

**APPROVED MINUTES  
REGULAR MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD  
TUESDAY, February 27, 2024**

**Call to Order and Flag Salute**

Chairman Cunningham called the meeting to order at 7:30 p.m. and requested those present to join in the Pledge of Allegiance.

**Open Public Meetings Statement**

Good evening, Ladies and Gentlemen,  
This Meeting Is Now Called to Order. The Borough of Sea Bright, in compliance with the Open Public Meetings Act, has provided notice of the time, date, and location of this meeting to the Asbury Park Press and Two River Times, filed notice with the Borough Clerk, and posted notice in the Borough Office and on the Borough website. This Meeting Is Open to The Public.

**ADMINISTRATIVE MATTERS**

**Oath Appointments**

Board Attorney Ben Montenegro administered the following Oath Appointments:

**4 Year Term Class IV**

Elizabeth DeGiulio     January 1, 2024 through December 31, 2024

**2 Year Term Class IV, Alt. #2**

Mark Zelina             January 1, 2024 through December 31, 2024

**Attendance Roll Call**

Present: Cashmore, Cunningham, DeGiulio, DeSio, Lawrence, Leckstein, Zelina

Absent: Bills, Kelly, Schwartz

Also in attendance: Board Attorney Ben Montenegro, Board Engineer David J. Hoder, Board Planner Christine Bell, and Board Secretary Candace B. Mitchell

**ITEMS OF BUSINESS**

**Approval of 1/23/24 Regular Meeting Minutes**

Councilman Leckstein offered a motion to approve the minutes. Second was offered by Mr. DeSio, and the motion was adopted on the following roll call vote of eligible members:

Aye: Cashmore, Cunningham, DeGiulio, DeSio, Lawrence, Leckstein, Zelina

Nay: none

**Memorialization of Resolution**

**RESOLUTION OF THE  
SEA BRIGHT PLANNING-ZONING BOARD  
GRANTING ADMINISTRATIVE APPROVAL FOR HOUSE PLAN MODIFICATION  
APPLICANT: GARETH MIDDLETON  
PROPERTY: 22 SURF STREET (LOT 14, BLOCK 11)**

**WHEREAS**, Gareth Middleton, whose mailing address is 22 Surf Street, Sea Bright, New Jersey 07760, has applied to the Borough of Sea Bright Unified Planning-Zoning Board for administrative approval to amend the approved house plan affecting premises located at 22 Surf Street, also known as Lot 14 Block 11, as designated on the Tax Map of said Municipality; and

**WHEREAS**, a public hearing was held on the said application on January 23, 2024 in the Municipal Building of said Municipality and testimony and exhibits were presented on behalf of the applicant and all interested parties having been heard; and

**WHEREAS**, the said Board, having considered said application, testimony, exhibits submitted, and from its inspection of the site, it makes the following determinations:

1. The tract in question (Lot 14) has an area of 1696 square feet.
2. The tract in question is in the R-3 Zone.
3. The applicant is seeking administrative approval to modify the approved house plan as follows:

- a. Add a fireplace bump-out on the side of the home (second story) which is 5.5" from the side property line as depicted on the Foundation Location Survey (marked).

4. The following were submitted in support of the application:

- a. Application for Administrative Approval to Amend Prior Approval Resolution 2022-09
  - b. Original Board Resolution of Approval 2022-09 (Approved 6/12/22; Memorialized 8/9/22)
  - c. Architectural Plans (3 pages) by Brian Manthey (dated 11/27/23)
  - d. Foundation Location Survey, by Lakeland Surveying, Jeffrey S. Grunn (dated 9/30/23) with notations detailing location/dimension of requested fireplace bump-out with inset photo

5. Gareth Middleton testified on behalf of the application as follows, to wit:

- A. He is the owner of the subject property. He is fully familiar with the subject property and surrounding properties; as well as the previously approved plans and the fireplace bump-out modification being requested.

- B. The prior approval (Resolution 2022-09) granted, among other variances, a side yard setback variance of .1' (at the rear corner of the home). Applicant seeks to add a second story fireplace bump-out toward the front of the home. As depicted on the marked survey provided, the proposed bump-out is 5.5" from the side property line. As such, the side setback non-

conformity for the fireplace is within the confines of the .1' side setback variance previously granted.

B. He acknowledged and agreed that all conditions of the prior approval remain binding on applicant, unless specifically modified herein.

6. No persons appeared in opposition to the Application.

7. The Board makes the following findings, to wit:

A. The proposed amended house plan (only change is for second story fireplace bump-out) is consistent with the original plan and will create no substantial detriment or impact on the overall site plan nor to the surrounding property owners, nor to the municipal zone plan/zoning ordinance. The modification does not constitute a significant change nor elimination of any significant condition of approval of the original plans approved via Resolution 2022-09 (approved 6/12/22, memorialized 8/9/22).

B. The plan modifications submitted require no additional variance relief and are appropriate and/or a better design in the layout for the site plan.

C. The proposed modification for the fireplace improves the functionality of the home for the owner through a reasonable design as depicted on the plans submitted.

**NOW THEREFORE, BE IT RESOLVED**, by the said Board that on this 23rd day of January, 2024, based on the findings hereinabove stated, it does hereby grant the administrative approval application subject to the following conditions:

1. Applicant should obtain any other approvals with respect to the submission from any other Federal, County, State or Municipal Agency having jurisdiction over same.

2. Applicant should re-submit this entire proposal should there be any deviation from this Resolution or the submitted documents which are hereby made a part hereof and shall be binding on the applicant.

3. Applicant shall construct at applicant's sole cost and expense all improvements reflected on the submitted documents or required by this Resolution.

4. All requirements and conditions of prior approval for Application 2022-09 (Resolution of Approval approved 6/12/22; memorialized 8/9/22) for the site shall remain in full force and effect unless specifically modified herein.

ADOPTED this 23rd day of January, 2024 on a roll call upon a motion offered by Mr. Leckstein and a second by Ms. Bills

VOTE ON ROLL CALL:

Those in Favor: Ms. Bills, Mr. Cashmore, Mr. DeSio, Mr. Leckstein

Those Opposed: Mr. Lawrence

Those Absent: Ms. DeGiulio, Mayor Kelly, Mr. Schwartz, Mr. Zelina

Those Not Voting: Mr. Cunningham (Conflict- Recused)

MEMORIALIZED this 27<sup>th</sup> day of January, 2024 on a roll call upon a motion offered by Mr. Leckstein and a second by Mr. DeSio

VOTE ON ROLL CALL:

Those in Favor: Mr. Cashmore, Mr. DeSio, Mr. Leckstein

Those Opposed: none

Those Absent: Ms. Bills, Mr. Schwartz, Mayor Kelly

Those Not Voting: Mr. Cunningham, Ms. DeGiulio, Mr. Lawrence, Mr. Zelina

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 foregoing is a true copy of a Resolution for Application No. 2022-09 - Amendment to a Prior Approval adopted by the Unified Planning/Zoning Board at its regular meeting on January 23, 2024 and memorialized on February 27, 2024.

*Candace B. Mitchell*

Candace B. Mitchell, Secretary

Borough of Sea Bright Unified Planning/Zoning Board

**Memorialization of Resolution**

**RESOLUTION OF APPROVAL**

**APPLICATION OF  
DAVID MAYER**

IN THE MATTER OF  
DAVID MAYER

: UNIFIED PLANNING/ZONING BOARD  
: BOROUGH OF SEA BRIGHT  
: APPLICATION NO. 2023-10  
: BLOCK 11, LOT 13  
: 24 SURF STREET

**WHEREAS**, DAVID MAYER has requested variance relief approval pursuant to N.J.S.A. 40:55D-70 (c) (1) and (2) to construct a single family home on the property located at Block 11, Lot 13 on the tax map of the Borough of Sea Bright, being commonly known as 24 Surf 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 January 23, 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 David Mayer was represented by Jeffrey P. Beekman, Esq., who presented the Application on his behalf; and

**WHEREAS**, the Board heard the testimony and evidence presented by the applicant, and his witnesses, 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 1699 sq. ft. is proposed (existing).
  - b. Minimum front yard setback where 5-12' is required and 4.1' is proposed (existing).
  - c. Minimum side yard setback where 3/6' is required and 1.7/4.8' is proposed (existing).
  - d. Minimum rear yard setback where 15' is required and 8.16' is proposed (7.5' existing).
  - e. Maximum lot coverage where 70% is allowed and 78% is proposed (79.1% existing).
  - f. Maximum building coverage where 50% is allowed and 52% is proposed (existing).
3. Based upon the opening comments of the Applicant's counsel, Jeffrey P. Beekman, Esq., the Board heard the following:
  - a. The Applicant proposes to construct a new single-family home at the site, utilizing the existing foundation/footprint.
  - b. The Applicant requests variance relief for lot area, front yard setback, side yard setback, rear yard setback, lot coverage and building coverage.
  - c. The following were submitted in support of the Application:

- Borough of Sea Bright Unified Planning-Zoning Board-Certified Application, dated 10/19/23
- Borough of Sea Bright Application for Zoning Permit, dated 7/10/23 (denial issued 7/13/23)
- Photos of Subject Property
- Survey, by InSite Surveying, dated 4/4/22
- Plot Plan, by InSite Engineering, dated 5/23/22 (1 sheet)
- Architectural Plans, by Feldman Architects, dated 5/27/23 (3 sheets)
- Exhibit A1 – Colored Rendering Architecturals
- 1/2/24 Board Planner Report of Jennifer C. Beahm, P.P.
- 11/9/23 Board Engineer Report of David J. Hoder, P.E., P.P., C.M.E.

4. Based upon the sworn testimony of the Applicant David Mayer, 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 in 2006. The home was previously a one-story structure. After acquisition, Applicant had the home elevated.
- d. The property/structure suffered significant damage as a result of Superstorm Sandy, including water in the home, mold damage, damage to personal property, and compromise of the flooring and foundation.
- e. Following Superstorm Sandy, applicant had the house elevated (for a second time). In conjunction with said elevation, new footings and foundation were installed.
- f. The structure however, remains in a state of disrepair and is not currently habitable. In reviewing the condition with his professionals, it was determined that new construction was preferable to an attempt at total renovation/addition to the existing structure.
- g. The intent of the project is to create a single-family home for his family (with children/grandchildren) to utilize as a summer vacation home.

5. Based upon the sworn and qualified testimony of the Applicant's Architect, David Feldman, 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 entered as Exhibit A1- a colored rendering of the architectural elevations (3 sheets : Page 1-Elevations; Page 2 – Floor Plan; Page 3 – Floor Plan). He noted that these plans had a slight modification to the original plans which reduced the upper level (2' knee wall) so as to fully comply with the Borough ordinance definition for a half story. This eliminates the need for a variance for a third story. He further agreed as a condition to revise the plan so that the height shall meet the Ordinance limit of 38' (original architectural plan proposed 38.15').

- c. As to off street parking, he testified that the proposal provides for 2 RSIS compliant parking spaces within the garage.
  - d. He noted that the property is located in an AE flood zone with base flood elevation of 8 – design flood elevation of 11. The proposed plans provide for a finished first floor of elevation 13.2.
  - e. In discussion with the Board, Applicant agreed to a condition to modify the floor plan to limit the home to 4 bedrooms. Same would be accomplished by converting bedroom #5 into an office by eliminating the closet and utilizing said space to increase the adjacent bathroom. Applicant agreed, for notice purposes to any future owners, to document this condition by way of deed restriction (said deed subject to the review and approval of the Board attorney and Board engineer).
  - f. He referenced the photo provided of the subject property and the house next door, which he indicated was 37.5’ in height; in rendering an opinion that the proposed home will be consistent with the neighborhood and create no negative impact to the neighboring properties.
  - g. Applicant agreed as a condition that the A/C condensers which must meet flood zone requirements as to height, shall not be located within the side yard or rear yard setbacks, nor conflict with the proposed parking spaces on the plan submitted.
6. Based upon the sworn and qualified testimony of the Applicant’s engineer Jennifer White, the Board made the following findings of fact:
- a. Due to the architectural changes to the rear landing/stairs, the proposed rear yard setback of 8.16’ is a slight improvement to the existing condition where only 7.5’ is existing.
  - b. Due to the architectural changes proposed, the lot coverage is also reduced by 1.1% (79.1% existing and 78% proposed).
  - c. Applicant agreed as a condition that all drainage from the downspouts on the proposed home shall be directed to the front of the property.
  - d. Applicant agreed as a condition that any sidewalks and/or curbs damaged during construction shall be repaired prior to issuance of a certificate of occupancy.
7. Based upon the sworn and qualified testimony of the Applicant’s Planner Andrew Janiw, P.P., the Board made the following findings of fact:
- a. The property is located in the R-3 zone.
  - b. Single family homes are a permitted use in the zone.
  - c. The lot, deficient in lot area, is an existing condition that is unchanged by the application but impacts compliance with the zoning ordinance.
  - d. The existing footings/foundation are an existing condition of the property.
  - e. The application improves/reduces the rear setback and lot coverage nonconformities existing on site.
  - f. He opined that the proposed application meets the positive criteria for C(1) variance relief due to the undersized nature of the lot in conjunction with the intended use of the existing foundation/footprint.
  - g. He opined that the proposed application advances purposes of zoning by constructing a new single family home in the existing footprint that improves safety, aesthetics and functionality at the site. He further opined that the proposal is an

efficient development of the property and provides for an appropriate density for the residential lot.

- h. He opined that the benefits of the application outweigh any detriments.
- i. He noted that the single-family home proposed on the lot is consistent with the goals and objectives of the master plan to maintain the character and consistency of residential neighborhoods.
- j. He opined that there is no detriment to the public good as the proposed development will be a benefit to the surrounding properties and neighborhood.

8. 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 foundation to be utilized by applicant in the construction of the new 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, safety 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 23rd day of January, 2024, upon a motion made by Mr. Leckstein and seconded by Ms. Bills that the application of David Mayer 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 January 23, 2024.



- 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 11/9/23, and all items set forth in the Board Planner report dated 1/2/24, 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. Final architectural plans shall be revised to reflect that the height shall meet the Ordinance limit of 38' (original architectural plan proposed 38.15').

- ii. Final architectural plans shall be revised to reflect an upper level that meets the Ordinance requirements for a half-story. No third story is proposed, nor approved.
- iii. Final architectural plans shall be revised to modify the floor plan to limit the home to 4 bedrooms. Same would be accomplished by converting bedroom #5 into an office by eliminating the closet and utilizing said space to increase the adjacent bathroom. For notice purposes to any future owners, this condition shall be documented by way of deed restriction (said deed subject to the review and approval of the Board attorney and Board engineer).
- iv. The A/C condensers and/or any generator,(which must meet flood zone requirements as to height), shall not be located within the side yard or rear yard setbacks, nor conflict with the proposed parking spaces on the plan submitted.
- v. All drainage from the downspouts on the proposed home shall be directed to the front of the property.
- vi. Any sidewalks and/or curbs damaged during construction shall be repaired prior to issuance of a certificate of occupancy.

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 23rd day of January, 2024 on a roll call upon a motion offered by Mr. Leckstein and a second by Ms. Bills

APPLICATION VOTE ON ROLL CALL:

IN FAVOR: Ms. Bills, Mr. DeSio, Mr. Cashmore, Mr. Cunningham,  
Mr. Lawrence, and Mr. Leckstein,

OPPOSED: None

MEMORIALIZED this 27<sup>th</sup> day of February, 2024 on a roll call upon a motion offered by Mr. Leckstein and a second by Mr. DeSio

IN FAVOR: Mr. Cashmore, Mr. Cunningham, Mr. DeSio,  
Mr. Lawrence, and Mr. Leckstein,

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 foregoing is a true copy of a Resolution for Application No. 2023-10 adopted by the Unified Planning/Zoning Board at its regular meeting on January 23, 2024 and memorialized on February 27, 2024.

*Candace B. Mitchell*

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

**Application No. 2024-02**

**Applicant BD Real Estate Adventures, LLC**

**Owners Lawrence and Laura Cole**

1124 Ocean Avenue, Bl. 12, L. 2

1132 Ocean Avenue, Bl. 12, L. 1

Seeking bulk variance approval to combine two restaurants to make one restaurant

Boardmember Mark Zelina stepped away from the Board due to what he felt may be a conflict pertaining to his residing within 200' of the subject property.

Present this evening in support of the application: Applicants Keith Brothers and Eric Daley, Attorney Rick Brodsky, Esq., and Architect Anthony M. Condouris

Items submitted in support of the application:

- Zoning Denial dated 11/17/23.
- Planning/Zoning Board application
- Survey of Property prepared by Morgan Engineering dated 8/17/23 consisting of one (1) sheet.
- Architectural Plans prepared by Condouris Architects dated 1/3/2024 consisting of three (3) sheets.
- Affidavit of Ownership signed by L. Cole
- Board Engineer's Technical Review dated 2/21/24, 3 pages
- Review by Fire Marshal/Code Enforcement Official
- 2 photos

Attorney Rick Brodsky introduced the application, stating the two buildings, which have separate owners, will be combined into one restaurant. The buildings are contiguous today. Taken together, they are shaped like a wide, squared off letter "U." A courtyard exists in the center. There is currently no access into the separate buildings where they meet. They are owned by two separate entities who have run two separate restaurants. Both restaurant properties are a permitted use in the zone.

Architect Anthony Condouris was sworn in to testify. He was accepted as an expert witness who has testified before this board many times. On an easel board he displayed a set of the architectural plans which had been provided to each member in their meeting packets, and he discussed what the project entails. The restaurant will be reconfigured but will be the same size restaurant. The lot coverage is the same, the non-conformities are the same. The plans create a rest room that is accessible from the courtyard. Also, a room will be added into the part of the building on the southwest side for garbage container storage.

Councilman Leckstein had questions about ownership. He asked what will happen when the lease runs out. Lot 1 is under a different owner. There will have to be a condition of approval that the owners would have to come back to the Board for site plan approval if the owners want to separate the buildings.

Councilman Leckstein mentioned a historical plaque that is mounted in the wall of the building on the Surf Street side. It is dated 1894 and contains the names of the members of Council at the time. Councilman Leckstein said there will have to be a condition of approval that, if the owners ever want to remove the sign, the town will get first rights to it.

Engineer Dave Hoder discussed the applicant's need for a waiver for parking.

Mr. Condouris discussed how many seats are planned in the restaurant. There are 51 seats in one side and 99 seats in the other side, plus courtyard seating. A note from the Borough Housing Official, Tom Haeger, states the plans show an occupancy of 341 for the existing old "Rory's." This should be corrected, as per the zoning approval, of 110 seats inside. Mr. Condouris also discussed roof venting. Mr. Hoder touched on landscaping.

There were no Public questions for Mr. Condouris.

One of the principle owners, Eric Daley, was sworn in to testify. He discussed hours of operation. Initially the restaurant would be closed Mondays and Tuesdays, and they hope to be open seven days, eventually. Councilman Leckstein stated that they wouldn't want to get locked in to that schedule.

Board Planner Christine Bell asked Mr. Daley to explain the lounge. Mr. Daley answered that it will be a "speakeasy" kind of thing.

Chairman Cunningham asked whether there will be an entrance from the courtyard to the former "Yolks" restaurant. Mr. Daley answered there won't be an entrance from the courtyard into "Yolks." Councilman Leckstein asked whether there was access to "Yolks" from the restroom. The answer was, "no." Councilman Leckstein asked about the old stairway to the roof and was told that it is gone. Councilman Leckstein mentioned that the biggest complaint about the old "Rory's" was the music in the courtyard and asked Mr. Daley what is his plan. Mr. Daley said they want to be very compliant and have nothing loud. A condition of approval would be no music in the courtyard after 10:00 p.m.

There were no Public questions for Mr. Daley.

Mr. Brodsky stated that he had nothing further to add and asked for questions from the Board.

Chairman Cunningham stated that he has concerns over garbage. The applicant will need new plans to show the exit, storage, rest room, and garbage room.

Mr. Condouris answered that garbage will go directly outside on the side of the building for pick-up on garbage pick-up days. Until then, garbage will stay in the storage room.

There were no public questions, and Councilman Leckstein said that he thinks the plan is a good use of the property, and he offered a motion to approve with all the conditions that were set forth. A second was offered by Vice Chairman DeSio and the motion carried on the following roll call vote:

Aye: Mr. Cashmore, Mr. Cunningham, Ms. DeGiulio, Mr. DeSio, Mr. Lawrence, and Mr. Leckstein

Nay: none

**Application No. 2024-01**

Eric Bischoff

12 South Street, Bl. 14, L. 15, R-3 zone

Seeking **bulk variance approval** to lift the house, provide parking on 1<sup>st</sup> level, 2<sup>nd</sup> floor addition, 3<sup>rd</sup> level ½ story, reframing of roof to create finished attic, and replacement of existing attached garage w/ exterior deck

Present this evening in support of the application: Applicant Eric Bischoff and Architect Anthony M. Condouris.

Items submitted in support of the application:

- Borough of Sea Bright Unified Planning-Zoning Board-Certified Application dated 1/12/24
- Borough of Sea Bright Application for Zoning Permit, (denial issued 10/31/23)
- Photos of Subject Property
- Survey, by Thomas P. Santry, P.L.S. dated 6/27/23
- Elevation Certificate, by Thomas P. Santry, P.L.S. dated 7/11/23
- Architectural Plans, by Anthony Condouris, R.A. dated 10/19/23
- 2/22/24 Board Planner Report of Jennifer C. Beahm, P.P.
- 2/7/24 Board Engineer Report of David J. Hoder, P.E., P.P., C.M.E.

Eric Bischoff and Anthony Condouris were sworn in to testify.

Mr. Bischoff introduced the application. He and his wife are the owners of the property. They acquired the property from a foreclosure in 2023. It is a two-story home with three bedrooms. The first floor sits below Design Flood Elevation. It has no RSIS-compliant off-street parking.

The Applicant is proposing to elevate the home, add a third story to provide a fourth bedroom, demolish the existing garage, and construct a first story deck in the footprint of the existing garage. He says these renovations will make the home safer and more functional for his family to utilize as a primary residence.

Mr. Condouris displayed the site plans he prepared and described the proposed modifications. The first floor will provide a kitchen, half bath, dining area, living room, and an outdoor deck. The second floor will provide three bedrooms, a full bath, and a front covered deck. The third floor will provide a master bedroom, full bath, and a deck.

The lot is non-conforming. Variance relief is sought for lot area, lot depth, front yard setback, side yard setback, rear yard setback, lot coverage, building coverage and building height (stories.) The house is being lifted and will provide a finished first floor elevation of 14.3'. Two RSIS-compliant parking spaces will be created.

Councilman Leckstein asked the Board Planner how many spaces are required for the home. Christine Bell stated that five spaces are needed, and there are two spaces planned. Mr. Condouris said he thinks three cars can probably fit if utilizing the driveway.

In a discussion with the Board the applicant agreed to a condition of approval to eliminate the exterior staircase to the first floor deck in order to provide safe and open access to the rear area below the deck. He also agreed to provide access from the ground level garage to the rear area below the first floor deck.

No members of the Board had questions for Mr. Bischoff nor for Mr. Condouris, and no member of the Public appeared in opposition to the application.

Councilman Leckstein offered a motion to approve the application with the following conditions: The applicant will revise the plans to eliminate the exterior staircase to the first floor deck, will revise the plans to provide access from the ground level garage to the rear area below the first floor deck, and will locate air conditioner condensers or generators below the first floor deck and will meet the flood zone requirements pertaining to height.

The motion was seconded by Vice Chairman David DeSio and was adopted on a roll call vote as follows:

Aye: Mr. Cashmore, Mr. Cunningham, Ms. DeGiulio, Mr. DeSio, Mr. Lawrence, Councilman Leckstein, and Mr. Zelina

Nay: none

**Application No. 2023-12**

Jonathan and Catherine Goldin

7 Atlantic Way, Bl. 29, L. 7

Seeking bulk and use variance approval to construct the addition of a third floor (1/2 story) and partial enclosure for the existing open garage area for storage purposes

Council member Marc A. Leckstein stepped away from the Board for this application which involves a use variance.

Present this evening in support of the application: Owner/Applicants Catherine and Jonathan Goldin, Attorney Rick Brodsky, Architect Anthony M. Condouris, and Planner Andrew Janiw.

Items submitted in support of the application:

- Zoning Permit Denial dated 10/17/23
- Application for Submission dated 11/3/23
- Architects plans entitled Goldin Residence 7 Atlantic Way, Sea Bright, NJ, prepared by Anthony M. Condouris dated 9/28/23, 3 sheets.
- Survey of Property consisting of 1 sheet prepared by David J. Von Steenburg, P.L.S. of Morgan Engineering & Surveying dated 2/21/23
- Photos of current conditions, undated.
- Engineer's 1<sup>st</sup> Technical Review dated 11/21/23, 3 pages
- Planner's 1<sup>st</sup> Planning Review dated 12/6/23, 5 pages
- Architects Plans entitled Goldin Residence 7 Atlantic Way, Sea Bright, NJ, prepared by Anthony M. Condouris dated 9/28/23, rev. 1/5/24, 3 sheets
- Engineer's 2nd Technical Review dated 1/15/24
- Planner's 2nd Planning Review dated 2/19/24
- 12/12/23 Noticing Submission
- 1/9/24 Noticing Submission
- 2/13/24 Noticing Submission
- 2/27/24 Noticing Submission

Board Attorney Montenegro stated that the applicant gave appropriate noticing, and the Board, consisting of six members, took jurisdiction.

Rick Brodsky, Applicant's counsel, introduced the application. The property, located in the R-2 zone, is the primary residence of the Goldin family, who have three children. An extra bedroom is needed to accommodate the family.

The applicant proposes to construct an addition of a third floor to the existing single family home, eliminate the front staircase to provide grade level entry, construct a new spiral staircase at the rear deck, and partially enclose the existing ground level garage area to be used for storage.

There are a number of existing nonconformities: lot area; minimum lot width; minimum required front yard setback, which is exacerbated by the proposed addition and requires a variance; minimum required side yard setbacks, which are exacerbated by the proposed addition; minimum required rear yard setback; maximum permitted building coverage; maximum permitted number of stories (3), requiring a variance; a maximum proposed height of 38 ft. which is greater than 10% of

the maximum permitted height, requiring a d(6) variance; a five bedroom home would require three parking spaces.

Mr. Brodsky stated the home was built post-Sandy, and the proposed height fits perfectly in the neighborhood.

There were no questions from the Board for Mr. Brodsky.

Architect Anthony Condouris was sworn in to testify. He stated that the existing two-story house was built in 2013 on a raised foundation. The front setback of 9.8' is consistent with the neighborhood. The plan will create storage under the house and will create a recess in front, providing another parking space. There will be a deck in the front and a deck in the back. The parking layout will provide 4 off-street RSIS-compliant parking spaces. Mr. Brodsky stated that 3 were needed. Vice Chairman DeSio pointed out that the fourth space would be in the setback and a waiver would be needed.

The plans, page V-1, show the ground level depicting the partially enclosed storage spaces, the interior staircase on the first floor, and door access points.

Page V-2 shows the floor plans for the three proposed finished levels. The third story addition provides a 4-bedroom home. The third story meets the half-story limitation for maximum allowed square footage but does not meet the wall height limitations. This page also depicts the spiral staircase located at the rear decks.

Page V-3 shows the elevations on all 4 sides of the home. Mr. Condouris stated the setback of the third story visually mitigates the impact of the third story.

There were no questions from the Public for the Board nor for Mr. Condouris.

The applicant's Planner, Andrew Janiw, was sworn in to provide a zoning perspective, and his credentials were accepted by the Board. Mr. Janiw displayed an exhibit, marked A-1, which is Architectural Sheet A5, showing the ground level parking layout. Mr. Janiw marked exhibit A-2, which is an aerial photo of the neighborhood, showing that every lot on the street, except one, is non-compliant. He discussed the d(6) variance for height and stated the plans were not changing the footprint of the home.

Mr. Janiw offered an exhibit, a photoboard, marked A-3, of three photos taken 1/4/24. He said the addition is in the character of the neighborhood and that having three children necessitated an extra bedroom. He summarized that this home is a single-family home, is conducive to the neighborhood, and will maintain the character of the neighborhood. The applicant is asking for 38' height on an undersize lot that caps the height at 30'. He thinks there is no harm and no issue. He stated the home will provide a benefit to surrounding properties and the neighborhood.

Members of the public were offered an opportunity to comment.

Thomas Largey, 14 Willow Way and 1 Beachway, was sworn in. He commented on the impact of "shadowing" on neighboring properties.

Michael Welty, 49 Bellevue Place, and Louis Liberatore, 5 Atlantic Way, were each sworn in and offered positive comments about the proposed project.

The public portion was closed.

A motion to approve the application was offered by Vice Chairman David DeSio on the following condition: the applicant will modify the architectural plans to identify BFE and DFE and will plan compliance of the same.

A second was offered by Mr. Lawrence, and the motion was carried on the following roll call vote:

Aye: Mr. Cashmore, Mr. Cunningham, Ms. DeGiulio, Mr. DeSio, Mr. Lawrence, and Mr. Zelina.

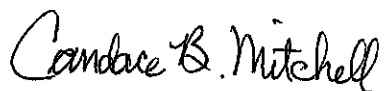
Nay: none

With no public questions and no further business to come before the Board, the next meeting date of 3/12/24 was announced.

#### ADJOURNMENT

The meeting was adjourned at 9:19 p.m. on a motion offered by Councilman Leckstein, a second offered by Mr. Lawrence. and a unanimous voice vote by the Board members.

Respectfully submitted,



Candace B. Mitchell, Board Secretary