (if any) _____  (Applies to accounts maintained outside the United States.)
	<b>3b</b> If on line 3a you checked "Partnership" or "Trust/estate," or checked "LLC" and entered "P" as its tax classification, and you are providing this form to a partnership, trust, or estate in which you have an ownership interest, check this box if you have any foreign partners, owners, or beneficiaries. See instructions . . . . . <input type="checkbox"/>	
	<b>5</b> Address (number, street, and apt. or suite no.). See instructions. <b>116 Chestnut Street, Suite 102</b>	Requester's name and address (optional)
<b>6</b> City, state, and ZIP code <b>Red Bank, NJ 07701</b>		
<b>7</b> List account number(s) here (optional)		

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. See also *What Name and Number To Give the Requester* for guidelines on whose number to enter.

<b>Social security number</b>											
				-				-			
<b>or</b>											
<b>Employer identification number</b>											
				-							

**Part II Certification**

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and, generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

<b>Sign Here</b>	Signature of U.S. person	Date
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**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

**What's New**

Line 3a has been modified to clarify how a disregarded entity completes this line. An LLC that is a disregarded entity should check the appropriate box for the tax classification of its owner. Otherwise, it should check the "LLC" box and enter its appropriate tax classification.

New line 3b has been added to this form. A flow-through entity is required to complete this line to indicate that it has direct or indirect foreign partners, owners, or beneficiaries when it provides the Form W-9 to another flow-through entity in which it has an ownership interest. This change is intended to provide a flow-through entity with information regarding the status of its indirect foreign partners, owners, or beneficiaries, so that it can satisfy any applicable reporting requirements. For example, a partnership that has any indirect foreign partners may be required to complete Schedules K-2 and K-3. See the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

**Purpose of Form**

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS is giving you this form because they

**GIORDANO, HALLERAN & CIESLA**  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

**DENISE M. WEGRYNIAK**  
PARALEGAL  
DWEGRYNIAK@GHCLAW.COM

(732) 741-3900  
FAX: (732) 224-6599

www.ghclaw.com

March 12, 2024

Client/Matter No. 20737-0016

Tax Collector, Borough of Sea Bright  
1099 Ocean Avenue  
Sea Bright, NJ 07760

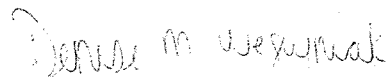
RE: Denholtz Acquisitions  
Block 13, Lots 13-18, 20-22  
Block 14, Lots 12 & 14  
Block 15, Lots 5-12  
Sea Bright, New Jersey

Dear Sir/Madam:

This firm represents the Denholtz Acquisitions with regard to an application to be presented to the Borough of Sea Bright Unified Planning/Zoning Board for the above referenced property. As part of the application process, a certification as to the status of the real estate taxes is required.

Thank you.

Very truly yours,



Denise M. Wegryniak  
Paralegal

cc: John A. Giunco, Esq.