



APPLICANT: DANIEL AND JILL SINGER
APPLICATION NUMBER: 2022-11
BLOCK: 2
LOT: 12
ADDRESS: 11 GARDEN WAY
RESOLUTION NUMBER: 2022-11

**RESOLUTION OF THE UNIFIED PLANNING/ZONING BOARD
OF THE BOROUGH OF SEA BRIGHT
FOR BULK VARIANCE RELIEF
FOR FRONT YARD SETBACK AND BUILDING HEIGHT**

WHEREAS, VICE CHAIRMAN DAVID DESIO offered the following Motion, moved and seconded by **BOARD MEMBER LECKSTEIN:**

WHEREAS DANIEL SINGER AND JILL SINGER 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 applicant is seeking to construct additions to an existing single-family residential dwelling. The applicant will seek the following variances:

- “c” variance: 130-39.C – Front yard setback of 22.25 feet proposed, where 25 feet is required.
- “c” variance: 130-39.C – Building height of 35 ft and 3 stories existing, and 35 feet and 3 stories is proposed, whereas a maximum of 38 feet and 2.5 stories is permitted

In addition, the Applicant will request such other variances, exceptions, interpretations, and design waivers as may be determined to be necessary by the Planning/Zoning Board, and/or its professionals, in order to develop this property as stated above and will amend its application on the record accordingly. Based upon testimony during the proceeding, which will be discussed in detail below, the Applicant requested an additional variance (130-39.C) for parking within the front yard setback.

WHEREAS, the application pertains to premises known and designated as Block 2, Lot 12 on the Tax Map of the Borough of Sea Bright, which premises are located at 11 Garden Way, Sea Bright, NJ 07760 in the R-2 Zone; and

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;

JULY 12, 2022:

WHEREAS the following items were entered as Exhibits at the hearing which includes but is not limited to; any and all documentation as submitted and appearing on the Sea Bright website (seabrightnj.org) for presentation at the Public Meeting conducted in person, with public notice:

- **Zoning Denial No. 2022-026, dated 3/11/22**
- **Application Packet, received 3/23/22**
- **Existing Survey Sheet prepared by C.C. Widdis Surveying LLC, dated 9/13/21**
- **Architectural Sheets prepared by Mark R. Fitzsimmons, A.I.A., dated 3/11/22:**
 - Z-1: Proposed Site Plan with Existing and Proposed Floor Plans**
 - Z-2: Existing and Proposed Elevations**
 - Z-3: Photo Board**
- **Technical Review prepared by David J. Hoder, dated 5/12/22, 3 pages.**
- **Revised Sheet Z-1, dated 5/23/22**

EXHIBITS PROVIDED AT THE 7/12/22 MEETING

- **EXHIBIT A-1: Board with 17 photos of subject property**
- **EXHIBIT A-2: Architectural Sheet Z-1**
- **EXHIBIT A-3: Architectural Sheet Z-2**
- **EXHIBIT A-4: Artistic rendering of front and left side of the residence**
- **EXHIBIT A-5: Artistic rendering of front and right side of the residence**

WHEREAS The Board listened to the Testimony of the following:

DANIEL SINGER
MARK R. FITZSIMMONS, A.I.A

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

NONE

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

ROBERT MARRONE

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 is a 6,500 sf, 3-story dwelling with two intermediate levels off the stairs on the south side of the residence.
2. The Applicant testified that building additions are proposed as follows: to add a 16' 10 " x 9' 8" home office on the south side of the residence at the second floor; a 508 sq ft new rear deck on the lower level to the west containing a hot tub, shower and dressing room; a new front porch and steps containing 35 sq ft; and two connected roof decks, one over the residence and one over the office.
3. The Applicant further testified that the home was built in 2005, had been operated as a rental property for a number of years, and when he purchased the property in 2021 it became his family's primary residence. He indicated he and Mrs. Singer put a substantial amount of work into the interior of the residence to make it into their personal residence.
4. He noted that many similar homes in the vicinity had undergone aesthetic improvements which enhanced the dwellings, and he indicated that the architectural enhancements proposed for this dwelling will add character more in keeping with the neighborhood, and also add to the functionality of the residence.
5. The conversion of the side porch roof deck into a home office which will be located off the master bedroom will provide additional dedicated space for both he and his wife who both work out of the residence. The enclosure of this space and the addition of a small front porch require variance relief. Mr. Singer also indicated improvements to the back of the house would be made by adding a rear deck, changing room, and a spiral staircase between the second and third levels of the residence. It was clarified by a question asked by Vice Chairman DeSio that the present height of the residence will not be increased.
6. He further indicated that the additions will be tasteful and finished compatible with the present style of the residence.
7. Mr. Fitzgerald, the project's architect, presented a series of Exhibits (A-1 through A-5) which illustrated in detail the proposed improvements, and also provided renderings of the residence depicting the proposed improvements.
8. He clarified that the variances required were for intrusion into the front yard setback for the proposed porch and stairs which would encroach into the front yard setback by 2'9", and for the building height, whereas 3 stories exist, and 2.5 are permitted.
9. In response to the engineer's review memorandum of May 12, 2022, he indicated that the proposed improvements are not greater than 50% of the home's value, thereby the home will not be required to be brought up to the minimum BFE for the zone.
10. He further clarified that all construction proposed for the upper elevations will not exceed the 35 ft. maximum height for residences within the zone.

11. The architect indicated that the proposed additions will be finished to conform to the style and finishings of the existing residence.

12. It was further clarified that there are no plans to eliminate the garage. A revised plan was submitted as part of the Board's record which eliminated the proposed 125 sf stone parking space along the existing driveway. Vice Chairman DeSio noted also that two parking spaces per dwelling unit are required by ordinance, and noted that to achieve the ordinance requirement, parking would need to occur in the front yard necessitating another front yard variance.

13. The architect, on behalf of the Applicant, accordingly asked the Board to consider this variance.

14. In summary, the architect indicated that the property presently is an existing 3 story dwelling, and any alteration to the structure will require a height variance. All improvements are less than 35 ft in height, with no changes to the 3rd story. The top of the railing for the proposed spiral staircase between the second and third floor is at or below the ridge line height. It was further agreed and stipulated that all improvements shall be under the 35 ft. height limit allowed.

15. During the public portion of the hearing, Mr. Robert Marrone of 10 Island View Way was sworn in to make comment. He advised the Board that he was in favor of the application and that the proposal would constitute a wonderful improvement to the property.

16. The Board was satisfied that testimony is provided that this design encourages municipal action to guide the appropriate use or development of all lands in a manner which will promote health, safety, morals, and general welfare; and will promote a desirable visual environment through good civic design and arrangements.

17. The proposed improvements as testified to will cause no substantial detriment to the public good. This will be a family home. The home is in keeping with the neighborhood and bulk and height variances have been given in the past by the Board so it is not unheard of for this type of application and the deviation from the ordinance is minimal. An additional variance for parking within the front yard is also granted to bring the property into compliance with the municipality's parking ordinance.

18. As for the Negative criteria, there is no substantial impact to the zone plan or ordinance. Accordingly, the Board is satisfied that the requested variances may be granted as necessary for the minimal site improvements testified to by both the Applicant and the Architect.

WHEREAS, In order to prevail on an application for a variance, the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D – 70, requires the applicant to establish that variances may be granted without substantial detriment to the public good and that the granting of the variances does not substantially impair the intent and purpose of the master plan, zone plan and zoning ordinance.

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. The Applicant is bound by all representations made before the Board during the hearing of this application.

d. No members of the public appeared in opposition to this application.

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**:

Applicant is **GRANTED** bulk variance relief pursuant to NJSA 40:55D-70.c and applicant is granted variances to construct additions to an existing single-family residence per the plans submitted. The applicant is granted the following variances:

1.

- “c” variance: 130-39.C – Front yard setback of 22.25 feet proposed, where 25 feet is required for the proposed front porch.
- An additional “c” variance under 130-39.C is granted for parking within the front yard setback.
- “c” variance: 130-39.C – Building height of 35 ft and 3 stories existing, and 35 feet and 3 stories is proposed, whereas a maximum of 38 feet and 2.5 stories is permitted

Further, as a condition of approval, the Applicant agrees to show the existing curb on the plans and add a note indicating that any curb which is damaged during construction shall be replaced at the Applicant's expense. Applicant must also comply with comments in the Board Engineer's letter for notes on the plans, if any, including any review and plot plan submitted for approval and any and all drainage calculations/reports provided for compliance. Applicant must also show mechanicals raised out of the flood plain, and must also show water and sewer lines/hookups on the plan to be provided, if required. Either Avakian (Town Engineer) or Hoder (Board Engineer) shall review plans and approve same, prior to construction permits being issued. This Application is further subject to Section 130-67 A 1, Performance Guarantees, if applicable, and also subject to any affordable housing requirements of Sea Bright.

ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO, BUT NOT LIMITED TO, THE FOLLOWING AGENCY APPROVALS;

- 1. Subject to review by all regulatory agencies having jurisdiction.**
- 2. Sea Bright Fire Department and Flood Plain Official.**
- 3. Payment of any and all outstanding review fees.**
- 4. Payment of all Inspection Fees.**
- 5. Plans subject to approval by the Board Engineer and Code and Construction Departments for the issuance of permits.**
- 6. Freehold Soil and Conservation District approval (if applicable).**

APPLICATION VOTE:

Adopted on a roll call on a motion by Board Vice Chairman DeSio and Seconded by Board Member Leckstein:

THOSE IN FAVOR: Bieber, Bills, Cashmore, Cunningham, DeSio, Gorman, Leckstein

THOSE OPPOSED: None

RECUSED: None

ABSENT: Kelly, Lawrence, DeGiulio, Schwartz

ABSTAINED: None

MEMORIALIZATION VOTE:

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

THOSE IN FAVOR: Bieber, Cashmore, Cunningham, Leckstein

THOSE OPPOSED: None

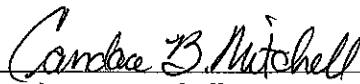
RECUSED:

ABSENT: Bills, DeSio, Gorman, Kelly, Lawrence

ABSTAINED:

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 August 9, 2022.

Date: August 9, 2022



Candace B. Mitchell
Administrative Officer
Unified Planning/Zoning Board
Borough of Sea Bright