

**APPLICANT: DAVID MEYERS/ CHRISTINA WALKER**  
**APPLICATION NUMBER: 2021-02**  
**BLOCK: 28**  
**LOT: 10**  
**ADDRESS: 548 OCEAN AVENUE**  
**ATTORNEY FOR APPLICANT: RICK BRODSKY, ESQ.**  
**RESOLUTION NUMBER: 2021-02**

**RESOLUTION OF THE UNIFIED PLANNING/ZONING BOARD  
OF THE BOROUGH OF SEA BRIGHT  
FOR MINOR SUBDIVISION APPLICATION**

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**WHEREAS, BOARD MEMBER MARC LECKSTEIN, ESQ.**, offered the following Motion moved and seconded by **BOARD MEMBER C. LANCE CUNNINGHAM:**

**WHEREAS DAVID MEYERS AND CHRISTINA WALKER**, hereinafter referred to as the “applicant” filed an application with the Unified Planning/Zoning Board of the Borough of Sea Bright, (hereinafter referred to as the “Board”) seeking the following relief:

The application involves the property located at 548 Ocean Avenue, Sea Bright, New Jersey, more formally identified as Block 28, Lot 10 (R-2 Zone). The applicants are seeking approval of a minor subdivision of the property into two (2) new, conforming lots, with respect to premises located in the R-2 Zone known as Block 28, Lot 10 on the Tax Map of the Borough of Sea Bright and commonly known as 548 Ocean Avenue, Sea Bright, New Jersey. No variances are required in connection with this application.

It is believed that the two proposed lots will be fully conforming to the provisions of the Sea Bright Zoning Ordinances. The Applicant will request such other variances, exceptions, interpretations, and design waivers as may be determined to be necessary by the Unified Planning Board, and/or its professionals, in order to develop this property as stated above and will amend its application on the record accordingly.

**WHEREAS**, the application pertains to premises known and designated as Block 28, Lot 10 on the Tax Map of the Borough of Sea Bright, which premises are located in the R-2 Zone at 548 Ocean Avenue, Sea Bright, NJ 07760;

**WHEREAS**, all notice requirements were satisfied by the applicant and the Board has jurisdiction to hear, consider and determine the application at issue; and

**WHEREAS** the Board held a public hearing with regard to the referenced application on the following date, **April 13, 2021:**

**WHEREAS**, the following items were entered as Exhibits at the hearing:

Any and all documentation as submitted and appearing on the Sea Bright website (seabrightnj.org) for presentation at the Public Meeting conducted via the GoToMeeting platform with public notice.

Exhibits offered for public inspection at least ten days prior to the meeting were as follows:

- Denial Letter from the Borough of Sea Bright dated February 13, 2021;
- A completed Planning/Zoning Board application (with attachments); and
- Survey & Minor Subdivision Plan prepared by MidAtlantic Engineering Partners, LLC and dated January 11<sup>th</sup>, 2021, consisting of one (1) sheet.
- **EXHIBIT A-1** (From Banich – marked and identified) Excel File “Ocean Avenue Houses.xlsx”
- **EXHIBIT A-2** (From Banich – marked and identified) Demo 111704 from Monmouth County Tax Assessment Website

**WHEREAS** The Board listened to the Testimony of the following:

**1. SUZANNE WARREN, SURVEYOR**

**WHEREAS** The Board took Questions from the following member of the Public as to the witnesses presented:

**1. NONE.**

**WHEREAS**, The Board took Public Commentary on the Application upon conclusion of the witness testimony as follows:

**1. MARIE BANICH: SB OCEAN HOUSE, LLC.**

**WHEREAS**, the Board, having given due consideration to the Exhibits moved into evidence and the Testimony presented at said hearing(s), does make the following findings of fact:

1. This application is seeking minor subdivision approval with no variances. The property is located in the R2 zone. The existing lot contains a single-family residential home which will remain. There is no construction proposed at this time.
2. Professional land surveyor Suzanne Warren prepared the survey for the application.
3. Vice Chairman DeSio stated that since the application is a subdivision creating two conforming lots, presentation to the Board is all that is required. The Board does not need testimony and cannot deny the application. Ms. Kowalski confirmed the statements made by Mr. DeSio and stated that the attorney for the applicant wanted to put testimony on the record based on the appearance required to confirm the submission.
4. Ms. Warren testified that the applicants would like to subdivide existing block 28, lot 10, on the corner of Ocean Avenue and Atlantic Way as shown on the plan. Proposed lot 10.02, if approved, in the back, shows the recently constructed improvements. Proposed lot 10.01 in the front, would front on Ocean Avenue and will be vacant. There is no development proposed at this time.

5. Ms. Warren confirmed that the existing home on its proposed new lot, 10.02, as well as proposed lot 10.01, will both fully conform with all requirements set forth in the zoning ordinance.
6. Ms. Warren also confirmed that the lot across the street on East Ocean Avenue, ***Bl. 23, L. 66, will be, by deed, connected with the newly proposed lot 10.01.***
7. Chairman Cunningham confirmed that by dividing the lot, the existing structure on the back lot will remain conforming to all of the zoning requirements.
8. Board Engineer David Hoder referred to items 4 and 5 on his technical review. The overlying regulation in terms of subdivisions and residential, have a minimum of 50' right-of-way, which would be 25' on each side. That would be an additional 12.5' which would have to be requested. Mr. Hoder suggested the applicant ask for a waiver because now as the rest of the street it is not that wide, and there is no reason to increase the width in only one area. The second thing is that a 21' right-of-way is required. 20' would exist, and Mr. Hoder suggested the applicant ask for a waiver since the difference for the ROW is such a minimal amount. Mr. Brodsky amended the application on the record and advised that based on Mr. Hoder's information, the applicant requests a waiver for both items at this time. Mr. Hoder further clarified that this would not be out of the norm as Atlantic Way has been that way for many years, and the applicant is not proposing to change it in any way.
9. The Board was then advised that as there are no variances required and the application is for a subdivision that legally meets the criteria set forth in the ordinances of Sea Bright, the application actually cannot be denied and was set forth before the Board for review only. As the lots are fully conforming to ordinances of Sea Bright, no action other than approval need be taken.

**NOW THEREFORE, BE IT RESOLVED**, by the Unified Planning/Zoning Board of the Borough of Sea Bright that it hereby adopts the aforesaid findings of fact and specifically makes the following conclusions:

- a. Based upon the aforesaid findings of fact, the Board concludes that:
  - i. The applicant has demonstrated that the proposed use of the property in question is substantially the same kind of use as that to which the premises were devoted at the time of the passage of the zoning ordinance.
- b. Based upon the aforesaid findings of fact, the Board further concludes that the granting of the approval set forth herein will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance and the zoning plan of the Borough of Sea Bright.
- c. **The Board specifically includes herein by reference, the Transcripts from the hearings, which provide the detailed basis and description of the decision as memorialized in this Resolution and do hereby rely upon same for further reference, as necessary.**

**BE IT FURTHER RESOLVED**, by the Unified Planning/Zoning Board of the Borough of Sea Bright that the following be and are hereby **GRANTED, as follows**:

In conjunction with the application, the applicant IS GRANTED the following approval of a minor subdivision for two fully conforming lots PER THE PLANS SUBMITTED:

The application involves the property located at 548 Ocean Avenue, Sea Bright, New Jersey, more formally identified as Block 28, Lot 10 (R-2 Zone). The applicants are GRANTED a minor subdivision of the property into two (2) new, conforming lots, with respect to premises located in the R-2 Zone known as Block 28, Lot 10 on the Tax Map of the Borough of Sea Bright and commonly known as 548 Ocean Avenue, Sea Bright, New Jersey. The applicant confirms that ***Bl. 23, L. 66, will be, by deed, be connected with the newly proposed lot 10.01.***

Further, waivers are granted for applicant regarding the minimum 50' right-of-way, which would be 25' on each side so that the request for an additional 12.5' on each side is waived to reflect the condition of the existing street. Further, a 1' waiver is granted where a 21' right-of-way is required and only 20' would exist.

**ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:**

- (1) The applicant shall comply with any requirements established by, and obtain any necessary approvals of the following, IF APPLICABLE, to the proposed construction herein:
  - a. All Plans must be approved by Township Engineer and Code and Construction Departments for the issuance of Permits;
  - b. MONMOUTH COUNTY PLANNING BOARD;
  - c. FIRE MARSHALL;
  - d. BOARD OF HEALTH;
  - e. SOIL CONSERVATION AND SEDIMENT CONTROL APPROVALS AND PERMITS;
  - f. AFFORDABLE HOUSING CONTRIBUTION (ORD. 04-22)
  - g. BOARD OF ADJUSTMENT PLANNER
  - h. BOARD OF ADJUSTMENT ENGINEER
  - i. POSTING OF PERFORMANCE GUARANTEES AND INSPECTION FEES;
  - j. FINAL SITE PLAN DRAWINGS INCORPORATING ALL CHANGES AND/OR AMENDMENTS MADE AT THE HEARING.
  - k. **FINAL DESIGN SUBJECT TO APPROVAL OF THE BOARDS'S PROFESSIONALS.**
  - l. SUBJECT TO THE APPLICANT COMPLYING WITH ANY AND ALL FEDERAL, STATE, COUNTY AND LOCAL LAWS, RULES AND REGULATIONS AFFECTING AND PERTAINING TO THE DEVELOPMENT OR USE OF THE SITE IN QUESTION.
  
- (2) SUBJECT TO ALL REPRESENTATIONS AND TESTIMONY OF THE APPLICANT BEING TRUTHFUL AND ACCURATE

APPLICATION VOTE:

Adopted on a roll call on a motion by Board member Marc Leckstein, Esq. and Seconded by Board member Lance Cunningham

THOSE IN FAVOR: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Leckstein, Smith, Gorman

THOSE OPPOSED: None

ABSTAINED: None

MEMORIALIZATION VOTE:

Adopted on a roll call on a motion by Board member Marc Leckstein, Esq. and Seconded by Board member Peggy Bills

THOSE IN FAVOR: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Leckstein, Smith, Gorman

THOSE OPPOSED: None

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 April 27, 2021.

*Candace B. Mitchell*

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

*C. Lance Cunningham*

C. Lance Cunningham, Chairman  
Sea Bright Planning/Zoning Board