

Chairman Cunningham called the meeting to order and requested those present to join him in the salute to the Flag.

Chairman Cunningham read the following statement:

OPENING 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 20, 2012 filed it with the Clerk, and posted a notice on the bulletin board in the Borough Office.

ROLL CALL:

PRESENT: Beer, Cunningham, DeSio, Leckstein, Long, Nott, Torcivia, Smith (Alt. #1),

ABSENT: Cashmore, McBride, Janey (Alt. #3)

MINUTES:

A. Boardmember Leckstein offered a motion approving the March 13, 2012 Unified Board Meeting Minutes. Second by Boardmember DeSio and adopted upon the following roll call vote:

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

Nays: None

Abstain: None

Absent: Cashmore, McBride, Janey.

REVIEW AND RECOMMENDATIONS:

A. The Board reviewed and discussed the following ordinance:

ORDINANCE NO. 6-2012
AN ORDINANCE REVISING CHAPTER 130, LAND USE,
ARTICLE I, TITLE; PURPOSES; REQUIREMENTS,
SECTION 130-3 REQUIREMENTS PARAGRAPH B
OF THE CODE OF THE BOROUGH OF SEA BRIGHT

BE IT ORDAINED, by the Mayor and Council of the Borough of Sea Bright that Chapter 130, Article I, Title; Purposes; Requirements Section 130-3 Requirements, Paragraph B, shall be amended as follows:

Section 130-3 Paragraph B shall be revised, in its entirety, as follows:

(1) Site plan and/or subdivision approval is required for applications involving the subdivision of land, site

development, or construction unless the proposed improvements are defined as an "exempt development.

(2) Exempt development shall be defined as follows:

- a) Construction, additions or alterations related to single-family or two-family detached dwellings on individual lots.
- b) Interior alterations which do not increase the required number of off-street parking spaces.
- c) Any change of use of land or structure to a use for which the standards of this Ordinance are the same or less restrictive or stringent.
- d) Any increase in the total number of employees, number of employees in any shift, or the number of vehicles to be stored or parked on the site not exceeding twenty-five percent (25%) of the amount existing at the time of passage of this Ordinance or as set forth at the time of a previous site plan approval.
- e) Construction or installation of underground facilities which do not alter the general use, appearance or grade of the site.
- f) The construction, alteration of, or addition to any off-street parking area which provides an increase of five (5) or less vehicle parking spaces.
- g) Divisions of property, and conveyances so as to combine existing lots, which are not considered to be subdivisions in accordance with the definition of Subdivision contained within this Article
- h) Individual applications for accessory mechanical equipment, accessory storage structures and accessory structures and uses not exceeding five hundred (500) square feet in area, whose operation and location conforms to the design and performance standards of this Chapter and whose installation is on a site already occupied by an active principal use for which site plan approval is not otherwise required.

(3) If a development defined as an "exempt development" within the ordinance requires approval from the Zoning Board of Adjustment, the applicant is required to file an application with the Zoning Board of Adjustment, and must appear before the Board."

BE IT FURTHER ORDAINED all other sections of Chapter 130 shall remain in full force and effect. In the event there is any conflict or inconsistency between this particular ordinance and the rest of Chapter 130, the terms in this ordinance shall prevail.

Boardmember DeSio introduced a motion recommending the following revisions to Ordinance 6-2012:

The Board recommends the **removal** of Section (2)(c) subsection of this Ordinance. Any change of use of land or structure to a use for which the standards of this Ordinance are the same or less restrictive or stringent. The Board finds that the language is too broad and not well defined.

2. The Board recommends the **removal** of Section (2)(d) subsection of this Ordinance. Any increase in the total number of employees, number of employees in any shift, or the number of vehicles to be stored or parked on the site not exceeding twenty-five percent (25%) of the amount existing of a previous site plan approval. The Board stated that it allows anyone to add 25% and voids all site plans approved in the past.

3. The Board recommends the **removal** of Section (2)(f) subsection of this Ordinance. The construction, alteration of, or addition to any off-street parking area which provides an increase of five (5) or less vehicle parking spaces. The Board finds that this section requires a modification limiting this to the B1 Zone and that this would eliminate the public's right to be heard with respect to a "change of use" from a lower to more intense permitted use. The Board requests that the Council allow for more discussion and review by the Board concerning this section in its entirety.

Second by Boardmember Torcivia and approved upon the following roll call vote:

Ayes: Beer, Cunningham, DeSio, Long, Nott, Torcivia

Nays: Leckstein, Smith

Abstain: None

Absent: Cashmore, McBride, Jany

B. The Board reviewed and discussed the following ordinance:

ORDINANCE NO. 7-2012
AN ORDINANCE REVISING CHAPTER 130, LAND USE,
ARTICLE VII, AREA, BULK, USE REQUIREMENTS,
SECTION 130-50.3 PRIVATE SWIMMING POOLS ALL ZONES AND DISTRICTS
OF THE CODE OF THE BOROUGH OF SEA BRIGHT

BE IT ORDAINED, by the Mayor and Council of the Borough of Sea Bright that Chapter 130, Article VII, Area, Bulk, Use Requirements, Section 130-50.3 Private Swimming Pools All Zones and Districts shall be as follows:

Section 130-50.3 shall be as follows

A. Private swimming pools shall be subject to the following

requirements:

1. When applying for a building permit to construct a private swimming pool, the applicant must show approval from the Borough of Sea Bright Board of Health as to the suitability and adequacy of design, materials, and construction inclusive of all accessory equipment.

2. An outdoor private swimming pool shall not be located less than eight (8) feet from the side or rear of the primary structure nor closer than ten (10) feet to any property line.

3. The pool filter/pumping station must not be located less than ten (10) feet from any side or rear property line.

4. Private pools situated above ground level less than fifty (50) feet from an abutting property line shall be surrounded by a suitable drainage system leading to a street or brook so as to carry away all the water in the pool in case of a break.

5. Permanent under and above ground pools shall be surrounded entirely by an unclimable fence, with no openings greater than a two (2") inch square, and capable of holding a live load of two hundred fifty (250) pounds between posts located not more than eight (8') feet apart; however, side(s) of the primary structure may serve as part of the enclosure. The fence shall be located not less than six (6') feet from the closest edge of the pool. Fences shall be at least four (4') feet high and if made of wire, they must be of the chain link type. All supporting structures shall be on the inside of the fence, and the top of such support shall be at least one (1") inch lower than the top of the fence. The fence must conform to all Borough Ordinances.

6. The yard setback requirements for the zoning district in which the property is located are applicable to the footprint of the external edge of the pool structure and improvement structures associated with the pool including, but not limited to, walkways, aprons, patios, platforms or decks adjacent to or associated with the pool or walkways; provided however, fencing around the pool is not subject to the structural setback requirements.

BE IT FURTHER ORDAINED, all other sections of Chapter 130 shall remain in full force and effect. In the event there is any conflict or inconsistency between this particular ordinance and the rest of Chapter 130, the terms in this ordinance shall prevail.

Boardmember Leckstein introduced a motion recommending the following revisions to Ordinance 7-2012:

The Board recommends that **above ground pools** be included in Section (5). Permanent underground pools and **above ground pools**, a fence, with no openings greater than a (2') inch square, etc, shall surround pools. Also, language should be inserted requiring fences surrounding pool not be climbable. Second by Boardmember DeSio and approved upon the following roll call vote:

Ayes: Beer, Cunningham, DeSio, Leckstein, Long, Nott, Smith
Torcivia

Nays:

Abstain: None

Absent: Cashmore, McBride, Jany

ADJOURNMENT:

There being no further business before the Planning Board Boardmember DeSio made a motion to adjourn the meeting at 9:23 P.M. Second by Boardmember Leckstein and approved upon unanimous voice vote.

Respectfully Submitted,

Suzanne Branagan
Board Secretary