

RESOLUTION OF APPROVAL

APPLICATION OF ERIC BISCHOFF

IN THE MATTER OF
ERIC BISCHOFF

: UNIFIED PLANNING/ZONING BOARD
: BOROUGH OF SEA BRIGHT
: APPLICATION NO. 2025-03
: BLOCK 14, LOT 15
: 12 SOUTH STREET

WHEREAS, ERIC BISCHOFF has requested variance relief approval pursuant to N.J.S.A. 40:55D-70 (c) (1) and (2) for amended approval for a second level (two tier) deck on a previously approved single family home on the property located at Block 14, Lot 15 on the tax map of the Borough of Sea Bright, being commonly known as 12 South 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 March 11, 2025; and

WHEREAS, the applicant provided adequate notice of the hearing in accordance with N.J.S.A. 40:55D-12; and

WHEREAS, the applicant Eric Bischoff was not represented by counsel but rather presented the Application on his own behalf; and

WHEREAS, the Board heard the testimony and evidence presented by the applicant, and his witness, and no persons from 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. Minimum lot area where 1800 sq. ft. is required and 1,125 sq. ft. is proposed (existing).
 - b. Minimum lot depth where 60' is required and 45' is proposed (existing).
 - c. Minimum front yard setback where 5-12' is required and 0' is proposed.

- d. Minimum side yard setback where 3/6' is required and 0' is proposed.
 - e. Minimum rear yard setback where 15' is required and .6' is proposed.
 - f. Maximum lot coverage where 70% is allowed and 100% is proposed (existing).
 - g. Maximum building coverage where 50% is allowed and 76.8% is proposed (existing).
 - h. Maximum building height (stories) where 2.5 stories are allowed and 3 stories are proposed.
3. Based upon the opening comments of the Applicant, the Board heard the following:
- a. The Applicant proposes to modify the previously approved plan to provide a second level deck (above previously approved first living level deck) as shown on the plans submitted.
 - b. The Applicant requests variance relief for lot area, lot depth, front yard setback, side yard setback, rear yard setback, lot coverage, building coverage and building height(stories).
 - c. The following were submitted in support of the Application:
 - Borough of Sea Bright Unified Planning-Zoning Board-Certified Application, dated 1/24/25
 - Borough of Sea Bright Application for Zoning Permit, (denial issued 12/15/24)
 - Architectural Plans, by Anthony Condouris, R.A., dated 1/20/25
4. Based upon the sworn testimony of the Applicant Eric Bischoff, 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. He acquired the property out of foreclosure in 2023.
 - d. Via Application No. 2024-01, Applicant received approval from the Board (2/27/24 approval- 3/12/24 memorialization) to elevate the home, add a third story to provide for a 4th bedroom, expand the second story, demolish

- the existing masonry garage and construct a first story deck in the footprint of the garage to be removed.
- e. In January 2025, Applicant received administrative approval from the Board to amend the foundation plan. The original plan contemplated adding to the existing foundation; however, during elevation/construction it was determined that a new foundation was required (in same footprint). This Administrative Approval was approved 1/28/25 – 2/11/25 memorialization).
 - f. The proposed second level deck proposed by this application will make the home more aesthetically pleasing, and more functional so that his family can utilize the home as their primary residence; providing for better views and usable outdoor space from the proposed second level deck.
5. Based upon the sworn and qualified testimony of the Applicant's Architect, Anthony Condouris, R.A., 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. He described the proposed modifications to the existing home as detailed on the architectural plans submitted.
 - c. He indicated that the decking material for the proposed second level deck is fiberglass.
 - d. Applicant agreed as a condition that neither deck (first or second level) may be enclosed without a return/amended approval from this Board.
 - e. He opined that the additional second level deck enhances the aesthetics of the project and provides for functional outdoor space with improved views from that deck.
 - f. He rendered an opinion that the proposed home will be consistent with the neighborhood and create no negative impact to the neighboring properties.
6. 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 undersized lot and the existing location of the footprint to be utilized by applicant in the improvement to the 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) (b) and (i) of the Municipal Land Use Law; providing for improved aesthetics and functionality of the single-family use, 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 safety at the site for the neighborhood; 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 11th day of March, 2025, upon a motion made by Mr. Leckstein and seconded by Mr. DeSio that the application of Eric Bischoff 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 March 11, 2025.
- 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 2/7/24, and all items set forth in the Board Planner report dated 2/22/24, 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. Neither deck (first or second level) may be enclosed without a return/amended approval from this Board.

- ii. All requirements and conditions of prior approval for Variance Relief for Application 2024-01 for the site shall remain in full force and effect unless specifically modified herein.

- 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 11th day of March, 2025.

VOTE ON ROLL CALL:

IN FAVOR: Mr. Leckstein, Mr. Lawrence, Mr. DeSio, Mr. Cashmore, Mr. Middleton, Ms. Lefkort and Chairman Cunningham

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. 2025 - 03 Approved by the Unified Planning/Zoning Board at its regular meeting on March 11, 2025 and memorialized on March 25, 2025.



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