

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

**RE: Fuze Eatery, LLC  
1060 Ocean Avenue  
Block 16 Lot 6  
Sea Bright, New Jersey**

**WHEREAS**, Fuze Eatery, LLC (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 16, Lot 6 on the Tax Map of the Borough of Sea Bright, also known as 1060 Ocean Avenue for site plan approval and bulk variances to for a change of use to operate a restaurant in the former Cork and Barrell Wine & Spirits Store; and

**WHEREAS**, the Applicant seeks minor site plan approval and bulk variances for parking where 19 on-site parking spaces are required and none are proposed on the fully developed lot; and

**WHEREAS**, the site, as developed is also deficient in rear yard where 15 ft. is required and 6.6 ft. exists; maximum building coverage where 50% is permitted and 93% exists and maximum lot coverage where 75% is permitted and 93% exists

**WHEREAS**, Applicant has provided due notice to the public and all surrounding property owners as required by law, has caused notice to be published in the official newspaper in accordance with N.J.S.A. 40:55D-1 et seq. and, therefore, this Board has accepted jurisdiction of the application and has conducted public hearing on the matter at its meeting on April 23, 2018, at which time all persons having an interest in said application were given an opportunity to be heard; and

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

A-1 Jurisdictional packet

A-2 Floor plan

A-3 Packet of 4 photos

A-4 Google map and photo

A-5 Letter from David Hoder, Board Engineer dated 4-16-19

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

1. The Applicant is seeking a change of use to operate a restaurant in the former Cork and Barrell Wine & Spirits Store. Brian Larco testified on behalf of the Applicant. He and his brother Stalin Larco are the only members of Fuze Eatery, LLC. They previously operated a restaurant in Long Branch but were displaced by the redevelopment process. They operate in Monmouth Mall, but wish to go back to operating in a town and many of their customers were from the Sea Bright area.

2. The Applicant will operate a restaurant described as a fusion of American and Latin American foods. He anticipates 3-4 employees on staff at any given time. The approximate hours of operation will be 8 am to 11 pm Sunday through Thursday with expanded hours on Friday and Saturday to 3:00 am . Applicant **STIPULATED** that it would comply with all Sea Bright ordinances with regard to hours of operation.

3. The Applicant stated that there is some parking available on property owned by the landlord behind the building. To the extent possible, the Applicant **STIPULATED** that the employees would park in the rear and not in the municipal parking lot. The Applicant testified that they anticipated that many customers would already be in Sea Bright at the beach and beach clubs. They anticipated a large walk-in customer base and did not believe the restaurant would be primarily a destination restaurant.

4. The Applicant **STIPULATED** that garbage pickup would be at least two times per week, and more if needed to quell odors and rodents. Garbage pickup would

be in the rear. The Applicant also testified that they do most of the food shopping themselves and have few deliveries, none of which are via large trucks.

5. At the request of the Board and Engineer, the Applicant **STIPULATED** that it will provide a survey of the property which will also depict the area where the employees will park as well as the location of the dumpster. No certificate of occupancy will issue until the survey is submitted.

6. The Applicant also testified that they will utilize the existing sign frame and just change the sign face with the Fuze Eatery name and logo. A rendering of the sign shall be submitted to the Board engineer. The new sign will be no larger than the existing and will keep the same characteristics.

7. The Board found that the parking variance could be granted without any negative impact on the zoning ordinance or zone plan. The majority of the downtown relies on the public parking to a great extent. The existing building non-conformities will not be changed. The building has been on this site for many years. The Applicant is not proposing any changes to the exterior of the building with the exception of the sign. The proposed new restaurant is merely a change in use for this space from the liquor store to the restaurant. Accordingly, the Board found that the granting of the variance will have no substantial detrimental impact on the surrounding neighborhood.

5. After evaluating all of the evidence and testimony the Board found that the bulk variances would have no negative impact on the zoning ordinance or zone plan and could be granted with no detriment to the neighborhood.

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

**GENERAL CONDITIONS**

1. The applicant shall submit proof of payment of all real estate taxes applicable to the property and payment of all outstanding and future fees and escrow charges, posting of all performance guarantees, if any, in connection with the review of this application prior to and subsequent to the approval of this application.

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

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

4. The accuracy and completeness of the submission statements, exhibits and other testimony filed with or offered to the Board in connection with this application, all of which are incorporated herein by reference and specifically relied by the Board in granting this approval. This condition shall be a continuing condition, which shall be deemed satisfied unless and until the Board determines (on Notice to the applicant) that a breach thereof.

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

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

7. The Applicant shall pay to the municipality any and all sums outstanding for fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspections of improvements and other purposes authorized by the MLUL.

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

9. No site work shall be commenced or plans signed or released or any work performed with respect to this approval until such time as all conditions of the approval have been satisfied or otherwise waived by the Board.

**SPECIFIC CONDITIONS**

1. The Applicant comply with all Sea Bright ordinances with regard to hours of operation.

2. To the extent possible the employees would park in the rear and not in the municipal parking lot.

3. Garbage pickup would be at least two times per week, and more if needed to quell odors and rodents.

4. The Applicant will provide a survey of the property which will also depict the area where the employees will park as well as the location of the dumpster. No certificate of occupancy will issue until the survey is submitted.

**BE IT FURTHER RESOLVED** that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting April 23, 2019; and

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

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

I certify the foregoing to be a true copy of a Resolution by the Sea Bright Planning/Zoning Board memorialized on May 14, 2018.

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

Adopted on a roll call on a motion by Boardmember Leckstein  
and Seconded by Boardmember Smith

Vote:

Cashmore - <u>Yes</u>	Cunningham - <u>Yes</u>	DeGiulio - <u>Abstain</u>
DeSio - <u>Yes</u>	Duffy - <u>Absent</u>	Leckstein - <u>Yes</u>
Long - <u>Absent</u>	Nott - <u>Absent</u>	Smith - <u>Yes</u>
McGinley - <u>Absent</u>	Bills - <u>Abstain</u>	Wray - <u>Yes</u>

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

