

**APPROVED MINUTES  
REGULAR MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD  
TUESDAY, March 12, 2024**

**Call to Order and Flag Salute**

Vice Chairman David DeSio 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**

Mark Zelina    Unexpired term through December 31, 2027

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

Faith Lefkort    Unexpired term through December 31, 2025

**Attendance Roll Call**

Present: Bills, Cashmore, DeGiulio, DeSio, Lawrence, Leckstein, Lefkort, Zelina

Absent: Cunningham, Kelly, Schwartz

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

**ITEMS OF BUSINESS**

**Approval of 2/27/24 Regular Meeting Minutes**

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

Aye: Cashmore, DeGiulio, DeSio, Lawrence, Zelina

Nay: none

**Memorialization of Resolution**

**RESOLUTION OF APPROVAL**

**APPLICATION OF  
BD REAL ESTATE ADVENTURES, LLC**

IN THE MATTER OF : UNIFIED PLANNING/ZONING BOARD  
BD REAL ESTATE ADVENTURES, : BOROUGH OF SEA BRIGHT  
LLC : APPLICATION NO. 2024-02  
: BLOCK 12, LOTS 1 & 2  
: 1124-1132 OCEAN AVENUE

**WHEREAS**, BD REAL ESTATE ADVENTURES, LLC. has requested amended preliminary and final site plan approval with variance relief pursuant to N.J.S.A. 40:55D-70 (c)(1) and (2) to modify the site plan to have one combined restaurant site with courtyard on the property located at Block 12, Lots 1 & 2 on the tax map of the Borough of Sea Bright, being commonly known as 1124-1132 Ocean Avenue, Sea Bright, New Jersey, and said premises being in the B-1 Central Business Zone; and

**WHEREAS**, the Board held a public hearing on said application on February 27, 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 was represented by counsel, Rick Brodsky, Esq., who presented the Application; and

**WHEREAS**, the Board heard the testimony and evidence presented by the applicant, applicant's witness and received no comments from the public.

**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. Based upon the opening comments of the Applicant's counsel, the Board heard the following:
  - A. The Applicant proposed to modify the plan to combine the site into one integrated restaurant with courtyard, where there are currently two separate restaurant units on each lot. The only building footprint expansion proposed is the vestibule addition noted on the plans.
  - B. Variance relief was requested for building coverage where 50% is permitted, 55.3% is existing and 57.2% is proposed; and off street parking where no parking is proposed/existing and 30 spaces are required for Lot 1 and 114 spaces are required for Lot 2. Applicant sought re-approval of the variances previously existing and not modified by the

application for (Lot 1) lot area, lot width, lot depth, rear yard setback, building coverage, lot coverage, and parking; (Lot 2) rear yard setback and parking.

3. The following were submitted in support of the Application:
  - A. Zoning Denial by Mary Tangolis, Zoning Officer, dated 11/17/23
  - B. Certified Planning/Zoning Board Application
  - C. Survey of Property, by Morgan Engineering, dated 8/17/23 (1 sheet)
  - D. Architectural Plans (3 sheets) by Condouris Architects (dated 1/3/24)
  - E. 2/21/24 Board Engineer Report of David J. Hoder, P.E.
4. Based upon the sworn testimony of the Applicant's Principal Eric Daley, the Board made the following findings of fact:
  - A. He is a Principal/Owner of Applicant BD Real Estate Adventures, LLC. The Applicant is the owner of Lot 2 and Applicant has a 20-year lease to occupy Lot 1.
  - B. Applicant (or affiliated entity) will be the owner/operator of the restaurant to operate on the proposed integrated site.
  - C. The subject property is located in the B-1 Central Business Zone.
  - D. There is an existing restaurant unit on each of the lots with courtyard on Lot 2. The site is currently vacant but previously housed York's restaurant on Lot 1 and Rory's restaurant on Lot 2.
  - E. The Applicants' intent per the architectural plans submitted is to modify the site to utilize same as one integrated restaurant/bar with outdoor courtyard seating.
  - F. He indicated that the vestibule area addition is intended for a host station for patrons entering the restaurant.
  - G. The concept for the integrated restaurant would be to provide a more formal dining setting in the Lot 2 side dining room/bar while providing a more casual setting/menu in the courtyard and Lot 1 side dining room/bar.

- H. The rear room identified on the floor plan is intended as a “speak easy” type lounge/bar area.
- I. He testified that deliveries will be made from Surf Street at a door located near the location of the walk-in box depicted on the plans.
- J. He testified that garbage will be housed in an interior refuse room (approximately 11’ by 11’) in the area on the plans identified as “existing kitchen” in the Lot 1 side of the building. Applicant agreed to modify the architectural floor plans to delineate the refuse room with exterior door location (Surf Street side of building on Lot 1).
- K. He testified that there will be no access to the Lot 1 portion of the building from the courtyard. There will be patron access to the Lot 1 portion of the building via doorway entrance on Ocean Avenue as depicted on the plans.
- L. Applicant agreed as a condition that any music (live or via speakers) shall comply with the Borough’s noise/curfew ordinance.
- M. He opined that there will be no negative impacts created by the application for amended site plan approval and that the benefits of the amended plans, outweigh any detriments.

5. Based upon the sworn testimony of the Applicant’s Architect Anthony Condouris, 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. The property is located on the west side of Ocean Avenue between New Street and Surf Street.
- C. It is the current location of two restaurant units, one on Lot 1 (formerly Yolk’s restaurant) and one on Lot 2 (formerly Rory’s restaurant).
- D. The applicant owns Lot 2 and has a 20-year lease for Lot 1. The proposal is to combine and integrate the building and courtyard for one restaurant use.
- E. Sheet A-1 of the plans provides the site plan proposed for the integrated restaurant use with outdoor courtyard.
- F. Sheet A-2 of the plans provides the proposed renovated floor plan for the integrated restaurant

use. The Lot 1 side of the building provides for dining room/bar and bathrooms that will house the casual pub style portion of the restaurant. The courtyard will similarly provide for a casual atmosphere and menu with tables and bar and designated bathrooms accessed only via the courtyard as depicted on the plans.

- G. The Lot 2 side of the building (Sheet A-2) provides for the vestibule addition proposed which will house the host station. This dining room/bar area will be a more formal dining room/menu. The rear room is proposed as a “speak easy” type bar/lounge area.
- H. The rear portion of the floor plan (Sheet A-2) identifies the kitchen to remain with walk-in. This kitchen will service both dining rooms and the courtyard. The area of the “existing kitchen” on Lot 1 will be converted to a refuse room/office and connecting hallway from the proposed kitchen to the Lot 1 dining room/bar.
- I. Sheet A-3 of the plans shows the building architectural elevations.
- J. He confirmed the only footprint change proposed by the application is the vestibule addition on Lot 2 which creates a minor increase in building coverage.
- K. Acknowledging that the courtyard bathrooms and proposed refuse room are located on Lot 1, while they service uses that take place on Lot 2, Applicant agreed as a condition that amended approval from the Board shall be required if at any time in the future there is not common ownership/operation (as is existing currently via Applicant’s ownership of Lot 2 and leasehold interest in Lot 1).
- L. He noted that there is a historical plaque dating to approximately 1894 on the Surf Street façade of the building near the rear corner of the building. Applicant agreed as a condition to provide by way of deed restriction for notice to any future owners, that Applicant has agreed to a historical deed dedication reflecting that should any owner of the subject property cease to maintain the plaque as part of the building, then same shall be dedicated to the

Borough of Sea Bright, for no additional consideration.

- M. He confirmed that there is no parking provided on site. This is an existing condition that is not being changed. Noting that the only expansion of the building is for the vestibule, he opined that this will cause no detriment to the surrounding neighborhood.
- N. He proposed that the trees in the courtyard would be planted in the ground. If not able to be sustained, they will be replaced with similar plantings in free standing planters.
- O. He noted that the proposed planters at the front of the courtyard are approximately 24" in height.
- P. As to seating, he testified that the plans propose 51 seats in the Lot 1 dining room/bar; 99 seats in the Lot 2 dining room/bar; and 67 seats in the courtyard. He noted this is less than approved for the Lot 2 use via 1999 Resolution for Harry's Lobster House which allowed 70-75 people in the courtyard area and 110 seats in the dining room/bar.

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) and (2) with conditions imposed, for the variance relief required and re-approval of variances previously granted/existing for this application for amended site plan approval in as much as the amendments to the plans are an appropriate development of the subject parcel with a permitted use in the Zone;

**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) and (i) of the Municipal Land Use Law; and those benefits outweigh any detriment from the proposal; and

**WHEREAS**, after careful deliberation 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 functional use of the site and improved aesthetics at the site; and

**WHEREAS**, the Board (noting that despite public notice, no persons appeared in opposition to the application) 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 27th day of February, 2024, upon a motion made by Mr. Leckstein and seconded by Mr. DeSio that the application of BD Real Estate Adventures, LLC, be granted, subject to the following terms and conditions:

1. The applicant shall be bound by all exhibits introduced, all representations made, and all testimony given before the Board at its meeting of February 27, 2024.
2. The applicant shall provide all required Site Performance Bond and Inspection Fees in accordance with the Municipal Ordinance.
3. 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 CAFRA, and the Municipality's and State's affordable housing regulations; and the applicant shall comply with any requirements or conditions of such approvals or permits.
4. 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.
5. The applicant shall comply with all items set forth in the Board Engineer report dated 2/21/24, unless specifically exempted herein.
6. 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.

7. The applicant shall comply with all building, FEMA and fire codes including, but not limited to, entrances and exits.
8. 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.
9. In the event that any documents require execution in connection with this approval, such documents shall not be released until all conditions are satisfied.
10. 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.
11. 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.
12. Applicant shall comply with the following special conditions:
  - A. Applicant shall provide a final lighting plan that shall be subject to the review and approval of the Board Engineer and Board Planner as to size, type, number and location to insure no negative impacts to the surrounding property owners.
  - B. Applicant shall provide by way of deed restriction for notice to any future owners, that Applicant has agreed to a historical deed dedication reflecting that should any owner of the subject property cease to maintain the plaque as part of the building, then same shall be dedicated to the Borough of Sea Bright, for no additional consideration. Said deed shall be subject to the review and approval of the Board engineer and Board attorney.
  - C. Amended approval from the Board shall be required if at any time in the future there is not common ownership/operation for the integrated use of the two lots (as is existing currently via Applicant's ownership of Lot 2 and leasehold interest in Lot 1).



- D. Any music (live or via speakers) in the courtyard area shall comply with the Borough's noise/curfew ordinance.
  - E. Applicant shall modify the architectural floor plans to delineate the refuse room with exterior door location (Surf Street side of building on Lot 1).
13. Publication of a notice of this decision shall be published in the official newspaper of the Board. Such publication shall be arranged by the applicant.

ADOPTED this 27th day of February, 2024 on a roll call upon a motion offered by Mr. Leckstein and a second by Mr. DeSio

ADOPTION VOTE ON ROLL CALL:

IN FAVOR: Mr. Cashmore, Chairman Cunningham, Ms. DeGiulio, Vice Chairman DeSio, Mr. Lawrence, and Mr. Leckstein

OPPOSED: None

MEMORIALIZED this 12th day of March, 2024 on a roll call upon a motion by Mr. Leckstein and a second by Ms. DeGiulio

MEMORIALIZATION VOTE ON ROLL CALL:

IN FAVOR: Mr. Cashmore, Chairman Cunningham, Ms. DeGiulio, Vice Chairman DeSio, Mr. Leckstein, and Mr. Zelina

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. 2024-02 Approved by the Unified Planning/Zoning Board at its regular meeting on February 27, 2024 and memorialized on March 12, 2024.

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

**Memorialization of Resolution**

**RESOLUTION OF APPROVAL**

**APPLICATION OF  
ERIC BISCHOFF**

IN THE MATTER OF  
ERIC BISCHOFF

: UNIFIED PLANNING/ZONING BOARD  
: BOROUGH OF SEA BRIGHT  
: APPLICATION NO. 2024-01  
: 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 renovation/ elevation/ addition to a 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 February 27, 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 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 is allowed and 3 stories is proposed.
3. Based upon the opening comments of the Applicant, the Board heard the following:
- a. The Applicant proposes to renovate/elevate/add to an existing single-family home at the site, utilizing the existing footprint.
  - 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 1/12/24
    - 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.
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. The home is currently a two story structure as shown in the photos submitted.
  - d. The current home provides for 3 bedrooms and has a first floor below DFE. The site has no RSIS compliant off street parking.
  - e. The intent of the project is to elevate the home, add a third story to provide for a 4<sup>th</sup> 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.
  - f. These renovations will make the home safer, more aesthetically pleasing, and more functional so that his family can utilize the home as their primary residence.
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. The home is to be elevated with interior stairs from the garage level to the first floor. The first floor (exterior stair eliminated, and interior squared off) provides for a kitchen, half bath, dining area, living room and outdoor deck. The second floor (expanded to the rear) provides for 3 bedrooms, a full bath and front covered deck. The third floor provides a master bedroom, full bath and deck.
  - c. As to off street parking, he testified that the proposal provides for 2 RSIS compliant parking spaces within the garage. This is an improvement as there are currently no RSIS compliant off street parking spaces on site. A paver driveway area is proposed, approximately 8.5' by 14'. The area below the first floor deck will be a permeable surface (stone is proposed).
  - 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 14.3.
  - e. He noted that the A/C condensers shall be located below the outdoor deck at an elevation to meet DFE.
  - f. In discussion with the Board, Applicant agreed as a condition to eliminate the exterior stair case to the first floor deck so as to provide safe and open access to the rear area below the deck.
  - g. In discussion with the Board, Applicant agreed as a condition to provide a door/access from the ground level garage to the rear area below the first floor deck.

- h. 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 elevation/renovation/addition 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, 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 27th day of February, 2024, 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 February 27, 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 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. Applicant shall revise the plans to eliminate the exterior stair case to the first floor deck so as to provide safe and open access to the rear area below the deck.
  - ii. Applicant shall revise the plans to provide a door/access from the ground level garage to the rear area below the first floor deck.
  - iii. The A/C condensers and/or any generator, shall be located below the first floor deck and must meet flood zone requirements as to height.
- 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 27th day of February, 2024 on a roll call upon a motion offered by Mr. Leckstein and a second by Mr. DeSio

ADOPTION VOTE ON ROLL CALL:

IN FAVOR: Mr. Cashmore, Chairman Cunningham, Ms. DiGiulio, Vice Chairman DeSio, Mr. Lawrence, Mr. Leckstein, and Mr. Zelina

OPPOSED: None

MEMORIALIZED this 12th day of March, 2024 on a roll call upon a motion by Mr. Leckstein and a second by Ms. DeGiulio

MEMORIALIZATION VOTE ON ROLL CALL:

IN FAVOR: Mr. Cashmore, Ms. DeGiulio, Vice Chairman DeSio, Mr. Lawrence, Mr. Leckstein, and Mr. Zelina

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. 2024-01 Approved by the Unified Planning/Zoning Board at its regular meeting on February 27, 2024 and memorialized on March 12, 2024.

*Candace B. Mitchell*

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

**Memorialization of Resolution**

**RESOLUTION OF APPROVAL**

**APPLICATION OF  
JONATHAN & CATHERINE GOLDIN**

IN THE MATTER OF : UNIFIED PLANNING/ZONING BOARD  
JONATHAN & CATHERINE GOLDIN : BOROUGH OF SEA BRIGHT  
: APPLICATION NO. 2023-12  
: BLOCK 29, LOT 7  
: 7 ATLANTIC WAY

**WHEREAS**, JONATHAN & CATHERINE GOLDIN have requested variance relief approval pursuant to N.J.S.A. 40:55D-70 (d)(6), (c) (1) and (2) to construct an addition of a third floor to the existing single family home, a new spiral staircase, and partial enclosure of the existing open ground level garage area to be used for storage on the property located at Block 29, Lot 7 on the tax map of the Borough of Sea Bright, being commonly known as 7 Atlantic Way, Sea Bright, New Jersey, and said premises being in the R-2 Zone; and

**WHEREAS**, the Board held a public hearing on said application on February 27, 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 Jonathan & Catherine Goldin were represented by Rick Brodsky, Esq., who presented the Application on their behalf; and

**WHEREAS**, the Board heard the testimony and evidence presented by the applicant, and their witnesses, and persons from public provided 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 4000 sq. ft. is required and 2437 sq. ft. is proposed (existing).
  - b. Minimum lot width where 50' is required and 32.5' is proposed (existing).
  - c. Minimum front yard setback where 25' is required and 17.66' is proposed.
  - d. Minimum side yard setback where 7'/15' is required and 3.74'/7.55' is proposed.
  - e. Minimum rear yard setback where 15' is required and 2' is proposed (existing).
  - f. Maximum building coverage where 50% is allowed and 55.39% is proposed (existing).
  - g. Building height where 2.5 stories/ 33' is allowed and 3 stories/38' is proposed.
3. Based upon the opening comments of the Applicant's counsel, Rick Brodsky, Esq., the Board heard the following:
  - a. The Applicant proposes to construct an addition of a third floor to the existing single family home, eliminate front staircase to provide grade level entry, a new spiral staircase at the rear deck, and partial enclosure of the existing open ground level garage area to be used for storage.
  - b. The Applicant requests variance relief for lot area, lot width, front yard setback, side yard setback, rear yard setback, building coverage and building height.
  - c. The following were submitted in support of the Application:
    - Borough of Sea Bright Unified Planning-Zoning Board-Certified Application, dated November 7, 2023
    - Borough of Sea Bright Application for Zoning Permit, dated October 17, 2023 (denial)
    - Photos of Subject Property
    - Survey, by David J. Von Steenburg, P.L.S., dated 2/21/23

- Architectural Plans, by Anthony M. Condouris Architect, Inc., dated 9/28/23(last revised 1/5/24) (3 sheets)
- 1/19/24 Board Planner Report of Jennifer C. Beahm, P.P.
- 1/15/24 Board Engineer Report of David J. Hoder, P.E., P.P., C.M.E.
- Exhibit A1 – Architectural Sheet A5 – Ground Level Parking Layout
- Exhibit A2 – Aerial Photo
- Exhibit A3 – Photo Board (3 Photos) dated 1/4/24

4. 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. The proposal is to add a third story to the existing elevated two story home, eliminate the front staircase, provide for a partially enclosed ground level with interior stair to first floor, and a spiral staircase on rear deck.
  - c. Making reference to Exhibit A1 – he described the ground level parking layout that provides for 4 off street RSIS compliant parking spaces.
  - d. The plans at page V-1 show the ground level plan which depicts the partially enclosed storage spaces, interior staircase to first floor and door access points.
  - e. The plans at page V-2 show the floor plans for the three proposed finished levels. As seen on the plans, the proposal with third story addition provides for a 4 bedroom home. The third story does not meet the criteria for half-story based upon the wall heights. He testified that nonconformity is mitigated by fact that the third story does meet the half-story limitation for maximum square footage allowed. This page also shows the proposed spiral staircase at the rear decks.
  - f. The plans at page V-3 show the architectural elevations from all four sides of the proposed home. He noted that the side elevations show how the significant setback of the third story livable space both in the front and rear visually mitigates the impact of the third story addition.
  - g. He agreed as a condition to modify the architectural plans identifying the BFE and DFE and the proposed structure's compliance with same.
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-2 zone.

- b. Single family homes are a permitted use in the zone.
  - c. The lot, deficient in lot area and lot width, is an existing condition that is unchanged by the application but impacts compliance with the zoning ordinance.
  - d. The footprint of the elevated two story home on site is an existing condition of the property.
  - e. He opined that the proposed application meets the positive criteria for the D(6) height variance relief required. He noted that the proposed addition meets the “half-story” ordinance requirement for limitation on square footage, but not the wall height limitations. He opined that the site adequately accommodates the deviation based on the architectural design. He noted that the design mitigates any massing effect by providing for significant setback of the third floor living space both in the front and rear of the home.
  - f. Making reference to Exhibits A2 and A3, he showed that the majority of the surrounding neighborhood are developed single family homes on similarly undersized lots for both area and width. He noted that the majority of the homes are similar in size, scale and height as the home proposed.
  - g. 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. The proposal does not expand the footprint of the home.
  - h. 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.
  - i. He opined that the benefits of the application outweigh any detriments.
  - j. 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.
  - k. He opined that there is no detriment to the public good as to the proposed development will be a benefit to the surrounding properties and neighborhood.
8. No persons appeared in opposition to the application; and several persons appeared in support of 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 (d) (6), as the deviation from strict application of the height requirement on this property is properly accommodated by the architectural design which mitigates the visual impact of the minor deviation (noting that the square footage of the third story does not exceed the ordinance allowance for a half story); 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 ) (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/footprint to be utilized by applicant in the renovation/third story addition at the site; 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) 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; 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 27th day of February, 2024, upon a motion made by Mr. DeSio and seconded by Mr. Lawrence that the application of Goldin 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 February 27, 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 1/15/24, and all items set forth in the Board Planner report dated 1/19/24, 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.

1. Applicant shall comply with the following special conditions:

i. Applicant shall modify the architectural plans to identify the BFE and DFE (and plan compliance with same).

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 27th day of February, 2024 on a roll call upon a motion offered by Vice Chairman DeSio and a second by Mr. Lawrence

ADOPTION VOTE ON ROLL CALL:

IN FAVOR: Mr. Cashmore, Chairman Cunningham, Ms. DeGiulio, Vice Chairman Mr. DeSio, Mr. Lawrence, and Mr. Zelina

OPPOSED: None

MEMORIALIZED this 12th day of March, 2024 on a roll call upon a motion by Mr. Leckstein and a second by Ms. DeGiulio

MEMORIALIZATION VOTE ON ROLL CALL:

IN FAVOR: Mr. Cashmore, Chairman Cunningham, Ms. DeGiulio, Vice Chairman DeSio, Mr. Lawrence, and Mr. Zelina

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. 2023-12 Approved by the Unified Planning/Zoning Board at its regular meeting on February 27, 2024 and memorialized on March 12, 2024.

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

### **New Application No. 2024-03**

Anthony Condouris for Charles Rooney

East Ocean Avenue, Bl. 23, L. 128 (CP zone)

Seeking bulk variance approval to build a second stairway over the seawall on one lot

Present this evening in support of the application:

Charles Rooney, subject property owner, and Elliot Stern, neighboring property owner.

Items submitted in support of the application:

- Borough of Sea Bright Planning/ Zoning Board Application dated February 2, 2024.
- Borough of Sea Bright Zoning Permit Denial dated December 20, 2023.
- Cover Letter from Anthony M. Condouris, dated February 8, 2024.
- Premier Deck Builders Deck Plans, consisting of one (1) sheet, prepared by Anthony M. Condouris Architect, Inc., dated January 29, 2024.
- Location and Topographic Survey, consisting of one (1) sheet, prepared by James B. Goddard, PLS, of Land Control Services, LLC, dated November 13, 2023.
- Easement Agreement, prepared by Kevin E. Kennedy, Esq., dated December 11, 2020.
- 3 photos dated January 12, 2024
- Board Planner's Review dated March 11, 2023, consisting of 3 pages

Mr. Rooney and Mr. Stern were sworn in to testify.

Mr. Rooney explained that had subdivided his lot at 196 Ocean Avenue, Block 33, Lot 2.01 in 2020. The new lot created is 198 Ocean Avenue, Block 33, Lot 2.02 and is owned by Mr. Stern. Mr. Rooney explained that he did not subdivide the CP zone (Coastal Protected) lot across Ocean Avenue. Mr. Rooney has a set of seawall stairs on the CP lot across Ocean Avenue from his home and is asking the Board to approve a second set of seawall stairs to provide beach access on the same lot for use by Mr. Stern. These stairs would be located on the part of Mr. Rooney's CP lot across from Mr. Stern's property at 198 Ocean Avenue.

After some discussion, the Board determined that more information was needed in order to make a decision. The plans need to be revised to provide measurements of the staircase.

Councilman Leckstein offered a motion to carry the matter to the meeting on March 26<sup>th</sup>, 2024, with a second offered by Ms. Bills, and on the following roll call vote:

Aye: Bills, Cashmore, DeGiulio, DeSio, Lawrence, Leckstein, Zelina, Lefkort

Nay: none

### **GENERAL PUBLIC COMMENTS**

Murphy Anderson, 8 Center Street, commented that the sidewalk by the seawall could be expanded to better accommodate joggers, as is done in Long Branch. Long Branch has an ellipse coming out of the sidewalk to allow the foot and bicycle traffic to flow through there. Mr. Anderson said he will bring up the topic at a Council meeting.

The Public portion of the meeting was closed, and, with no further business to come before the Board, the next meeting date of 3/26/24 was announced.

**ADJOURNMENT**

The meeting was adjourned at 7:58 p.m. on a motion offered by Councilman Leckstein, a second offered by Ms. DeGiulio, and a unanimous voice vote by the Board members.

Respectfully submitted,

  
Candace B. Mitchell  
Board Secretary