

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

RE:

**Bowie Real Properties, LLC
6 South Street
Block 14 Lot 18
Sea Bright, New Jersey**

WHEREAS, Bowie Real Properties, LLC (the "Applicants") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 14, Lot 18 on the Tax Map of the Borough of Sea Bright, also known as 6 South Street for site plan and bulk variances to raise the existing home, with an addition to square off the rear of the house and utilize the attic space with bulk variances in the R-3 zone; and

WHEREAS, the Applicant seeks bulk variances for the following conditions: minimum lot area where 1,800 s.f. is required and 1,485 s.f. is existing and proposed; minimum lot depth where 60' is required and 45' is existing and proposed; front yard setback where 5-12' is required and .73' is existing and will be extended by elevating; side yard setback where 3' is required and 13.03/2.39' is existing and will be extended by the addition; rear yard setback where 15' is required and 2.02' is existing and will be extended by the addition; and

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 hearings on the matter at a meeting on February 26, 2019, 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:** Architectural plans prepared by Catherine Franco dated 3-16-18
- A-3:** 1 page of photos and illustration
- A-4:** Survey prepared by Michael Williams dated 1-22-18

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

1. The proposal is to elevate the existing home above the BFE , construct an addition to the rear which will square off the home, raise the roof to utilize the attic space.

2. The property is in the R-3 zone.

3. The Applicant seeks bulk variances for the following conditions: minimum lot area where 1,800 s.f. is required and 1,485 s.f. is existing and proposed; minimum lot depth where 60' is required and 45' is existing and proposed; front yard setback where 5-12' is required and .73' is existing and will be extended by elevating; side yard setback where 3' is required and 13.03/2.39' is existing and will be extended by the addition; rear yard setback where 15' is required and 2.02' is existing and will be extended by the addition.

4. The Applicant's architect Catherine Franco testified as to the proposed new addition. She stated that the proposal will provide parking for 1 vehicle under the elevated home. It was **STIPULATED** that the a/c condenser will be relocated from the east side to the west side.

5. The architect testified that the deck columns shown on the plan will be removed and the deck cantilevered so that there is no impediment to the sidewalk. There will be at least 3.6' of walkway in addition to the public sidewalk. The Applicant **STIPULATED** that the plans will be revised to reflect the removal of columns. The plans will also be revised to show the property lines.

6. The architect testified that no new variances were being created. The existing non-conformities will be extended by elevating the home and squaring off the rear with the addition.

7. The architect testified that the home with the setbacks is consistent with the other homes on the street.

8. The Board members noted that the proposal maintained the rhythm of the street. The proposal was aesthetically pleasing and improved the streetscape.

9. The Board found that raising the home above the BFE would give protection against future flooding and improve the public safety and safety of the homeowners. No new variances are created with the proposal.

10. Board members noted that no neighbors appeared in opposition to the proposal and that the home blended in with the neighborhood and that the variances were warranted and would have no negative impact on the neighborhood or on the zone plan or ordinance.

11. The Board found that the bulk variances are consistent with the neighborhood and the pre-existing dwelling. The proposal will add to the safety of the property and make for a better and more aesthetically pleasing home.

12. The Board found that the variances could be granted without any negative impact on the zoning ordinance or zone plan. The proposal is the least obtrusive, improves existing conditions and will further protect the property and its critical services from danger of flooding.

13. The Board found that the granting of the variances will have no substantial detrimental impact on surrounding properties nor will it substantially impair the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that the Application for bulk variances 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.

10. No Mechanicals will be located in the setback areas.

SPECIAL CONDITIONS

1. The a/c condenser will be relocated from the east side where it is in the setback to the west side.

2. The plans will be revised to reflect the removal of columns and to show the property lines.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of February 26, 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 March 12, 2019.

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 DeGiulio

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

David DeSio
David DeSio, Vice Chairman,
Sea Bright Planning/Zoning Board

