

RESOLUTION OF APPROVAL

**APPLICATION OF
BD REAL ESTATE ADVENTURES, LLC**

IN THE MATTER OF BD REAL ESTATE ADVENTURES, LLC	: UNIFIED PLANNING/ZONING BOARD : BOROUGH OF SEA BRIGHT : APPLICATION NO. 2024-02 (AMENDED) : BLOCK 12, LOTS 1 & 2 : 1124-1132 OCEAN AVENUE
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WHEREAS, BD REAL ESTATE ADVENTURES, LLC. has requested amended preliminary and final site plan approval with variance relief pursuant to N.J.S.A. 40:55D-70 (c)(1) and (2) to modify the site plan to add perpendicular mounted wall signs, a gazebo-roof over the outside courtyard bar, and a covered vestibule area to the bathroom accessed via the outside courtyard at the previously approved combined restaurant site with courtyard on the property located at Block 12, Lots 1 & 2 on the tax map of the Borough of Sea Bright, being commonly known as 1124-1132 Ocean Avenue, Sea Bright, New Jersey, and said premises being in the B-1 Central Business Zone; and

WHEREAS, the Board held a public hearing on said application on June 11, 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 was represented by counsel, Rick Brodsky, Esq., who presented the Application; and

WHEREAS, the Board heard the testimony and evidence presented by the applicant, applicant's witness and received no comments from the public.

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. Based upon the opening comments of the Applicant's counsel, the Board heard the following:
 - A. The Applicant proposed to modify the plan to add two perpendicular wall mounted signs to the building; add a gazebo style roof cover over the outside courtyard bar; and to

add covered vestibule area to the bathroom accessed via the courtyard.

- B. Variance relief was requested for building coverage where 50% is permitted, 57.2% is existing/approved and 65.8% is proposed; total lot impervious coverage where 75% is permitted and 89% is proposed (existing condition unchanged); optional third perpendicular building mounted sign of same dimension near Lot 1 entrance; Applicant sought re-approval of the variances previously existing and not modified by the 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 sought re-approval for off street parking where no parking is proposed/existing and 30 spaces are required for Lot 1 and 114 spaces are required for Lot 2..

3. The following were submitted in support of the Application:

- A. Zoning Denial by Mary Tangolis, Zoning Officer, dated 4/23/24 (roof) and 5/15/24 (signage)
- B. Certified Planning/Zoning Board Application
- C. Survey of Property, by Morgan Engineering, dated 8/17/23 (1 sheet)
- D. Variance/Architectural Plans (1 sheet) by Anthony M. Condouris, Architect, Condouris Architects (dated 5/28/24)

4. Based upon the sworn testimony of the Applicant's Principal Eric Daley, the Board made the following findings of fact:

- A. He is a Principal/Owner of Applicant BD Real Estate Adventures, LLC. The Applicant is the owner of Lot 2 and Applicant has a 20-year lease to occupy Lot 1.
- B. Applicant (or affiliated entity) will be the owner/operator of the restaurant to operate on the proposed integrated site.
- C. The subject property is located in the B-1 Central Business Zone.
- D. The site previously housed York's restaurant on Lot 1 and Rory's restaurant on Lot 2.
- E. The Applicant received site plan and variance approval by Resolution of Approval dated 3/12/24, Application No. 2024-

02 for a single integrated restaurant/bar unit with courtyard on site.

- F. The Applicants' intent per the architectural plans submitted is to modify the site to add two building mounted (perpendicular from wall) signs as depicted on the architectural plans; a roof structure to cover the outside courtyard bar; and a covered vestibule area for the bathroom accessed via the courtyard.
 - G. The concept for the integrated restaurant would be to provide a more formal dining setting in the Lot 2 side dining room/bar while providing a more casual setting/menu in the courtyard and Lot 1 side dining room/bar. He confirmed and clarified that while the building/site is one integrated restaurant. The casual pub style dining room/bar on Lot 1 will have a different name/sign than the more formal restaurant/bar on Lot 2 side of building.
 - H. He testified that there will be no access to the Lot 1 portion of the building from the courtyard. There will be patron access to the Lot 1 portion of the building via doorway entrance on Ocean Avenue as depicted on the plans.
 - I. Applicant agreed as a condition that any music (live or via speakers) shall comply with the Borough's noise/curfew ordinance.
 - J. He opined that there will be no negative impacts created by the application for amended site plan approval and that the benefits of the amended plans, outweigh any detriments.
 - K. He confirmed that the two signs shall be two sided and a minimum of 9' from ground level.
 - L. He agreed as a condition to provide a lighting plan for the signs (down lighting) that shall be subject to the review and approval of the board engineer.
 - M. While he had not yet designed same, he requested and the Board was favorable to the idea of a possible third building mounted perpendicular type sign for the Lot 1 pub/bar to be located near that entrance door along the Ocean Avenue frontage.
5. Based upon the sworn testimony of the Applicant's Architect Anthony Condouris, the Board made the following findings of fact:
- A. He is a licensed architect in the State of NJ and prepared the architectural plans submitted to the Board for review/approval.

- B. The property is located on the west side of Ocean Avenue between New Street and Surf Street.
- C. As to the two proposed wall mounted perpendicular signs, he noted on the architectural plans the specific location of same and showed the image of same on the plan. He opined that the signs are an aesthetic improvement to the overall plan and provide character to the building.
- D. As to the roof structure covering the outside bar in the courtyard, he noted on the architectural plan the specific location and dimension of same. The plan also provided the structure detail/cross-section view. He opined that the proposed roof structure will be an aesthetic improvement to the courtyard area; while also being a functional improvement for employees and patrons from the weather (rain or excessive sun).
- E. As to the courtyard bathroom covered vestibule area, he noted on the architectural plan the specific location and dimension of same. The plan also provided the details/ cross-section view. He opined that the proposed covered vestibule area will be an aesthetic improvement to the courtyard area.

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) and (2) with conditions imposed, for the variance relief required and re-approval of variances previously granted/existing for this application for amended site plan approval in as much as the amendments to the plans are an appropriate development of the subject parcel with a permitted use in the Zone;

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; and those benefits outweigh any detriment from the proposal; and

WHEREAS, after careful deliberation 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 functional use of the site and improved aesthetics at the site; and

WHEREAS, the Board (noting that despite public notice, no persons appeared in opposition to the application) 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 11th day of June, 2024, upon a motion made by Mr. Leckstein and seconded by Ms. Bills that the application of BD Real Estate Adventures, LLC, be granted, subject to the following terms and conditions:

1. The applicant shall be bound by all exhibits introduced, all representations made, and all testimony given before the Board at its meeting of June 11, 2024.
2. The applicant shall provide all required Site Performance Bond and Inspection Fees in accordance with the Municipal Ordinance.
3. 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 CAFRA, and the Municipality's and State's affordable housing regulations; and the applicant shall comply with any requirements or conditions of such approvals or permits.
4. 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.
5. The applicant shall comply with all items set forth in the Board Engineer report dated 2/21/24, unless specifically exempted herein.

6. 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.
7. The applicant shall comply with all building, FEMA and fire codes including, but not limited to, entrances and exits.
8. 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.
9. In the event that any documents require execution in connection with this approval, such documents shall not be released until all conditions are satisfied.
10. 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.
11. 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.
12. Applicant shall comply with the following special conditions:
 - A. Applicant shall provide a final lighting plan for the approved building mounted signs that shall be subject to the review and approval of the Board Engineer and Board Planner as to size, type, number and location to insure no negative impacts to the surrounding property owners.
 - B. All terms and conditions of prior approval set forth in Resolution (Application 2024-02), dated 3/12/24 shall remain fully binding on Applicant and are in full force and effect; unless specifically modified by this approval.

13. Publication of a notice of this decision shall be published in the official newspaper of the Board. Such publication shall be arranged by the applicant.

ADOPTED this 11th day of June, 2024.

VOTE ON ROLL CALL:

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

OPPOSED: None

MEMORIALIZED this 25th day of June, 2024 on a motion offered by Mr. Leckstein and a second offered by Ms. Bills.

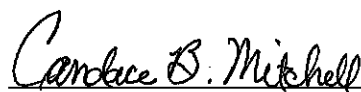
VOTE ON ROLL CALL:

IN FAVOR: Ms. Bills, Mr. Cashmore, 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. 2024-02 Approved by the Unified Planning/Zoning Board at its regular meeting on June 11, 2024 and memorialized on June 25, 2024.



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