

**APPROVED MINUTES
MEETING OF THE SEA BRIGHT PLANNING/ZONING BOARD
TUESDAY, SEPTEMBER 14, 2021**

ADMINISTRATIVE MATTERS

Call to Order

Chairman Cunningham called the meeting to order at 7:33 p.m. and asked those present to join him in the Pledge of Allegiance.

Chairman's Opening Statement

Good evening, Ladies and Gentlemen,
This Meeting Is Now Called to Order. The Borough of Sea Bright, in compliance with the Open Public Meetings Act, has provided adequate notice of the time, date, and location of this meeting to the Asbury Park Press and Link News on January 19, 2021, filed notice with the Borough Clerk, and posted notice in the Borough Office and on the Borough website. This Meeting Is Open to The Public.

Attendance Roll Call

Present: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Gorman, Leckstein, Smith, Schwartz
Not Present: Kelly

Also in attendance:

Board Attorney Monica C. Kowalski, Esq., Board Engineer David J. Hoder, and Board Secretary Candace B. Mitchell

BOARD BUSINESS

Approval of 8/10/21 Meeting Minutes

Council member Stephen Smith offered a motion to approve the minutes, with a second offered by Council member Peggy Bills. The motion was adopted on the following roll call vote of eligible members:

Ayes: Bills, Cunningham, DeGiulio, DeSio, Gorman, Smith, Schwartz
Nays: none

Memorialization of Resolution No. 2020-11

APPLICANT: SURFSIDE MARINE CORPORATION
APPLICATION NUMBER: 2021-11,
BLOCK: 3, **LOT:** 16
ADDRESS: 1306 OCEAN AVENUE
ATTORNEY FOR APPLICANT: KEVIN I. ASADI, ESQ.
RESOLUTION NUMBER: 2021-11

**RESOLUTION OF THE UNIFIED PLANNING/ZONING BOARD
OF THE BOROUGH OF SEA BRIGHT
FOR SITE PLAN APPROVAL**

WHEREAS, BOARD MEMBER MARC LECKSTEIN, offered the following Resolution moved and seconded by **BOARD MEMBER DAVE DESIO:**

WHEREAS, SURFSIDE MARINE CORPORATION, hereinafter referred to as the "applicant" filed an application with the Unified Planning/Zoning Board of the Borough of Sea Bright, (hereinafter referred to as the "Board") seeking the following relief:

Applicant seeks minor site plan approval to replace the existing workshop facility and associated parking spaces with a new workshop. The applicant also reserves the right to request any and all variances and/or waivers which are necessary or may become necessary during the public hearing process. The property is designated on the Tax Map of the Borough of Sea Bright at Block 3, Lot 16 & 16.01 (commonly known as 1306 Ocean Avenue, Sea Bright, New Jersey) and is located in the B-2 Riverfront Business Zone.

WHEREAS, the application pertains to premises known and designated as Block 3, Lot 16 on the Tax Map of the Borough of Sea Bright, which premises are located at 1306 Ocean Avenue, Sea Bright, NJ 07760.

WHEREAS, all notice requirements were satisfied by the applicant and the Board has jurisdiction to hear, consider and determine the application at issue; and

WHEREAS, the Board held a public hearing with regard to the referenced application on the following date, **August 10, 2021**:

WHEREAS, the following items were entered as Exhibits at the hearing:

1. Zoning Denial No 2021-49
2. Application (3 photos) 6/29/2021
3. Preliminary and Final Minor Site Plans:
Architectural Site Plans, prepared by Kevin M. Settembrino, AIA, LEED AP, dated 6/7/21, sheets A001 – A009
Engineering Plans prepared by Jaclyn J. Flor, PE, PP, CME, dated 5/24/21, sheets 1 through 7
4. Drainage Statement
5. Board Engineer's First Technical Review (7-7-21)
6. Mail Service and Affidavits of Mailing and Publication
7. Additional Mail Service, rcv'd 8-4-21
8. Any and all documentation as submitted and appearing on the Sea Bright website (seabrightnj.org) for presentation at the Public Meeting conducted in person with public notice.
9. The exhibits below were introduced as new exhibits. They were the original exhibits with notations made on them:
A-1 Architectural Site Plans, prepared by Kevin M. Settembrino, AIA, LEED AP, dated 6/7/21, sheets A001 – A009
A-2 Engineering Plans prepared by Jaclyn J. Flor, PE, PP, CME, dated 5/24/21, sheets 1 through 7

WHEREAS, The Board listened to the Testimony of the following:

1. **JACLYN FLOR, PE, PP, (CME ASSOCIATES)**
2. **KEVIN M. SETTEMBRINO, AIA**
3. **CHIP SCHULZ (OWNER, SURFSIDE MARINE CORP).**

WHEREAS, The Board took Questions from the following member of the Public as to the witnesses presented:

1. **NONE.**

WHEREAS, The Board took Public Commentary on the Application upon conclusion of the witness testimony as follows:

1. **NONE.**

WHEREAS, the Board, having given due consideration to the Exhibits moved into evidence and the Testimony presented at said hearing(s), does make the following findings of fact:

1. Kevin Settembrino, the project architect, displayed the architectural plans, named A-1, on an easel, and described what was displayed on each sheet.
 - a. Sheet A-100 First floor plan/ workshop level. The floor consists of a two-story workshop and an office. There is no residential space on the first floor.
 - b. Sheet A-101 Office and second-story height workshop
 - c. Sheet A-102 Loft level and stairs to the office area
 - d. Sheet A-103 Deck level with pitched roof
 - e. Sheet A-104 Roof plan with a deck that faces the river
 - f. Sheet A-105 West elevation and east elevation
 - g. Sheet A-106 South elevation with door to workshop
 - h. Sheet A-107 North elevation
 - i. Sheet A-108 Long section with centerline of the building
 - j. Sheet A-109 Cross section at workshop and at the office

2. Jaclyn Flor, the project engineer testified on the engineering plans as follows:
 - a. Sheet 1 of 7 Cover sheet for Preliminary and Final Minor Site Plan
 - b. Sheet 2 of 7 Existing Conditions and Demo Drawing
 - c. Sheet 3 of 7 Construction Plan
 - d. Sheet 4 of 7 Grading and Utility Plan with Soil Erosion and Sediment Control
 - e. Sheet 5 of 7 Soil Erosion and Sediment Control Details and Notes
 - f. Sheet 6 of 7 Soil Erosion and Sediment Control Details and Notes
 - g. Sheet 7 of 7 Construction Details
 - h. Ms. Flor addressed issues stated in Mr. Hoder's First Technical Review as follows:

Page 2, item C) 1) SB Section 130 32 Off Street Parking, a) Ms. Flor provided (and the Board accepted) testimony about the use of the yard for winter storage of boats and equipment.

Page 2, item C) 2) SB Section 130-44, was addressed by testimony stating the lack of need for a loading dock area.

Page 2, item 3) SB Section 130-51E Sidewalk installation. Ms. Flor stated that the Board engineer and Board members would accept a note on the plans indicating replacement as deemed necessary for safety and as required by the Borough Engineer.

Page 2, item 4) SB Section 130 58 L 1 Outdoor lighting design. Ms. Flor provided testimony explaining that pole lights may interfere with boat movements. So, pole lighting will not be required. Some building mounted lighting can be shown on the architectural plans.

Page 3, item 5) Sanitary Sewers, a) **The applicant agreed to comply regarding connection to the existing sanitary sewer system in Sea Bright. The connection will be shown on the plans. Also, a pre and post sewer flow calculation will be provided. If additional flow is being generated, the applicant will submit a permit to the Borough and to Two River Reclamation Authority for approval of the new sewer flow.**

Page 3, item 7) Other comments, a) Trash and recyclable area. Testimony was provided that the refuse area is adequate for the operation; b) **Landscaping** and a requirement for street trees. The Board did not require street trees; c) **The applicant agreed to comply to the addition of ½ inch of 3/8 stone to the parking area is too thin and will not cover. At least double the size of the largest stone thickness will be used.**

Page 3, Item 8) a) SB Section 130-67 A 1 – Performance Guarantees. **The applicant agreed to post bonds.**

Page 4, Item 8) b) **The applicant agreed that shop drawings and submittals, stamped approved by the design engineer, will be submitted to the Borough**

engineer for review and approval prior to construction, including storm sewer inlets, manholes, castings, MTD, survey cut sheets, diversion manholes, and overflow manholes.

Page 4) Item 8) c) **The applicant agreed to the affordable housing requirements of Sea Bright.**

Page 4) Item 9) Outside Agency Approval a) **The applicant will apply for Freehold Conservation District approval;** b) The Board engineer agreed that CAFRA is not required. The project meets Permit-by-Rule #7. The project is not expanding the building. It is decreasing the footprint. It is also not increasing the number of residential units; c) **The applicant agrees to comply with Sea Bright Fire Department (fire hydrant and other comments;)** d) **The applicant agrees to comply with comments from the Flood Plain Official.**

- i. Applicant will provide Tenants will have two parking spaces immediately adjacent to the building designated for their use so as to provide direct access to the residential unit . There will also be a designated handicapped parking spot with striping, to be located on the concrete area. **All of these parking spaces will be specified by proper signage. The particulars of the locations shall be shown on the site plan which shall be subject to the review and approval of the Board Engineer.**
- j. Board Member Dave DeSio expresses concern regarding tenant spaces being split up due to the width of the door on that side of the building and asked whether the door could be moved. Ms. Flor stated that Applicant will work with Board Engineer Dave Hoder, and the project architect to figure out a solution.
- k. Board Member Bills: Questioned the separate stairs for office and apartment and inquired as to the necessity of a secondary means of ingress and egress for office and apartment which was not required.
- l. Board Member DeGuilio: Inquired as to whether the apartment was a rental apartment which was to be determined at a later date but a current apartment use was located on the premises.
- m. **The Board acknowledges that should the concrete parking area affect the percentage of impervious coverage, then pavers or other acceptable means of pervious materials would be used in its stead to create a defined space. This will be in Board Engineer discretion if necessary.**
- n. Applicant, upon discussion and recommendations from the Board, advises that the overhead door on the side of the building is to be moved slightly to the west to accommodate the expansion of the concrete parking area abutting the ADA stall to provide two striped residential parking spaces that are also designated with signage. It was noted that if the additional concrete caused any change of need for drainage improvements, the Board would omit the requirement of the expansion of the concrete area. The Board would still like the spaces designated and signed.

WHEREAS, In order to prevail on an application for a variance, the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D – 70, requires the applicant to establish that the variance can be granted without substantial detriment to the public good and that the granting of the variance does not substantially impair the intent and purpose of the master plan, zone plan and zoning ordinance.

NOW THEREFORE, BE IT RESOLVED, by the Unified Planning/Zoning Board of the Borough of Sea Bright that it hereby adopts the aforesaid findings of fact and specifically makes the following conclusions:

- a. Based upon the aforesaid findings of fact, the Board concludes that:
 - i. The applicant has demonstrated that the proposed use of the property in question is substantially the same kind of use as that to which the premises were devoted at the time of the passage of the zoning ordinance.
- b. Based upon the aforesaid findings of fact, the Board further concludes that the granting of the approval set forth herein will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance and the zoning plan of the Borough of Sea Bright.

- c. The Board specifically includes herein by reference, the Transcripts from the hearings, which provide the detailed basis and description of the decision as memorialized in this Resolution and do hereby rely upon same for further reference, as necessary.

BE IT FURTHER RESOLVED, by the Unified Planning/Zoning Board of the Borough of Sea Bright that the following be and are hereby **GRANTED**:

Applicant is **GRANTED** minor site plan approval to replace the existing workshop facility and associated parking spaces with a new workshop.

The approval is conditioned upon the following:

1. **The applicant agreed to comply regarding connection to the existing sanitary sewer system in Sea Bright. The connection will be shown on the plans. Also, a pre and post sewer flow calculation will be provided. If additional flow is being generated, the applicant will submit a permit to the Borough and to Two River Reclamation Authority for approval of the new sewer flow.**
2. **Landscaping as directed by Board Engineer.**
3. **The applicant agreed to comply to the addition of ½ inch of 3/8 stone to the parking area is too thin and will not cover. At least double the size of the largest stone thickness will be used.**
4. **Performance Guarantees. The applicant agreed to post bonds.**
5. **The applicant agreed that shop drawings and submittals, stamped approved by the design engineer, will be submitted to the Borough Engineer for review and approval prior to construction, including storm sewer inlets, manholes, castings, MTD, survey cut sheets, diversion manholes, and overflow manholes.**
6. **The applicant agreed to the affordable housing requirements of Sea Bright.**
7. **The applicant will apply for Freehold Conservation District approval**
8. **The applicant agrees to comply with Sea Bright Fire Department (fire hydrant and other comments;)**
9. **The applicant agrees to comply with comments from the Flood Plain Official.**
10. **Applicant will provide Tenants will have two parking spaces immediately adjacent to the building designated for their use so as to provide direct access to the residential unit . There will also be a designated handicapped parking spot with striping, to be located on the concrete area. All of these parking spaces will be specified by proper signage. The particulars of the locations shall be shown on the site plan which shall be subject to the review and approval of the Board Engineer**

ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) The applicant shall comply with any requirements established by, and obtain any necessary approvals of the following, IF APPLICABLE, to the proposed construction herein:
 - a. All Plans must be approved by Board Engineer and Code and Construction Departments for the issuance of Permits;
 - b. MONMOUTH COUNTY PLANNING BOARD;
 - c. FIRE MARSHALL;
 - d. BOARD OF HEALTH;
 - e. SOIL CONSERVATION AND SEDIMENT CONTROL APPROVALS AND PERMITS;
 - f. AFFORDABLE HOUSING CONTRIBUTION (ORD. 04-22)
 - g. BOARD OF ADJUSTMENT PLANNER
 - h. BOARD OF ADJUSTMENT ENGINEER
 - i. POSTING OF PERFORMANCE GUARANTEES AND INSPECTION FEES;
 - j. FINAL SITE PLAN DRAWINGS INCORPORATING ALL CHANGES AND/OR AMENDMENTS MADE AT THE HEARING
 - k. FINAL DESIGN SUBJECT TO APPROVAL OF THE BOARDS'S PROFESSIONALS.
 - l. PAYMENT OF ANY AND ALL OUTSTANDING REVIEW FEES.

- m. SUBJECT TO THE APPLICANT COMPLYING WITH ANY AND ALL FEDERAL, STATE, COUNTY AND LOCAL LAWS, RULES AND REGULATIONS AFFECTING AND PERTAINING TO THE DEVELOPMENT OR USE OF THE SITE IN QUESTION.

(2) SUBJECT TO ALL REPRESENTATIONS AND TESTIMONY OF THE APPLICANT BEING TRUTHFUL AND ACCURATE

APPLICATION VOTE:

Adopted on a roll call on a motion by Board member Marc Leckstein, Esq. and Seconded by Board member David DeSio

THOSE IN FAVOR: Bills, Cunningham, DeGiulio, DeSio, Gorman, Leckstein, Smith, Schwartz

THOSE OPPOSED: None

ABSTAINED: None

ABSENT: Cashmore, Kelly

MEMORIALIZATION VOTE:

Adopted on a roll call on a motion offered by Councilman Marc Leckstein, Esq. with the following wording on page 3, item i and on page 5, item 10: "Tenants will have two spaces immediately adjacent to the building designated for their use so as to provide direct access to the residential unit. There will also be a designated handicapped parking spot with striping, to be located on the concrete area. All of these spaces will be specified by proper signage. The particulars of the locations shall be shown on the site plan which shall be subject to the review and approval of the Board Engineer." A second was offered by Board member Heather Gorman.

THOSE IN FAVOR: Bills, Cunningham, DeGiulio, DeSio, Gorman, Leckstein, Smith, Schwartz

THOSE OPPOSED: None

ABSTAINED: None

ABSENT: Cashmore, Kelly

I certify the foregoing to be a true copy of the Resolution memorialized by the Unified Planning/Zoning Board of Sea Bright at its meeting on September 14, 2021.

Date: September 15, 2021

Candace B. Mitchell
Candace B. Mitchell
Administrative Officer of the
Planning/Zoning Board
of the Borough of Sea Bright

Application No. 2021-12

Cheryl Harris

326 Ocean Ave., Bl. 30, L. 40.02

Bulk variance relief to install a pool in the front yard

Board member Stephen Smith stepped down because he owns property within 200' of the applicant's property.

In attendance for the application were architect Michael J. Monroe, AIA, and Barbara Harris.

The following items were available for viewing on the Borough website in advance of the meeting:

- Zoning Permit Denial, dated 12/18/20
- Application, received 7/26/21
- Property Survey prepared by Seneca Survey Co., Inc. , dated 4/19/18
- Site Plan, prepared by Michael James Monroe, Architect, dated 11/20/20, revised to 7/2/21, consisting of 1 sheet
- 1 Photo, undated
- Jurisdictional Packet

Board attorney Monica C. Kowalski, Esq. stated that noticing for the application has been reviewed and is acceptable, and the Board can accept jurisdiction in this matter.

Michael Monroe was sworn in, stated his credentials, and stated that he has previously testified before this Board. With no objections by the Board, he was accepted as an expert witness.

Mr. Monroe displayed two large site plan exhibits on an easel. These exhibits are larger versions of those included in the application materials.

- A-1 - color drawing of the site plan
- A-2 - enlarged photo of the site

Councilman Leckstein clarified that the only reason we are here is to approve a swimming pool which will be located in the front yard rather than the back yard. Mr. Monroe answered, yes, because there is no room behind the home.

Mr. Monroe discussed the plan and stated there would be landscaping to mask the pool. The design will be very favorable to the neighbors. There will be an accessory structure in the front yard, a small arbor with landscaping. Also, presently, the driveway looks straight ahead. The plan will curve the driveway, making the design more attractive. He stated that this is a very simple application, and, other than the location of the pool, is completely conforming.

Board engineer Dave Hoder stated that he did not have to review the plans for this application, but, in looking at them, he sees no problems for the adjacent properties.

Vice Chairman DeSio verified there would be no building on the plan.

Boardmember Stephen Cashmore discussed the properties on either side of this one.

Boardmember Elizabeth DeGiulio stated that the landscaping plan looks beautiful.

Chairman Cunningham opened the meeting to the public. There were no comments nor questions from the public. The public portion was closed, and Councilman Leckstein offered a motion to

approve the application, with a second offered by Vice Chairman Dave DeSio. The motion was carried upon the following roll call vote:

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

Nays: none

Absent: Kelly

Application No. 2021-13

552 Ocean Avenue, LLC.

552 Ocean Avenue, Bl. 28, L. 2

Bulk and use variance relief to raise existing single-family home and construct an addition to the second floor, a new attic, a pool, and a rear deck

Board member Stephen Smith rejoined the Board, and Councilman Leckstein stepped down from this application because it includes a request for use variance approval.

In attendance for the application were attorney Rick Brodsky, architect Anthony Condouris, and the applicants, Mr. and Mrs. Martucci.

Board attorney Monica Kowalski, stated that noticing for the application has been reviewed and is acceptable, and the Board can accept jurisdiction in this matter.

The following items were available for viewing on the Borough website in advance of the meeting:

- Zoning Permit Denial, dated 6/9/21
- Application, received 7/26/21
- Property Survey prepared by Lakeland Surveying, dated 1/24/19
- Site Plan and Architectural Plan, prepared by Anthony M. Condouris, Architect, dated 5/26/21, revised 6/28/21, sheets Z-1 through Z-3
- Set of 8 Photos, undated
- Board Engineer Technical Review, received 9-2-21
- Board Planner Technical Review, received 9-10-21
- Jurisdictional Packet

Attorney Rick Brodsky introduced the application. The application is to raise the house. It sits on a narrow lot. The existing setback conditions will be exacerbated by the height of the house after it has been raised. Mr. Brodsky asked to have Mr. Condouris sworn in to give his testimony.

Architect Anthony M. Condouris, 20 Bingham Avenue, Rumson, was sworn in. He stated his credentials and said that he has testified before this Board many times. With no objections by the Board, Mr. Condouris was accepted as an expert witness.

Mr. Condouris displayed the architectural plans on an easel and discussed each of the four sheets.

- **A-1** Site Plan and Architectural Plan, prepared by Anthony M. Condouris, Architect, dated 5/26/21, revised 6/28/21, Sheets Z-1 through Z-4
 - Sheet Z-1** Side yard setbacks were discussed as very short, very deficient. They are asking for a height variance on an undersized lot. The highest point will reach 37.7' The first floor will be abandoned.
 - Sheet Z-2** The three floors: The existing garage will become storage. An elevator will be added to accommodate having three floors. On the main floor will be a living room, dining room, and kitchen. The half story will be for a finished deck.

Sheet Z-3 Elevations: The D variance for height was discussed. The new height will be 37.7', which is over 10% above what is allowed. Only the two 8' wide dormers will be above the height requirement. The house will be at 17' above sea level.

Sheet Z-4: Comparison of the heights of several houses on Ocean Avenue. Nearby houses are higher than the house being proposed. Also, the whole house will be upgraded and will be FEMA compliant. Mr. Brodsky added that "special reasons" for the height variance include the flood requirements. Raising the house will bring it into compliance.

Mr. Brodsky asked whether the proposed house will negatively impact the neighbors. Mr. Condouris answered that it will not, and that it is consistent with the neighbors' properties.

Chairman Cunningham asked whether the peak is higher or lower than neighboring properties, to which Mr. Condouris replied, lower. Mr. Cunningham added that it is similar to the neighbors.

Board member Jon Schwartz asked about the plan abandoning the first floor. Mr. Condouris explained that the ground floor is the slab.

Board member Peggy Bills asked whether there would be storage on the ground floor and was told that, yes, there would be storage there.

Parking was discussed. There will be five or six spots, including two to three spots in the main lot and three or four spots on the ocean-side lot.

Boardmember Heather Gorman asked whether the house will be raised 17' from ground level. Mr. Condouris clarified that the house will be raised to 17' above sea level.

Boardmember Stephen Cashmore discussed the side yard setbacks.

Board engineer Dave Hoder discussed some aspects of his technical review. With regard to off-street parking, he stated that Sea Bright's ordinance requires two spaces per dwelling unit, while Residential Site Improvement Standards require one and a half spaces per unit. One space is in the building and three spaces are in the front yard, contrary to the ordinance. He also discussed the variances for side yard setbacks. The variances are intensified due to the second-floor addition. The maximum building height allowed is 35'. The application is requesting 37.7'.

Board planner Christine Cofone was not in attendance. Her technical report had been submitted to the Board members. It presented a planning analysis and issues for consideration by the Board.

Board attorney Kowalski stated that this application is actually requesting a "technical" D variance because the house sits on a narrow lot and is going higher.

There were no further questions by the Board and no comments from the public.

Board member Stephen Cashmore offered a motion to approve the application, with a second offered by Board member Stephen Smith. The motion was carried upon the following roll call vote:

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

Nays: none

Absent: Kelly

CLOSING ITEMS

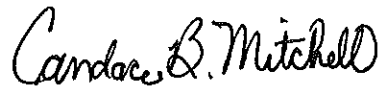
Meeting Announcement

There being no other public business before the Board, the Chairman announced the next regular meeting of the Planning Board is scheduled for September 28, 2021 at 7:30 p.m. The meeting will be held in person in the Mayor Dina Long Community Room at 1097 Ocean Avenue.

Adjournment

The meeting was adjourned at 8:15 p.m. on a motion offered by Board member Jon Schwartz, a second offered by Peggy Bills, and approval upon a unanimous voice vote by the Board members.

Respectfully submitted,

A handwritten signature in black ink that reads "Candace B. Mitchell". The signature is written in a cursive, flowing style.

Candace B. Mitchell
Board Secretary