

Chairman Cunningham called the meeting to order and requested those present to join in the Pledge of Allegiance to the flag:

Chairman Cunningham read the following statement:

The Borough of Sea Bright, in compliance with the "Open Public Meetings Act" has advertised the date, time and location of this meeting in the *Asbury Park Press* on January 15, 2010 filed it with the Clerk, and posted a notice on the bulletin board in the Borough Office.

2. ROLL CALL:

PRESENT: Cashmore, Cunningham, DeSio, Murphy, Nott, Torcivia, Smith, Leckstein

ABSENT: Beer, Fernandes, McBride, Janey

4. MINUTES:

A. Boardmember DeSio introduced a motion adopting the August 10, 2010 Unified Planning Board Minutes. Second by Boardmember Smith and approved upon the following roll call vote:

Ayes: Cunningham, DeSio, Leckstein, Murphy, Nott, Smith, Torcivia

NAYS: None

ABSTAIN: None

ABSENT: Beer, Janey, McBride

5. MEMORIALIZATION OF RESOLUTION:

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

**Rich James
18 Center Street
Block 9 Lot 11**

WHEREAS, Rich James, owner of premises commonly known as 18 Center Street, Block 9, Lot 11, Sea Bright, New Jersey has applied to the Planning/Zoning Board for bulk variances from the requirement that all accessory structures must be a minimum of 3 feet from the property line; and

WHEREAS, the applicant has provided due notice to the public and all surrounding properties 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., this Board gaining jurisdiction therein and a public hearing having been held on this matter at a regular planning/zoning board meeting of August 10, 2010 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 photograph of property without elevated flower bed
- A-2 photograph of property with elevated planter dated July 2010
- A-3 photograph of property with elevated planter dated July 2010
- A-4 photograph of property with elevated planter dated July 2010
- A-5 Jurisdictional Packet
- A-6 Survey

WHEREAS, members of the public were given the opportunity to be heard regarding the application and none appeared; and

WHEREAS, the Board having considered the evidence presented made the following findings:

1. The applicant seeks variances for a 21 inch elevated flower bed consisting of 4 inch concrete block with brick façade, measuring 27 feet X 13 feet X 8 feet in a "J-shape".

2. The 21" high concrete permanent structure is an accessory structure and as such, must be a minimum of 3' from the property line.

3. Applicant testified that the new elevated planter, which was designed to aesthetically match the exterior materials of the existing 2 family home, was necessary due to his disability. Due to a prior stroke, it is difficult for him to bend over to tend his flower garden. Gardening is a lifelong hobby of the Applicant, made more difficult due to his disability. The Board found that the flower bed was aesthetically pleasing in design and that the flowers and plants were also aesthetically pleasing.

4. Applicant testified that the planter has drainage holes inserted into the structure so that all drainage is to Applicant's property. He also stated that having the bed elevated was important so that the plants were not damaged by flooding conditions.

5. Applicant had made major renovations to his property, for which he obtained all necessary permits. Applicant did not realize that the elevated concrete flower bed would constitute an accessory structure. As soon as it was brought to his attention, he immediately took steps to obtain the requisite approvals.

6. The flower bed does not block the view of any adjoining property and does not compromise the air, space or light in the neighborhood.

7. The Board found that the flower bed is aesthetically pleasing in appearance and presents a minimal impact on the neighborhood. Applicant testified and the Board agreed that due to

the configuration of his yard, the flower bed/planter would not fit if constructed 3 feet off the property line. It would drastically and negatively impact the back yard area.

8. The elevated planter will prevent flooding from harming the flowers and make it easier for the Applicant to tend his flowers.

9. The variance can be granted due to the nature of the development in the neighborhood, location, the minimal, if any, impact on the other residences in the neighborhood and therefore can be granted without substantial detriment to the Zone Plan and Zoning Ordinance.

10. The Board finds that a variance can be granted without substantially impairing the Zone Plan and Zoning Ordinance in that the flower bed has no impact on the neighboring properties, does not affect the light, space or air of the neighborhood and is aesthetically pleasing.

11. The Board found that the elevated planter/flower bed is not too large, is not inconsistent with the homes in the neighborhood, and enhanced the value and aesthetic value of the subject property. Meeting the 3 foot setback would compromise the open space in the yard and make circulation more difficult.

NOW, THEREFORE BE IT RESOLVED, for the reasons set forth above, that the Planning/Zoning Board of the Borough of Sea Bright, based upon the findings of fact set forth herein that the variances requested for the elevated concrete flower bed as set forth hereinabove and shown in the photographs marked into evidence be granted subject to the following conditions:

1. The applicant shall obtain the approval of all necessary and appropriate governmental agencies and comply with all governmental regulations except those specifically waived or modified in this resolution.

2. 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 in connection with the review of this application prior to and subsequent to the approval of this application.

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

4. All of the terms and conditions set forth on the record and hereinabove.

5. The applicant shall be bound by all representations made in testimony before the Zoning Board as set forth in the minutes of the hearings on the dates referred to above.

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 Building inspector and the Tax Assessor and to make same available to all other interested parties.

BE IT FURTHER RESOLVED that the Board Secretary is hereby authorized and directed to cause a notice of this Resolution to be published in the official newspaper at the applicant's expense and to send the Affidavit of Publication to the Applicant and to make same available to all other interested parties.

Boardmember Murphy introduced a motion memorializing the Rich James resolution approved on August 10, 2010. Second by Boardmember Torcivia and adopted upon the following roll call vote:

Ayes: Cunningham, DeSio, Leckstein, Murphy , Nott, Smith, Torcivia

Nays: None

Abstain: None

Absent: Beer, McBride

6. NEW BUSINESS:

A.

**Brad Pollack
15 Via Ripa Way
Block 32 Lot 16
R-2 Zone
Subdivision/New Construction
Informal Application**

Mr. Pollack said that this subdivision was to build a new home on a vacant lot next to an existing home. The variances he sought was for front and side set-backs. The existing lot is 60'x75'. He proposes to subdivide it into two lots making it 30'x75'. He is seeking a side set-back variance of 3' for each side and a 5' front set back variance. He said that the existing neighborhood has lots that are 30'x 75'. The Board felt that this subdivision would bring more congestion in that neighborhood and the houses would be on top of each other and rather see the existing house expanded as a larger home.

B.

**Six Peninsula Avenue, Inc.
6 Peninsula Avenue
Block 16, Lot 11
seeking relief for a class "D" use variance
to construct 2 ½ three-family residential dwelling.**

Boardmember Murphy was recused from hearing this application. Attorney Higgins stated that all the Boardmembers present were not within 200 feet of the applicant.

James McQue, Esq. represented Six Peninsula Avenue, Inc. Mr. Paul Genovese, Jr. Vice-President of Six Peninsula Avenue, Inc testified that the existing property is a two family building with a separate cottage in

the back and it has been used as a three-family beginning in the early 1980's until last year. The neighborhood is mainly a multi-family dwelling neighborhood. He proposes a two and half story modular home with two one-bedroom units downstairs and a two bedroom unit upstairs. There would be access via Badminton Court. There would be room for at least four cars on the property.

A-1 Jurisdictional Packet,

A-2 Proposed Condition - Richard Stockton, Surveyor & Planner,
dated 4-06-2010

A-3 Architectural Plans - Professional Building Systems, Inc.

Mrs. Farlow had concerns about the removal of the asbestos shingles on existing structure. Mr. Genovese said that he would abide with all regulations for its safe removal.

Richard Stockton, licensed land surveyor and planner testified that of the ten multi-properties five are multi-family in that zone, two contain three or more units. The site plans would not comprise the Preservation of neighborhood character.

Attorney Higgins said that the revised plans need to reflect the screened trash area location under the stairs, show a detailed fence in the rear of the property, architectural improvements showing interest and character, mark the plans office/storage not for bedroom use, landscaping/no landscaping with specifications, size of units, location of mechanicals, grading and drainage of proposed parking area and roof gutters, and the location of the steps in relationship to the sidewalks and the right of way.

Boardmember Leckstein introduced a motion authorizing Attorney Higgins to prepare a positive resolution subject to conditions and the application will be heard on October 12, 2010. Second by Boardmember DeSio and approved upon the following roll call vote:

Ayes: Cashmore, Cunningham, DeSio, Nott, Torcivia, Smith, Leckstein.

Nays: None

Abstain: None

Absent: Beer, Fernandes, McBride, Janey

7. ADJOURNMENT:

There being no further business before the Planning Board Boardmember Leckstein made a motion to adjourn the meeting at 9:35 P.M. Second by Boardmember DeSio and approved upon unanimous voice vote.

Respectfully Submitted,

Suzanne Branagan
Board Secretary