

January 20, 2023

Ms. Candace Mitchell  
Planning Board Secretary  
Borough of Sea Bright  
Unified Planning Board  
1199 Ocean Avenue  
Sea Bright, NJ 07760

**Re: Havens at Sea Bright  
Church St, River St, South St, Poppinger Pl,  
New Street & Front Street  
Block 13, Lots 13-18, 20-22, Block 14, Lots 12 &  
14, and Block 15, Lots 5-12  
Preliminary Major Subdivision  
Preliminary and Final Site Plan  
Second Planning Review  
Our File: SBPB 22-06**

Dear Board Members:

Our office received and reviewed materials that were submitted in support of an application for preliminary major subdivision and preliminary and final site plan approval for the above referenced project. We have provided ***new comments in bold and italicized text*** and ~~struck out~~ comments that are no longer relevant. The following documents were reviewed:

- Borough of Sea Bright Planning/ Zoning Board Application dated September 7, 2022.
- Borough of Sea Bright Application for A Zoning Permit dated
- List of Waivers Requested, undated.
- List of Outside Agency Approvals Required, undated.
- ALTA Commitment for Title Insurance dated last revised September 1, 2019.
- NJDEP Property Owner Certification form prepared by Denholtz Properties dated June 9, 2022.

- Submittal Letter prepared by John A. Giunco, Esq., of Giordano, Halleran & Ciesla, PC, dated September 9, 2022.
- Response Letter prepared by Walter Joseph Hopkin, PE, PP, CME of WJH Engineering, dated July 28, 2022.
- Site Photographs prepared by Walter Joseph Hopkin, PE, PP, CME of WJH Engineering, dated July 28, 2022.
- Stormwater Management Narrative prepared by Walter Joseph Hopkin, PE, PP, CME of WJH Engineering, dated last revised July 22, 2022.
- Architectural Plans entitled “Denholtz Properties New Townhome Development – Model A” consisting of six (6) sheets, prepared by Daniel M. Condatore, RA, of Model Architects, dated September 9, 2022.
- Architectural Plans entitled “Denholtz Properties New Townhome Development – Model B” consisting of eleven (11) sheets, prepared by Daniel M. Condatore, RA, of Model Architects, dated September 9, 2022.
- Architectural Plans entitled “Denholtz Properties New Townhome Development – Model C (Group 1)” consisting of eight (8) sheets, prepared by Daniel M. Condatore, RA, of Model Architects, dated September 9, 2022.
- Architectural Plans entitled “Denholtz Properties New Townhome Development – Model C (Group 2)” consisting of ten (10) sheets, prepared by Daniel M. Condatore, RA, of Model Architects, dated September 9, 2022.
- Architectural Plans entitled “Denholtz Properties New Townhome Development – Condominiums” consisting of nine (9) sheets, prepared by Daniel M. Condatore, RA, of Model Architects, dated September 9, 2022.
- Preliminary and Final Major Subdivision & Site Plan consisting of 15 sheets, prepared by Walter Joseph Hopkin, PE, PP, CME of WJH Engineering, dated last revised July 22, 2022.

## **1. Site Analysis and Project Description**

The subject property consists of Block 13, Lots 13 through 18, and 20 through 22; Block 14, Lots 12 and 14, and Block 15, Lots 5 through 12, a 2.66-acre site located on the west side of Ocean Avenue along the Shrewsbury River in the Sea Bright River Properties Redevelopment Plan, ~~R-3 Downton Residence and B-3 Oceanfront Business Zoning Districts~~. The property is currently developed with several residential and commercial use buildings and associated gravel and paved parking areas. Residential uses and municipal owned property are located to the north of the site, vacant land and residential uses are located to the east, and residential uses and exempt property are located to the south of the redevelopment area. The Shrewsbury River is located to the west of the subject property.

The intent of the Sea Bright River Properties Redevelopment Plan is to allow for development that capitalizes on the Site's location along the Shrewsbury River and near the Borough's Downtown area. The overarching objectives for inclusion in this Redevelopment Plan include the desire for public access to the Shrewsbury River; public amenities along the Shrewsbury River; sustainability; viable residential uses; and synergies with the Borough's Downtown and Shrewsbury River waterfront. The Plan purposes to create an aesthetically-pleasing, pedestrian-friendly residential area with public access to, and amenities along, the riverfront. Residential development in this area will also compliment the Downtown area, where businesses operate year-round. **The subject application encompasses the entirety of the Sea Bright River Properties Redevelopment Plan.** ~~with the exception of Block 13, Lot 17, which is not included in the plan and located in the BR Zone, and Block 15, Lots 6, 7, and 9, which are not included in the plan and located within the R-3 Zone District.~~

The applicant is seeking preliminary and final major subdivision approval to subdivide the existing 18 lots into 34 new individual lots. The applicant is also seeking preliminary and final major site plan approval to remove the existing buildings and construct four (4) single family homes, 25 townhouse units distributed in five (5) buildings, and one (1) condominium building with 15 residential units. The single family homes will be located to the south in proposed Block 13.01, Lots 2 through 6, the condominium building will be in proposed Block 14.01, Lot 1, and the townhouse buildings will be in proposed Block 13.01, Lots 8 through 13 and Block 15.01, Lots 1 through 19. Proposed Block 13.01, Lots 1 and 7 will remain as open space. Associated site improvements include access driveways and pedestrian circulation, a loading area, a dog park, stormwater management, landscaping, and lighting. The applicant is proposing to construct the development in four (4) phases.

Phase one (1) will consist of the four (4) single family homes located in the southwest portion of the site and the boardwalk along the river frontage. Phase two (2) will consist of a seven (7) unit townhome building located to the north of phase 1, as well as public green space, a dog park, and all roadways throughout the site. Phase three (3) will consist of the 15-unit condominium building, to the north of phase 2. Phase four (4) will consist of four (4) townhome buildings in the northern portion of the site.

## 2. **Bulk Requirements**

- A. The minimum building frontage setback permitted for multi-family condominiums is one (1) foot, whereas 0.1 feet is proposed along South Street. **A variance is needed.**
- B. The minimum separation required for the wall to the property line for multi-family condominiums is one (1) foot, whereas 0.1 feet is proposed along South Street. **A variance is needed.**

- C. The minimum building rear setback permitted for multi-family condominiums is one (1) foot, whereas 0.25 feet is proposed along the rear property line abutting Block 14, Lot 10. **A variance is needed.**
- D. The minimum separation required from the front wall to the curb for multi-family townhouses is 10 feet, whereas 9.5 feet is proposed along Front Street. **A variance is needed.**
- E. **The applicant should update the zoning table included in the site plan to include the proposed conditions for all proposed lots in the subdivision.**
- F. The applicant lists several required and proposed wall separation standards for each development. However, not all separations listed are depicted on the site plan. The applicant should clarify what the wall separations refer to and update the plans and zoning table for consistency throughout.

### 3. **Other Ordinance Requirements**

#### A. *Bicycles*

- 1) Bicycle parking spaces shall be located in a convenient and visible area at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance of a condominium building and shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position. **Testimony should be provided as to conformance with this requirement.**
- 2) No bike rack shall be located on public property or sidewalks, whereas bike racks are proposed within the public green spaces. **A waiver may be required.**

#### B. *Parking*

- 1) The applicant should update the zoning table to indicate the exact amount of parking spaces provided for each unit and throughout the site.
- 2) As per the Redevelopment Plan, two dedicated parking spaces shall be provided at the boat ramp. The applicant should clarify where the boat ramp is located and indicate where the two dedicated spaces are located on the plans. **A variance may be needed.**
- 3) As per the Redevelopment Plan, the parking areas should be adequately landscaped internally and along the perimeter, whereas no landscaping is proposed for the parking spaces along River Street and along the private H.O.A. driveway. **A variance is needed.**

*C. Streetscape*

- 1) Public benches along the reiver should be provided where deemed suitable in the context of the Plan Area, **whereas none are indicated on the site plan.**
- 2) As per §130-43J, at each street interested there shall be erected or constructed a street sign of a sign and type prescribed by the Borough Council. **The location of street signs and details of such should be provided.**

*D. Site Lighting*

- 1) As per the Redevelopment Plan, no lighting shall spill on to adjacent private properties, whereas no lighting plan has been provided. The applicant should revise the plans to provide lighting details and ensure compliance with the Redevelopment Plan. **A waiver may be needed.**

**4. Required Proofs for Variance Relief**

***A. C Variances***

A “c” variance is required. There are two types of c variances with different required proofs.

- 1) Boards may grant a c(1) variance upon proof that a particular property faces hardship due to the shape, topography, or extraordinary and exceptional situation uniquely affecting the specific property.
- 2) Boards may grant a c(2) variance based upon findings that the purposes of zoning enumerated in the MLUL are advanced by the deviation from the ordinance, with the benefits of departing from the standards in the ordinance substantially outweighing any detriment to the public good. The Supreme Court’s ruling in Kaufmann v. Planning Board for Warren Township provides additional guidance on c(2) variances, stating that “the grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of the c(2) case, then, will be...the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community.”
- 3) C variances must also show consistency with the negative criteria as well.

***B. A design waiver may be required.*** The Board has the power to grant design waivers as “exceptions” from the requirements of the Township’s Land Use Ordinance as part of site plan review under N.J.S.A. 40:55D-51(b), so long as the exceptions are reasonable and within the general purpose and intent of the provisions for site plan review and approval, if the literal enforcement of one or more provisions is impracticable or will exact undue hardship because of the peculiar conditions pertaining to the land in question.

## 5. Additional Comments

- A. The Applicant should provide testimony on all required variances and clarify all points where additional information is needed.
- B. The applicant should clarify the existing block and lot numbers and update all documents and plans for consistency throughout.
- C. There appears to be two (2) proposed “Lot 11” as part of proposed Block 13.01. The applicant should clarify the proposed Block and Lot numbers and update the plans accordingly.
- ~~D. The applicant should provide testimony regarding the inclusion of Block 13, Lot 17, which is not included in the redevelopment plan and located in the BR Zone, and Block 15, Lots 6, 7, and 9, which are not included in the redevelopment plan and are located in the R-3 zone, in the subject application. Testimony should be provided regarding compliance with the appropriate zoning standards for these lots and any additional variances that may be required.~~
- E. The proposed development appears to have shifted to the east, which is not consistent with the intent of the redevelopment plan. Testimony should be provided regarding any alterations to the original plan.**
- F. The applicant should provide testimony regarding the square footage of all the proposed buildings and update the zoning table accordingly.
- G. The applicant refers to the proposed architectural plans for the single family homes as a townhome development. The applicant should clarify the type of development being proposed and update the plans accordingly for consistency throughout.
- H. There are a number of additional parking spaces provided along the front of the condominium building, along South Street, along the private H.O.A. driveway, and along River Street. The applicant should indicate the proposed use for these spaces and indicate if any will be reserved for visitors or residents. The applicant should also indicate if any parking and directional signage is proposed and provide details of such.
- I. A 1-foot high and a 5-foot high decorative metal fence is proposed around the proposed dog park. However, only details for a split rail fence are provided. The applicant should provide details of such.
- J. The applicant should provide testimony regarding any proposed site lighting and provide details of such.
- K. The applicant is proposing a flex space on the second and third floor. The applicant should provide testimony as to how this area will be used.
- L. The applicant should provide testimony as to the matter and frequency of refuse pickup.
- M. The applicant should ensure that all construction is in compliance with the Borough’s Flood Damage Prevention Ordinance.

- N. The Redevelopment Plan requires that the condominium building provide a loading area for deliveries and rideshare drop-off/pick-up. While this has been provided, testimony should be given as to the proposed circulation the site and how this entrance will be encouraged and signed to encourage its use.
- O. We recommend the trash enclosure proposed for the condominium building be relocated away from the neighboring residential property lines. All trash enclosures should be constructed of split-faced masonry block.

Please be advised that additional comments may follow upon completion of testimony and/or submission of further revisions by the Applicant. Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Jennifer C. Beahm, P.P.  
Board Planner

JCB:clb:ier

cc: David J. Hoder, P.E., Board Engineer  
John A. Giunco, Esq., Applicant's Attorney  
Walter Joseph Hopkin, PE, Applicant's Engineer