

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD
GRANTING SITE PLAN AND VARIANCE APPROVAL**

RE:

**Morph Solutions, LLC
572 Ocean Avenue
Block 25 Lot 14
Sea Bright, New Jersey**

WHEREAS, Morph Solutions, LLC (the "Applicants") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 25, Lot 14 on the Tax Map of the Borough of Sea Bright, also known as 572 Ocean Avenue for site plan and bulk variances to demolish the existing home and construct a new 3 story home and garage with bulk and "D" variances for height in the R-2 zone; and

WHEREAS, the Applicant seeks bulk variances for the following conditions: lot width where 50' is required and 40' is existing; front yard setback (Shrewsbury Way) where 25' is required and 8' is proposed; side yard setback where 7' is required and 4' is proposed; building height where 33' maximum is permitted on the undersized lot and 38' is proposed; number of stories where 2 ½ stories are permitted and 3 stories are proposed; and

WHEREAS, Applicant has provided due notice to the public and all surrounding property owners as required by law, has caused notice to be published in the official newspaper in accordance with N.J.S.A. 40:55D-1 et seq. and, therefore, this Board has accepted jurisdiction of the application and has conducted public hearings on the matter at a meeting on February 26, 2019, at which time all persons having an interest in said application were given an opportunity to be heard; and

WHEREAS, the Applicant appeared and marked into evidence certain documents including the following:

- A-1:** Jurisdictional Packet
- A-2:** Narrative of Intent
- A-3:** Architectural plans prepared by Anthony Condouris dated 9-25-18
- A-4:** Survey prepared by Charles Surmonte dated 6-13-18
- A-5:** Packet of photos consisting of 18 pages

WHEREAS, the Board considered the testimony and evidence presented and the Board makes the following findings of fact and conclusions of law:

1. The proposal is to to demolish the existing home and construct a new 3 story home and garage with bulk and "D" variances for height in the R-2 zone.

2. The property has three (3) front yards, one side yard and no rear yard as it fronts on Ocean Avenue, Shrewsbury Way and Riverview Place.

3. The Applicant seeks bulk variances for the following conditions: : lot width where 50' is required and 40' is existing; front yard setback (Shrewsbury Way) where 25' is required and 8' is proposed; side yard setback where 7' is required and 4' is proposed; building height where 33' maximum is permitted on the undersized lot and 38' is proposed; number of stories where 2 ½ stories are permitted and 3 stories are proposed.

4. The Applicant's architect Anthony Condouris testified on behalf of the applicant. The existing home is 1,000 s.f. and currently sits 4" from the South property line. The existing detached garage will be removed. The proposed home will have room for a minimum in the new garage. There will 2 garage doors on Shrewsbury Way frontage and 1 garage door facing Riverview Place. Additionally, the Applicant owns the 40' x40' lot across Ocean Avenue for parking.

5. The architect and applicant Bryce Wiedeman testified as to the dilapidated condition of the existing home as evidenced by the photos in A-5.

6. Neighbors Brian O'Malley and Bruce Blaisdell raised concerns over the size of the proposed home. The Board also questioned the setbacks. Condouris testified that on the Shrewsbury Way side, the setback was 8' to the "bump out" portion and 10' to the rest of the home. The length of the face of this side of the home is 75', 25' of which is the "bump out" portion set back 8' from the property line.

7. The architect noted that while the front yard setback is 25', the side setback is 7'. He noted this is an unusual lot in that there are 3 front yards and it would be difficult to develop meeting the 25' setback on all 3 sides. The Board acknowledged that meeting the 25' requirement on 3 sides would be difficult.

8. The Board questioned the height. Because the lot width is only 40', the allowable height is 33'. The request is for 38' which gives rise to a "D" use variance. The Board questioned why the height could not be reduced. Upon consultation with the architect, the Applicant **STIPULATED** that the height would be reduced to 36', a "C" variance.

8. Board members also suggested that the gable element be brought in 2" from the face of the building on the north and south side to eliminate the variance for 3 stories. The Applicant **STIPULATED** that it would do so and that the plans will be amended to reflect the lower height and the indentation of the gables.

8. The mechanicals will be located in the attic and garage.

9. The Board suggested an additional door be added for egress. Applicant agreed to add a door on the West side.

10. Neighbor Brian O'Malley felt the proposed home, even with lowering the height and softening the look with the gables pulled in 2" was too large for the undersized lot. Neighbor David Meyers indicated that his concerns with the height were met with lowering the home to 36'.

11. The Board noted that the lot size was larger than required for the zone, with 5,000 s.f. where 4,000 s.f. is required. The Board also noted the difficulty meeting all set back requirement on this particular lot with three front yards.

12. The Board found that the new elevated home above the BFE would give protection against future flooding and improve the public safety and safety of the homeowners.

13. Board members found that the revised proposal with the lower height and softening of the north and south sides by pulling in the gable made a good transition for this

particular narrow lot. Board member Smith noted that with the changes, the proposal was about as good as it could get given the constraints of the lot. He noted that the sideyard on the South side was being vastly improved over existing conditions. It was also noted that the proposed home met the side yard setback requirement on Shrewsbury Way, though it did not meet the 25' front yard setback.

14. Board members noted that with the changes, the home was suitable and consistent with the neighborhood. The Board felt that this was the best design that could be accomplished on this lot.

15. The Board found that the bulk variances are consistent with the neighborhood and the pre-existing dwelling. The proposal will add to the safety of the property and make for a better and more conforming and aesthetically pleasing home.

16. The Board found that the variances could be granted without any negative impact on the zoning ordinance or zone plan. The proposal with the changes stipulated to by the Applicant is the least obtrusive, improves existing conditions and will further protect the property and its critical services from danger of flooding. The Board found that applying the 25' front yard setback on 3 sides would not be the best plan for this lot. With the changes, the required variances are: lot width, 40' provided where 50' is required, a pre-existing condition; front yard setback on Shrewsbury Way of 8' where 25' is required; side yard setback on the south side where 7' is required and 4 inches is existing and 4 feet is proposed; building height where 33' maximum is permitted and 36' is proposed.

17. The Board found that the granting of the variances will have no substantial detrimental impact on surrounding properties nor will it substantially impair the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that the Application for bulk variances set forth above is approved in accordance with the plans submitted and marked into evidence, subject to the following conditions:

GENERAL CONDITIONS

1. 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.

2. The applicant must obtain the approval of all necessary and appropriate governmental agencies and compliance with all governmental regulations, including but not limited to CAFRA, except those specifically waived or modified in this Resolution.

3. The applicant shall comply with all building, FEMA and fire codes including but not limited to, entrances and exits.

4. 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 and specifically relied by the Board in granting this approval. This condition shall be a continuing condition, which shall be deemed satisfied unless and until the Board determines (on Notice to the applicant) that a breach thereof.

5. All stipulations agreed to on the record, by the applicant.

6. In the event that any documents require execution in connection with the within approval, such documents shall not be released until all of the conditions of the approval have been satisfied unless otherwise expressly noted.

7. 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.

8. The Applicant shall furnish such Performance Guarantees and/or Maintenance Guarantee as may be required pursuant to the MLUL and the Sea Bright Ordinances.

9. 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.

10. No Mechanicals will be located in the setback areas.

SPECIAL CONDITIONS

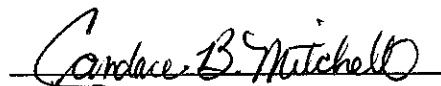
1. The height will not exceed 36'.
2. The gable element will be pulled in 2' from the face of the building to eliminate the variance for 3 stories.
3. The plans will be revised to reflect the above changes.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of February 26, 2019; and

BE IT FURTHER RESOLVED that the Chairman and Board Secretary are hereby authorized to sign any and all documents necessary to effectuate the purpose of this Resolution; and

BE IT FURTHER RESOLVED that the Board Secretary is hereby authorized and directed to cause a certified copy of this Resolution to be sent to the Applicant, the Borough Clerk, the engineer and the zoning officer and to make same available to all other interested parties and to cause notice of this Resolution to be published in the official newspaper at the Applicant's expense.

I certify the foregoing to be a true copy of a Resolution by the Sea Bright Planning/Zoning Board memorialized on March 12, 2019.



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

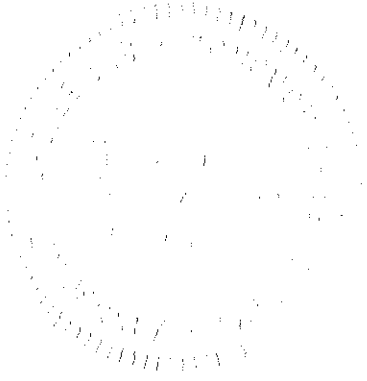
Adopted on a roll call on a motion by Boardmember Smith

and Seconded by Boardmember Bills

Vote: Cashmore - Yes
DeSio - Yes
Long - Absent
McGinley - Abstain

Cunningham - Absent
Duffy - Abstain
Nott - Abstain
Bills - Yes

DeGiulio - Abstain
Leckstein - Abstain
Smith - Yes
Wray - Abstain



David J. DeSio

David DeSio, Vice Chairman
Sea Bright Planning/Zoning Board