

**RESOLUTION OF THE SEA BRIGHT PLANNING BOARD/ZONING BOARD
GRANTING PRELIMINARY AND FINAL MAJOR SUBDIVISION APPROVAL
AND WAIVERS**

**Mountain View Villas at Sea Bright
Block 23, lot 130
Block 33, lot 20.02; Block 34, lots 3.03 & 3.04**

WHEREAS, the Applicant Mountain View Villas at Sea Bright, (“Applicant”), is the owner of certain real property designated as Block 23, lot 130; Block 33, lot 20.02; Block 34, lots 3.03 & 3.04 on the Borough of Sea Bright Tax Map; and

WHEREAS, the property is located in the North Beach section of the Borough and fronts on Mountain View Way. The subdivision site is about 240 feet West of Ocean Avenue in the R-2 zone. A single lot, Block 23, lot 130, located east of Ocean Avenue is part of the project and is in the CP Zone; and

WHEREAS, the Applicant proposes, after feedback from the Board, that Block 33, lot 20.02; Block 34, lots 3.03 & 3.04 be divided into four residential lots as shown on the Preliminary/Final Major Subdivision Plan “South Wing Plan” prepared by Engenuity Infrastructure, LLC, dated 11-20-2020 consisting of 1 sheet and Preliminary/Final Major Subdivision Plan dated 6-12-2020 consisting of 11 pages; 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 its meetings on August 25, 2020,

October 13, 2020 and December 8, 2020, at which time all persons having an interest in said application were given an opportunity to be heard; and

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

A-1 Jurisdictional Packet

A-2 Preliminary and Final Major Site Plan and Subdivision Plan, Block 23, Lot 130; Block 33, Lot 20.02; Block 34, Lots 3.03 & 3.04, Borough of Sea Bright, NJ prepared by Jaclyn J. Flor, PE, PP, CME, Red Bank, NJ, dated 6/12/20, consisting of eleven (11) sheets.

A-3 Architectural Plans entitled Mountainview Villas at Sea Bright, LLC by Anthony Condouris Architect, Rumson, NJ dated 7/29/20, consisting of 6 sheets.

A-4 Boundary and Topographic Survey, tax lots 3.03,3.04,3.05 &3.06, Block 34; Tax Lot 20.02, Block 33, Mountain View Way, Borough of Sea Bright, Monmouth County, New Jersey by DPK Consulting, signed by James Heiser PLS dated 4/27/20 consisting of one (1) sheet.

A-5 Existing conditions aerial prepared by Engenuity dated August 20-20.

A-6 Proposed conditions prepared by Engenuity dated August 20-20.

A-7 Bird's Eye View dated 8-20-20

A-8 Turning Template dated 6-12-20

A-9 Landscape Plan dated 6-12-20

A-10 Density Comparison dated 8-20

A-11 Power Point Presentation Planning Testimony David Roberts

A-12 Responses to David Hoder letter dated 8-25-20

A-13 Cul-De-Sac Plan, Preliminary and Final Major Site Plan and Subdivision Plan, Block 23, Lot 130; Block 33, Lot 20.02; Block 34, Lots 3.03 & 3.04, Borough of Sea Bright, NJ prepared by Jaclyn J. Flor, PE, PP, CME, Red Bank, NJ, dated 11/20/20, consisting of one (1) sheet.

A-14 South Wing Design Plan, Preliminary and Final Major Site Plan and Subdivision Plan, Block 23, Lot 130; Block 33, Lot 20.02; Block 34, Lots 3.03 & 3.04, Borough of Sea Bright, NJ prepared by Jaclyn J. Flor, PE, PP, CME, Red Bank, NJ, dated 11/20/20, consisting of one (1) sheet.

A-15 Turning Template exhibit, (for South Wing Design) Preliminary and Final Major Site Plan and Subdivision Plan, Block 23, Lot 130; Block 33, Lot 20.02; Block 34, Lots 3.03 & 3.04, Borough of Sea Bright, NJ prepared by Jaclyn J. Flor, PE, PP, CME, Red Bank, NJ, dated 11/20/20, consisting of one (1) sheet.

A-16 Proposed Alternate 1 Conditions South Wing Design.

A-17 Proposed Alternate 2 Conditions Cul-de-sac Design.

A-18 Bird's Eye View South Wing Design

A-19 Color rendering

A-20 Construction Plan Black and White

A-21 Power Point Planning Testimony by David Roberts 12-8-20

WHEREAS, the Board marked the following into evidence:

B-1 Board Engineer David Hoder Report dated 8-20-2020

B-2 Board Engineer David Hoder Report dated 12-1-2020

WHEREAS, the Planning Board/Zoning Board of the Borough of Sea Bright held hearings on August 25, 2020, October 13, 2020 and December 8, 2020, at which time it made the following findings:

1. The property is located in the North Beach section of the Borough and fronts on Mountain View Way. The subdivision site is about 240 feet West of Ocean Avenue in the R-2 zone. A single lot, Block 23, lot 130, located east of Ocean Avenue is part of the project and is in the CP Zone.

2. The applicant is proposing to subdivide the property in order to create 4 new lots for single family residences. The initial plan proposed 5 lots and to vacate about 80 feet of Mountain View Way near the River and provide an access easement to the river for the public. This would require consent of the Sea Bright Mayor and Council.

3. The property is located in the FIRM Flood Zone AE with a minimum elevation of AE zone with a BFE of 10. Any buildings, if this application is approved, shall have the lowest horizontal structural member including basement, together with attendant utility and sanitary facilities, mechanical equipment, must be built to a minimum of three feet above the base flood elevation.

4. Applicant **STIPULATED** with regard to Block 23, Lot 130, it will construct a public stairway access to the beach and convey the lot to the Borough.

5. Applicant originally proposed a hammerhead street design with a partial street vacation. As a result of feedback from the public and Board

members, Applicant carried the August 25, 2020 meeting to allow it to explore other design options, including a cul-de-sac.

6. The Applicant **STIPULATED** that it will provide sidewalk on the north side of the street and on lots 3.05 and 3.06.

7. The Applicant **STIPULATED** that it will receive all required approvals or Letters of No Interest from Freehold Soil Conservation, CAFRA, Monmouth County Planning Board, Sea Bright Fire Official and Flood Plain Official. This is a **CONDITION** of approval.

8. The Applicant/Developer shall comply with the Sea Bright Affordable Housing Regulations, Section 130-118 et seq. as amended and supplemented by paying a fee of one and a half percent (1.5%) of the equalized assessed value for all new residential development. This fee shall be payable by Applicant, its successors or assigns. Collection of the fee shall be as set forth in Section 130-123.

9. The Applicant **STIPULATED** that it will provide the Board Engineer with the number of trees to be removed.

10. The Applicant **STIPULATED** that it will comply with C (11) of the August 20, 2020 report of David Hoder. This is a **CONDITION** of approval.

11. At the December 8, 2020 meeting, the applicant submitted two proposed revised designs on individual exhibit sheets; a Cul-De-Sac Plan, a South Wing Design Plan with a Turning Template exhibit for the south wing design.

a) The Cul-De-Sac Plan.

The cul-de-sac plan is designed with a 40 foot radius curb and an unspecified right of way. There are two houses to the North and two houses to the South. A 5 foot landscaped walk runs to the River.

b) South Wing Design Plan

The South Wing Design plan has a 20 foot wide T turn wing toward Lands End. This wing extends to within 5 feet of the property line. The Mountain View Street extends West to within 10.69 feet of the bulkhead on the Shrewsbury River. There is a small 10 foot by 20 foot sitting area at the Shrewsbury River. There are two lots to the North and two lots to the South.

12. Jaclyn Flor explained that the new designs eliminated one proposed home. Three lots will be subdivided into four lots. Enhanced screening will be provided along Lands End. Ms. Flor explained proposed Alternate 1, the South Wing Design still proposed the beach walk-over onto the beach lot. Lot 20.02 will be subdivided into two lots.

As to the cul-de-sac design, the existing ROW would remain. An ADA ramp and sidewalk would be provided to the river. The lots to the north would be re-aligned for the bulb cul-de-sac.

13. The Board had a lengthy discussion regarding the two proposed designs, South Wing and cul-de-sac. It was the consensus of the majority of the

Board that the South Wing design was preferable. Testimony was then focused on that design.

14. The Board recommended and the Applicant **STIPULATED** that the ROW park element be set back as far as allows for fire truck maneuvering and to allow fire trucks to access water from the river. Further, Applicant will show the measurements for the ROW on the plans. Applicant **STIPULATED** that it will construct the improvements to the public park area providing river access and will enter into a Developer’s Agreement with the municipality.

15. Applicant **STIPULATED** that it will grant an easement for the north side sidewalk.

16. Applicant **STIPULATED** that if requested by Land’s End within six months of the approval, the landscaping on lot 20.02 will be extended along the Land’s End border.

17. The proposed subdivision requires variances as follows:

	Required	Lot 20.02	Lot 20.04	Lot 3.03	Lot 3.04
Min. Lot Area (sq. feet)	4,000 SF	4,476 SF	4,619 SF	15,514 SF	4,082 SF
Min. Lot Width (feet)	50 Ft	115.16 Ft	117.0 Ft	195.30 Ft	51.53 Ft
Min. Lot Depth (feet)	60 Ft	40 Ft	39.63 Ft	80.0 Ft	80 Ft
Min. Front Yard Setback	25 Ft	9 Ft	5 Ft	25 Ft	25 Ft
Min. Side Yard Setback (feet)	7 Ft	25 Ft	15 Ft	27 Ft	7 Ft
Min. Combined Side Yard Setback (feet)	15 Ft	55 Ft	50 Ft	125.0 Ft ¹	15 Ft
Min. Rear Yard Setback (feet)	15 Ft	7 Ft	7 Ft	15 Ft	15 Ft
Max. Building Coverage	50 %	33.0%	40.0%	14.0%	35.0%

Max. Lot Coverage	70 %	50.0%	55.0%	19.0%	49.0%
Max. Building Height (feet)/Stories	35 Ft/2.5 Stories				

- Variance Requests are in **Bold**.
- ¹ Side yard includes riparian area.
- The applicant is proposing to subdivide the existing property into four (4) individual lots, two (2) of the lots will require "C" variances.

18. The Board agreed to grant the following waivers:

a) RSIS Section 5:21, Table 4.3 ROW width 50 feet where existing ROW is 20 feet.

19. Planner David Roberts testified on behalf of the Applicant. He noted the lot sizes, depths and setbacks are dictated by the existing road ROW of Mountain View Way. The constriction of the lot depths results in a hardship in meeting both front and rear setbacks on the south side of the street, proposed lots 20.02 and 20.04.

20. The Board favored the South Wing Design and found that this design allowed for a better turning template and a more beneficial and functional roadway. The Board further found that the proposed subdivision, as revised in the South Wing design provides for an orderly lot configuration that is consistent with the neighborhood. The existing road and property is underutilized and the proposed development will promote a desirable visual environment through creative design techniques. The Board found that the Applicant absorbed the comments from the public and the Board and re-designed the original plan

accordingly. The Board found that the Applicant worked with neighboring Lands End to design a desirable development. The Board felt that the reduction from proposed 5 lots to 4 lots was a positive change making the proposed subdivision consistent with the Master Plan and the neighborhood.

21. The Board found that the subject property is surrounded by higher density multifamily uses and is less dense than similar neighborhoods in the R-2 Zone. The Board found that the design and layout allowed for reasonable footprints for the homes without overcrowding.

22. The Board found that there was adequate screening between the proposed single-family home on lot 20.02 and the Lands End Condominiums. The proposed front and rear yard setbacks will not adversely affect the zone plan and are consistent with the neighborhood.

NOW, THEREFORE, BE IT RESOLVED by the Sea Bright Planning Board/Zoning Board of the Borough of Sea Bright, County of Monmouth, State of New Jersey, as follows:

The Preliminary and Final Major Subdivision with the above stated waivers and variances to create to create four (4) lots as set forth above and on the subdivision map referred to above and marked as Exhibits A-2, A-14, A-16 and A-18 and incorporated herein, be and is hereby approved by the Borough of Sea Bright Planning/Zoning Board, subject to the noted Stipulations and 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 prior to constructing any homes on the property.

3. The applicant shall comply with all building, FEMA and fire codes including but not limited to, entrances and exits for any homes constructed on the newly created lots.

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 and set forth above.

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. The subdivision plat or deeds shall not be signed by the Board until such time as all conditions of the approval have been satisfied or otherwise waived by the Board.

10. No mechanicals will be located within any setback.

11. Applicant shall perfect the major subdivision within the time prescribed by law.

SPECIFIC CONDITIONS

1. Applicant comply with the technical review items set forth in the Board Engineer's reports of August 20, 2020 and December 1, 2020 as set forth on the record and as noted above.
2. The Applicant will receive all required approvals from Freehold Soil Conservation, CAFRA, Monmouth County Planning Board, Sea Bright Fire Official and Flood Plain Official.
3. The Applicant/Developer shall comply with the Sea Bright Affordable Housing Regulations, Section 130-118 et seq. as amended and by paying a fee of one and a half percent (1.5%) of the equalized assessed value for all new residential development. This fee shall be payable by Applicant, its successors or assigns. Collection of the fee shall be as set forth in Section 130-123.

4. The subdivision shall be perfected within 6 months of the publication of the resolution granting subdivision approval. Failure to meet this timeline and any Board approved extensions will result in the lapse of this approval.
5. With regard to Block 23, Lot 130, it will construct a public stairway access to the beach and convey the lot to the Borough.
6. Provide sidewalk on the north side of the street and on lots 3.05 and 3.06.
7. Provide the Board Engineer with the number of trees to be removed.
8. Comply with C (11) of the August 20, 2020 report of David Hoder.
9. The ROW park element shall be set back as far as allows for fire truck maneuvering and to allow fire trucks to access water from the river. Further, Applicant will show the measurements for the ROW on the plans.
10. Applicant will construct the improvements to the public park area providing river access and will enter into a Developer's Agreement with the municipality.
11. Applicant will grant an easement for the north side sidewalk.
12. If requested by Land's End within six months of the approval, the landscaping on lot 20.02 will be extended along the Land's End border.
13. Lot 130, Block 23 will be dedicated to the Borough after all improvements have been installed, inspected and approved by the Borough.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of December 8, 2020; 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 January 12, 2021.

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

Adopted on a roll call on a motion by Boardmember Councilman Leckstein and Seconded by Boardmember Peggy Bills

Roll call vote:

Bills – Aye, Cashmore – Aye, Cunningham – Aye,

DeGiulio – Aye, DeSio – Aye, Kelly – Aye,

Leckstein – Aye, Nott – Absent, Smith - Aye,

Gorman – Aye, Schwartz – Abstain

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