

**APPROVED MINUTES
REGULAR MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD
TUESDAY, January 12, 2021**

Call to Order and Flag Salute

Chairman Cunningham called the meeting to order at 7:32 p.m. and requested those present to join in the Pledge of Allegiance.

Open Public Meetings Statement

This meeting will be conducted by electronic means in accordance with the "Senator Byron M. Baer Open Public Meetings Act" of 2020, which explicitly permits a public body to conduct a meeting electronically during a state of emergency. Governor Murphy issued Executive Orders 103 and 107 declaring a "Public Health Emergency and State of Emergency" and directing residents to quarantine and practice social distancing.

The Borough of Sea Bright, in compliance with the Open Public Meetings Act, has provided the time, date and location of this meeting to at least two designated newspapers, published same in the Asbury Park Press, the official newspaper, filed notice with the Borough Clerk and posted notice in the Borough Office and on the Borough website.

Oaths of Office

Board Attorney Kerry Higgins administered the following Oath Appointments:

1 Year Term Class II

Elizabeth DeGiulio January 1, 2021-December 31, 2021

4 Year Term Class IV:

C. Lance Cunningham January 1, 2021 – December 31, 2024

4 Year Term Class IV:

Stephen Cashmore January 1, 2021 – December 31, 2024

2 Year Term Class IV, Alternate #1:

Heather Gorman January 1, 2021 – December 31, 2022

2 Year Term Class IV, Alternate #2:

Jon Schwartz Unexpired 2 Year Term: through 12/31/2021

Attendance Roll Call

Present: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Kelly, Leckstein, Smith, Gorman, Schwartz

Not Present: Nott

Also in attendance: Board Attorney Kerry E. Higgins, Esq.
Board Engineer David J. Hoder
Board Secretary Candace B. Mitchell

Board Business

Reorganization

Election of Chairperson

Councilman Leckstein offered a motion to elect C. Lance Cunningham as Chairman of the Planning/Zoning Board. Second offered by Ms. DeGiulio and adopted upon the following roll call vote:

Ayes: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Kelly, Leckstein, Smith,
Gorman, Schwartz

Nayes: None

Absent: Nott

Vice Chairperson

Chairman Cunningham offered a motion to elect David DeSio as Vice Chairman of the Planning/Zoning Board. Second offered by Councilman Leckstein and adopted upon the following roll call vote:

Ayes: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Kelly, Leckstein, Smith,
Gorman, Schwartz

Nayes: None

Abstain: None

Absent: Nott

Appointment of Board Secretary

Chairman Cunningham offered a motion to appoint Candace Mitchell as Secretary of the Planning/Zoning Board. Second offered by Mr. Smith and adopted upon the following roll call vote:

Ayes: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Kelly, Leckstein, Smith,
Gorman, Schwartz

Nayes: None

Absent: Nott

Professional Appointments

Resolution No. 2021-01 Appointing a Board Attorney

Chairman Cunningham offered a motion to appoint Kerry E. Higgins, Esq. of McKenna, DuPont, Higgins & Stone as Attorney for the Planning/Zoning Board. Second offered by Councilman Leckstein and adopted upon the following roll call vote:

Ayes: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Kelly, Leckstein, Smith,
Gorman, Schwartz

Nayes: None

Absent: Nott

Resolution No. 2021-02 Appointing a Board Engineer

Chairman Cunningham offered a motion to appoint David E. Hoder of Hoder Associates as Engineer for the Planning/Zoning Board. Second offered by Councilman Leckstein and adopted upon the following roll call vote:

Ayes: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Kelly, Leckstein, Smith,
Gorman, Schwartz

Nayes: None

Absent: Nott

Resolution No. 2021-03 Appointing a Board Planner

Chairman Cunningham offered a motion to appoint Christine A. Nazzaro-Cofone of Cofone Consulting Group, LLC as Planner for the Planning/Zoning Board. Second offered by Councilman Leckstein and adopted upon the following roll call vote:

Ayes: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Kelly, Leckstein, Smith, Gorman, Schwartz
Nayes: None
Absent: Nott

Resolution No. 2021-04 Approving Meeting Dates for the Calendar Year 2021

Chairman Cunningham offered a motion to approve the 2021 Annual Schedule Notice. Second offered by Councilman Leckstein and adopted on a unanimous voice vote.

**MEETING DATES OF UNIFIED PLANNING BOARD
BOROUGH OF SEA BRIGHT**

2021 ANNUAL SCHEDULE NOTICE

The dates, as set forth below, comprise the **Annual Unified Planning Board Schedule Notice** of regular meetings which will be held at **7:30 P.M.** prevailing time, in the Sea Bright Beach Pavilion, third floor meeting room, located at 1099 Ocean Avenue, Sea Bright, New Jersey:

Meetings will be held on the following Tuesdays:

January 12 and 26
February 9 and 23
March 9 and 23
April 13 and 27
May 11 and 25
June 8
July 13
August 10
September 14 and 28
October 12 and 26
November 9
December 14

Reorganization Meeting January 11, 2022

Workshops (if necessary) will be held prior to the first meeting of each month and will start at 7:00 p.m. Action will not be taken at workshop meetings.

Interested persons should check with the Unified Planning Board Secretary or Borough website.

Designation of Official Newspapers for the Calendar Year 2021

Chairman Cunningham offered a motion to designate the following newspapers as the official newspapers for the 2021 calendar year: Asbury Park Press, The Link News, Two

River Times, The Atlantic Hub, and Star Ledger. Second offered by Councilman Leckstein and adopted on the following roll call vote:

Ayes: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Kelly, Leckstein, Smith,
Gorman, Schwartz

Nayes: None

Absent: Nott

Approval of 11/10/20 Minutes

Vice Chairman David DeSio offered a motion to approve the minutes. Second offered by Ms. DeGiulio and adopted on the following roll call vote of eligible members:

Ayes: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Kelly, Smith

Nayes: none

Abstain: Leckstein, Gorman, Schwartz

Absent: Nott

Memorialization of Resolution

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD
GRANTING EXTENSION OF SITE PLAN AND BULK VARIANCE APPROVAL
RE: Cole Sea Bright, LLC
26 New Street
Block 12 Lot 13
Sea Bright, New Jersey**

WHEREAS, by Resolution memorialized on May 9, 2017, the Planning/Zoning Board of Sea Bright (the "Board") granted Site Plan and Bulk Variance approval for property known as Block 12, Lot 13 on the Tax Map of the Borough of Sea Bright, also known as 26 New Street to demolish the existing storm damaged home and construct a new flood compliant single family home; and

WHEREAS, although the Applicant has been anxious to proceed, there were issues with an overhead power line which affected the project; and

WHEREAS, the Applicant has been working with JCP&L to resolve the issue of relocating the power line and has requested an extension of the approval to allow for the outstanding issues to be resolved with JCP&L; and

WHEREAS, additional issues and complications associated with the prevailing public COVID-19 Pandemic, and Governmental Restrictions and Limitations associated therewith

(including a Construction Moratorium), the necessity for demolition and removal of an existing structure, have led to the Applicant's need for an extension; and

WHEREAS, the Board was concerned that the property was not being properly maintained and created an eyesore; and

WHEREAS, the Applicant carried its request for several months, during which it tended to the maintenance issues and took appropriate steps to make the property more aesthetically pleasing; and

WHEREAS, the Board was satisfied with the steps taken and the assurance of continued maintenance and upkeep of the property.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that it does hereby grant an extension of approval for a period of two (2) years from May 9, 2019 to May 9, 2021, subject to the following conditions:

GENERAL CONDITIONS

1. The applicant shall continue 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. All conditions of the original approval shall remain in full force and effect.

3. All stipulations agreed to on the record, by the applicant.

4. The Applicant shall continue to maintain the property in at least the current condition.

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 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 Elizabeth DeGiulio

Roll call vote:

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

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

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

Gorman – Abstain, Schwartz – Abstain

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

Memorialization of Resolution

**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	<i>Lot 20.02</i>	<i>Lot</i>	<i>Lot 3.03</i>	<i>Lot 3.04</i>
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	35 Ft/2.5 Stories	35 Ft/2.5 Stories	35 Ft/2.5 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 123 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

New Application

PBZB 2020-18

Eoin and Rebecca Duane

10 Church Street, Block 13, Lot 33 (R-3 zone)

Requesting bulk variances to raise the home, add balconies, and extend back bedroom

Board member Heather Gorman lives within 200' of the applicant and stepped down from the Board for this application.

Kevin Asadi, Esq., applicants Eoin and Rebecca Duane, and architect Jeremiah Regan were present.

The following exhibits were entered into evidence:

A-1 Jurisdictional Packet

A-2 Survey prepared by Richard Stockton and Associates, Inc. P.E., P.L.S., dated 5/18/20

A-3 Architedtural Plans and Elevations prepared by Jeremiah Regan, AIA, dated 9/4/20, revised 12/11/20, consisting of 2 pages

A-4 2 photographs of the property as it exists

A-5 Updated Narrative of Intent dated 12/21/21, consisting of 2 pages

Board attorney Kerry Higgins opened by stating the variances that would be needed: both side yard setbacks, building coverage, rear yard setback, and lot coverage.

Attorney Kevin Asadi introduced the application and stated that the non-conforming building coverage of the site will end up being reduced. It will still be non-conforming, but the situation will be improved, and lot coverage will be into conformity.

Eoin Duane was sworn in to testify. He described the building as two stories, poorly insulated, is not raised, has three bedrooms, two bathrooms, no garage, and no parking. The building is slightly off-center on the lot. The idea would be to elevate the home, improve the parking by creating off-street parking, and modernize and expand the home, making it a year-round home. The applicants are hoping to make the small bedrooms a little bit bigger and add a bedroom to use as a home office.

Mr. Asadi asked Mr. Duane to describe how the house fared in Hurricane Sandy, though he did not own the house in 2012. Mr. Duane stated that it was his understanding that there was approximately two feet or more of water damage. The downstairs of the home was ripped out down to the studs and replaced. He and his wife want to raise the home and bring the house in compliance with FEMA regulations. Councilman Leckstein asked for clarification on the height, stating that the narrative states 35', and the plans state 38'. Mr. Asadi asked if it would be acceptable to wait for the testimony of the architect to explain the height. It was acceptable to Councilman Leckstein. Insulating and modernizing the home, and creating off-street parking are also important to the applicants.

Mr. Asadi asked Mr. Duane why they are planning on elevating the home and expanding and modernizing the home at the same time. Mr. Duane explained that they will have to be out of the home for the elevation. It makes sense to do both projects at once considering the disruption and the financial aspect. Mr. Asadi asked what will happen to the shed that is on the property. Mr. Duane stated that the shed will be taken down and a garden will be created. The Duanes anticipate living in Sea Bright. They would like to start construction as soon as possible. They have spoken to the neighbors about their project and have been given the neighbors' support. The house will be conforming with the other five or six houses on their side of the block.

Chairman Cunningham commented that the plan seems to blend into the neighborhood quite well.

With no other questions or comments for Mr. Duane from the Board, Chairman Cunningham opened the meeting to the public.

Public Comments:

J.T. Byron, 12 Church Street, was sworn in. Mr. Byron stated that he is fully supportive of the project and what it brings to the block and to the neighborhood. He spoke highly of the applicants as desirable neighbors.

Christina Doxey, 9 Church Street, was sworn in. She stated that this project is necessary because Church Street floods and the elevation will also create parking which is paramount for Church Street. She said she is delighted there will be a garage there. The plans are definitely in keeping with the surrounding residences on the street, and the renovations and this plan would be an asset to Church Street and to Sea Bright. She spoke highly of the applicants as good neighbors.

Gail and Gerry DeWitt, living next door to the Duanes on Church street, were sworn in to testify. They reiterated what the first two neighbors said, that the Duanes are great neighbors and they look forward to the Duanes getting their house done.

The public portion was closed, and the applicants' architect, Jeremiah Regan, was sworn in to testify. He was accepted as an expert witness by the Board.

Councilman Leckstein said that the Board really needed clarification on the height. Vice Chairman DeSio added there is another important issue to go over, that the house will be centered a little bit better with regard to the property line.

Board attorney Higgins clarified that under the Sea Bright ordinance, in the definition of the ordinance, the height, as measured by that standard, is 35'. Councilman Leckstein stated that the clarification answered his question.

Mr. Asadi asked Jeremiah Regan to discuss how the project is going to modify the orientation of the improvements on the lot versus what is there today. Mr. Regan stated that they are proposing to square the house on the site. By eliminating the shed in the back the building coverage will be reduced. The building coverage will still be non-conforming but less than it was.

Kerry Higgins clarified that where 50% building coverage is required, and the existing building coverage is 66.3%, the proposed coverage will be 63.98%. Regarding lot coverage, where 70% is required, and 70.68 is an existing condition. The front yard setback of 1.9' will be the same. The face of the garage will be at 1.9'. Kerry Higgins clarified that it is technically an extension because they are raising the house. The side yard setback will be a little bit different because the house will be reoriented. The required rear yard setback is 15'. Existing is 15.33'. The house will remain at 15.33', but the setback to the balcony will be 11.33'.

Board Comments:

Vice Chairman DeSio pointed out that it looks like the applicants are removing the front steps on the setback, which makes it a better condition.

Chairman Cunningham commented that he is happy that they are really kind of blending it into the neighborhood. The houses in the neighborhood have all been well taken care of, and raised, and have beautiful white railings around their little decks that hang out to the sidewalk. It is going to look great and will help their neighbors.

Mr. DeSio pointed out they will need a variance for one parking space. Ms. Higgins stated that Mr. DeSio is correct.

The meeting was opened to the public, and since no one in the public wished to speak, the public portion was closed.

Councilman Leckstein stated that he would be happy to make a motion to approve the application, which is an improvement, and having off-street parking is always a great thing. Mr. DeSio seconded the motion and stated that it is a good improvement to the town, and all the neighbors love it.

The application was approved upon the following roll call vote:

Ayes: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Kelly, Leckstein, Smith,
Schwartz
Nays: None
Absent: Nott
Abstain: Gorman

There were no general public comments.

Board Attorney Kerry Higgins announced that she is greatly appreciative of the Board's faith in her tonight. However, the Governor of the State of New Jersey has put out a notice of intent to nominate her as a Superior Court Judge. Ms. Higgins further said that it has been a pleasure serving the Board, that the Board has been a great Board, and she thanked the Board. There were many expressions of congratulations for Ms. Higgins, who is not yet certain how soon she will begin in her new position.

Chairman Cunningham also commented that he is happy to welcome Jon Schwartz back as a Board member.

There being no other business before the Board, the Chairman made an announcement of the next meeting date, which is January 26, 2021.

Adjournment

The meeting was adjourned at 8:30 p.m. on a motion offered by Councilman Leckstein, seconded by Ms. DeGiulio, and approved upon a unanimous voice vote by the Board members.

Respectfully submitted,



Candace B. Mitchell
Board Secretary