

**MINUTES FOR APPROVAL
REGULAR MEETING OF THE SEA BRIGHT UNIFIED PLANNING/ZONING BOARD
Tuesday, November 28, 2023**

Call to Order and Flag Salute

Chairman Cunningham called the meeting to order at 7:30 p.m. and requested those present join in the Pledge of Allegiance.

Open Public Meetings 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, 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.

ADMINISTRATIVE MATTERS

Attendance Roll Call

Present: Bieber, Bills, Cashmore, Cunningham, DeGiulio, DeSio, Lawrence, Leckstein, Zelina

Absent: Kelly, Schwartz

Also attending: Board Attorney Ben A. Montenegro, Board Secretary Candace B. Mitchell

ITEMS OF BUSINESS

Memorialization of Resolution

RESOLUTION OF APPROVAL

**APPLICATION OF
WOODY'S OCEAN PROPERTIES, LLC**

IN THE MATTER OF : UNIFIED PLANNING/ZONING BOARD
WOODY'S OCEAN PROPERTIES,LLC: APPLICATION NO. 2023-09
: BLOCK 22, LOT 1
: BLOCK 23, LOT 1
: 1 EAST CHURCH STREET

WHEREAS, WOODY'S OCEAN PROPERTIES, LLC has requested minor subdivision and minor site plan approval with variance relief pursuant to N.J.S.A. 40:55D-70 (c) (2) to add 576 sq. ft. from Block 23, Lot 1 ("Borough Property") to Block 22, Lot 1 ("Woody's Property") and to construct a concrete patio with pergola at the existing restaurant along with related site improvements on Woody's Property, being commonly known as 1 East Church Street, Sea Bright, New Jersey, and said premises being in the B-1 Central Business Zone; and

WHEREAS, the Board held a public hearing on said application on October 24, 2023; and

WHEREAS, the applicant provided adequate notice of the hearing in accordance with N.J.S.A. 40:55D-12; and

WHEREAS, the applicant Woody's Ocean Properties, LLC was represented by legal counsel, Jennifer S. Krimko, Esq.; and

WHEREAS, the Board heard the testimony and evidence presented by the applicant's counsel, and received comments from the public.

NOW, THEREFORE BE IT RESOLVED, that the Unified Planning/Zoning Board of the Borough of Sea Bright, County of Monmouth and State of New Jersey, made the following findings:

1. The Board found the application complete.
2. According to the application, the applicant is seeking the following variance relief:
 - a. Lot Depth where 60' is required, 54.2' exists and 54.36' is proposed.
 - b. Front yard setback (East Church Street) where 25' is required and 1.5' over property line is proposed (existing).
 - c. Rear yard setback where 15' is required and .2' is proposed (existing).
 - d. Side yard setback (east) where 0' is required and .3 over property line is proposed (existing).
 - e. Building Coverage where 50% maximum is permitted, 87.09% exists and 73.97% is proposed.
 - f. Lot coverage where 75% maximum is permitted and 100% is proposed (existing).
3. The following were submitted in support of the application:
 - a. PB1 – Application
 - b. PB2 – Survey by Insite (dated 7/18/22)
 - c. PB3 – Minor Site Plan by Insite (dated 9/8/23, last rev 9/1/23 – 6 sheets)
 - d. PB4 - Minor Subdivision Plan by Colliers (dated 6/7/23 – last rev 8/31/23 – 2 sheets)

- e. PB5 – Architectural Plans by Lino Picinic, R.A. (dated 11/14/22 – 3 sheets)
 - f. PB6 – 10/18/23 Krimko Letter with notice package
 - g. A1 – Aerial Photo (9/6/23)
 - h. A2 – Color Rendering – Site Plan
 - i. A3 – Photos (2) – Front of Existing restaurant site
 - j. A4 – Rendering of proposed patio with pergola
 - k. Board Engineer David J. Hoder, P.E., P.P. report dated 10/11/23
4. Based upon the opening comments of the Applicant’s Counsel, the Board heard the following:
- a. The Applicant is seeking minor subdivision and minor site plan approval to add 576 sq. ft. from Block 23, Lot 1 (“Borough Property”) to Block 22, Lot 1 (“Woody’s Property”) and to construct a concrete patio with pergola at the existing restaurant on Woody’s Property along with related site improvements.
 - b. The Applicant requests variance relief for lot depth, front yard setback, side yard setback, rear setback, building coverage and lot coverage.
5. Based upon the sworn testimony of the Applicant, Christopher J. Wood, the Board made the following findings of fact:
- a. He is a principal member of the Applicant, the title owner of the subject property. He is fully familiar with the subject property, the surrounding properties, the restaurant use conducted on site and the proposed concrete patio/pergola for outdoor dining proposed on the site.
 - b. The subject property is located in the B-1 Zone and the restaurant use is a permitted use in the zone.
 - c. The subdivision/addition of the Borough property to the site for the concrete patio and pergola provides for a more functional, safe and aesthetic outdoor dining space at the site. That outdoor dining has occurred since the COVID pandemic occurred in 2020.
 - d. He confirmed that the proposal provides for no building expansion.

- e. He confirmed that the proposal provides for no walls or permanent enclosures for the patio/pergola space.
 - f. He confirmed that the proposal does not expand the current restaurant operation (either in terms of seating capacity nor employees).
 - g. He clarified that the pergola provides for open air roof beams, but same are louver-style that can be closed to provide for a temporary covered patio space in the event of rain or excessive heat.
 - h. He indicated the outdoor lighting shall consist of residential style string lights adorning the pergola.
6. Based upon the sworn and qualified testimony of the Applicant's Engineer, Douglas D. Clelland, P.E., of InSite Engineering, LLC, the Board made the following findings of fact:
- a. He is a licensed professional engineer in the State of New Jersey and prepared the subject site plans presented to the Board for approval (Exhibit PB-3).
 - b. Making reference to Exhibit A1 and A2, he described the existing development on the site (existing Woody's Restaurant) and the design of the proposed concrete patio and pergola for outdoor dining.
 - c. He described the subdivision which would add approximately 576 sq. ft. from the Borough property to the Woody's property as shown on the plans submitted. He noted that the Borough authorized the sale/transfer of that land via Ordinance No. 08-2022, adopted on 9/6/22. The dimensions of the added land are 10.42' by 55.5' for a total of approximately 576 sq. ft.
 - d. He described the location and design of the patio and pergola, noting that the outdoor dining space has been utilized since the COVID pandemic inception in 2020. This proposal makes that outdoor dining use more functional and safe; while improving the aesthetics at the site. There is no expansion of the outdoor seating capacity that already is in use at the site. He confirmed no additional staff is required for the proposed patio/pergola.
 - e. He confirmed there is no modification to drainage on site as result of the proposal.
 - f. He confirmed that the driveway width meets Borough ordinance requirements.
 - g. He identified the bollards being provided for the patio area for safety. Those bollards are not proposed to be lit.

- h. As to landscaping, planters shall be utilized for the pergola/patio area.
 - i. He indicated that Applicant shall request approval from the Borough to add an ADA parking spot in proximity to the patio/pergola. If approved, same shall be provided (on the Borough property).
 - j. He opined that the proposed design is an aesthetic improvement to the site.
 - k. He testified that the proposed patio and pergola with site improvements are to be constructed to all current building codes and standards; thereby providing for a safe condition on site and for the benefit of the surrounding properties.
 - l. He opined that the variance relief requested may be granted without any significant impact to the surrounding neighbors, nor to the zoning ordinance and zone plan.
7. A member of the public, to wit, Karen Finkelstein, 4 East Church Street appeared to question/comment on the Application for clarification of the details of the plan, including that:
- a. No public parking spaces are being eliminated/lost as result of this application.
 - b. The patio area is not to be enclosed.
 - c. The number of outdoor tables/seating proposed are equal to or less than that which is currently existing on site.

CONCLUSIONS OF LAW:

WHEREAS, after careful deliberation, the Board has determined that the applicant has met the requirements of N.J.S.A. 40:55D-70(c) (2) with conditions imposed, for the variances requested associated with this application in as much as the proposed application is an appropriate development of the subject parcel with a permitted use in the Zone; and

WHEREAS, after careful deliberation, the Board has determined that the proposal advances purposes of zoning as set forth in N.J.S.A. 40:55D-2 (a) and (i) of the Municipal Land Use Law; providing for improved aesthetics and functionality of the restaurant use with outdoor dining designed for this site, and those benefits outweigh any detriment from the proposal; and

WHEREAS, after careful deliberation (and noting no persons appeared in objection to the application), the Board has determined that the proposed

development will not have a substantial negative impact on the neighborhood and will be a benefit in terms of the function and aesthetics of the site; and

WHEREAS, the Board has determined that the relief sought can be granted without a substantial negative impact to the public good, provided all conditions of approval are satisfied or met; and

WHEREAS, the Board has determined that the relief sought does not impair the intent and purpose of the Master Plan or Zoning Ordinance of the Borough of Sea Bright.

NOW, THEREFORE, BE IT RESOLVED by the Unified Planning/Zoning Board of the Borough of Sea Bright, in the County of Monmouth and State of New Jersey, on the 24th day of October, 2023, upon a motion made by Mr. Leckstein and seconded by Mr. Bieber that the application of Woody's Ocean Properties, LLC be granted, subject to the following terms and conditions:

- a. The applicant shall be bound by all exhibits introduced, all representations made, and all testimony given before the Board at its meeting of October 24, 2023.
- b. The applicant shall provide all required Site Performance Bond and Inspection Fees in accordance with the Municipal Ordinance, if necessary.
- c. The applicant shall be responsible for obtaining any other approvals or permits from other governmental agencies, as may be required by law, including but not limited to the Municipality's and State's affordable housing regulations; and the applicant shall comply with any requirements or conditions of such approvals or permits.
- d. The applicant must comply with the Development Fee Ordinance of the Borough of Sea Bright, if applicable, which Ordinance is intended to generate revenue to facilitate the provision of affordable housing.
- e. The applicant shall comply with all items set forth in the Board Engineer report dated 10/11/23, unless specifically exempted herein.
- f. 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.

- g. The applicant shall comply with all building, FEMA and fire codes including, but not limited to, entrances/exits and fire rating.
- h. 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 are specifically relied upon by the Board in granting this approval. This condition shall be a continuing condition, deemed satisfied unless and until the Board determines (on notice to Applicant) of a breach thereof.
- i. In the event that any documents require execution in connection with this approval, such documents shall not be released until all conditions are satisfied.
- j. 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.
- k. No site work shall be commenced or plans signed or released or any work performed with respect to this approval until such time as all conditions of the approval have been satisfied or otherwise waived by the Board.
- l. Applicant shall comply with the following special conditions:
 - i. The proposed concrete patio with pergola shall provide for no existing building expansion and said patio/pergola area shall provide for no walls or permanent enclosures.
- m. A brief notice of decision shall be published in the official newspaper of the municipality. Such publication shall be arranged by the applicant. (130-17 I.)

ADOPTED this 24th day of October, 2023.

VOTE ON ROLL CALL:

IN FAVOR: Mr. Leckstein, Ms. Bills, Mr. Schwartz, Chairman Cunningham, Councilman Bieber, Vice Chairman DeSio, Mr. Zelina

OPPOSED: None

MEMORIALIZED this 28th day of November, 2023 on a roll call upon a motion by Mr. Leckstein and a second by Mr. Bieber

MEMORIALIZATION VOTE ON ROLL CALL:

IN FAVOR: Councilman Bieber, Ms. Bills, Chairman Cunningham, Vice Chairman DeSio, Mr. Leckstein, Mr. Zelina

OPPOSED: None

CERTIFICATION

I, Candace B. Mitchell, Secretary of the Unified Planning/Zoning Board of the Borough of Sea Bright, County of Monmouth, State of New Jersey, do hereby certify the attached is a true copy of the Resolution for Application No. 2023-09 Approved by the Unified Planning/Zoning Board at its regular meeting on October 24th, 2023 and memorialized on November 28th, 2023.

Candace B. Mitchell

Candace B. Mitchell, Secretary
Borough of Sea Bright Unified Planning/Zoning Board

Administrative Approval for Amendment to Prior Approval

Application No. 2020-14, Resolution of Approval memorialized 2/9/21
The Break at Sea Bright, LLC
1080 Ocean Avenue, Bl. 15, L. 3

Present for the application were Kevin Higgins, Project Manager for Shaw Construction Company, LLC, and attorney Matthew P. Dolan, Esq., of Meyer and Landis, LLP.

Councilman Bieber stepped away from the Board because the application had included approval of a use variance.

Mr. Zelina stepped away from the Board due to a business conflict.

The following items were submitted in support of the Application:

- Planning Board Application
- Revised Civil Drawings, 5 sheets
- Red-lined Civil Drawings, 7 sheets
- JCP&L Agreement for Installation of Electric Distribution Facilities, 5 pages
- Resolution of Approval, dated 2/9/21, 12 pages
- Site Plan, dated 10/1/20, rev. to 11/14/23, 5 sheets
- Borough Engineer's Technical Review #4, dated 11/23/23

Mr. Dolan introduced the application requesting approval for minor revisions to the prior approval. The revisions proposed are as follows:

1. installing two wall mounted lights instead of sidewalk pole mounted lights;
2. placing the electric, phone, and cable connections overhead instead of in-ground;
3. not planting the two street trees contrary to the approved site plan.

Mr. Dolan explained that they would like to have wall sconces instead of pole mounted lights on River Street because of the width of the sidewalk. Installing pole mounted lights would impede ADA access.

Regarding having overhead electrical service instead of underground electrical service, Mr. Dolan stated that JCP&L advised that it would be easier for them not to have to close down the street and dig in order to install an underground electrical connection. Also, installing the electrical connection underground doesn't seem like a good idea because of the height of the water table. In addition, the town is already filled with overhead electrical lines. This installation would not be detrimental.

Regarding the trees not being planted on River Street, Mr. Dolan explained that the decision not to plant the two trees is because of the width of the sidewalk and ADA accessibility.

Mr. Dolan introduced the Project Manager Kevin Higgins, to answer any questions the Board members might have. Mr. Higgins was sworn in to testify.

Mr. Cashmore asked whether the wall sconces have been submitted to the Board Engineer for review. Mr. Dolan answered that they have been presented in a photo in the packet. Mr. Cashmore stated that he would like to see that the Board Engineer has given approval.

Mr. Lawrence offered comments about the lights. He said that he is in favor of wall sconces but is concerned about light that is being directed upward. The idea is to light the sidewalk, and he thinks we need to be sensitive to the amount of light that filters upward. He was not sure about the wall sconces in the photo but would suggest choosing a design that directs the light downward. It would be valuable to keep the light low. Mr. Higgins said they would be open to suggestions regarding the sconces chosen. Mr. Cashmore added that he would like to see the applicant reach out to the project manager with a design approved by the Board Engineer.

Mr. Lawrence also offered comments about the two trees not being planted. He said trees probably would not survive there, but the town is concerned with having greenery, and

there are no other green amenities presented. He asked if the applicant would be willing to utilize some of the budget on other greenery around town. Mr. Higgins asked about having planters, as he has seen them around town. Ms. DeGiulio stated that by reading Mr. Hoder's report, it's clear that he has been in communication with the applicant and would be in favor of an alternative to planting trees.

Public Questions and Comments

There were no members of the public wishing to speak.

Mr. Leckstein offered a motion to approve the request to amend the previous approval, with a second offered by Ms. DeGiulio. The motion was carried upon the following roll call vote:

Ayes: Ms. Bills, Mr. Cashmore, Mr. Cunningham, Ms. DeGiulio, Mr. DeSio, Mr. Lawrence, Mr. Leckstein, Mr. Zelina

Nays: none

Board Attorney Mr. Montenegro added that he will send an email to the Board Engineer detailing the specifics of the conversation. The project can move along, due to time constraints, without waiting for memorialization of the resolution.

Councilman Bieber and Mr. Zelina rejoined the Board.

Application No. 2023-10

David Mayer

24 Surf Street, Bl. 11, L. 13

Seeking bulk variance relief to construct a single-family home on existing foundation after demolishing existing structure

The applicant has requested carrying the application to the meeting of 1/23/24.

A motion to carry the meeting to January 23, 2024, with no further notice was offered by Mr. Leckstein, with a second offered by Chairman Cunningham. The motion carried upon the following roll call vote:

Ayes: Mr. Bieber, Ms. Bills, Mr. Cashmore, Mr. Cunningham, Ms. DeGiulio, Mr. DeSio, Mr. Lawrence, Mr. Leckstein, Mr. Zelina

Nays: none

Application No. 2023-06 (carried from 8/22/23)

Lindsay DeChario

27 Center Street, Bl. 10, L. 14

Seeking bulk and use variance relief for renovation of and addition to an existing two-family residential dwelling

Having not participated in the first hearing of this application on August 22, 2023, Councilman Bieber, Vice Chairman DeSio, and Mr. Cashmore each presented a Certification for Absent Member stating that he has examined the record and is eligible to vote.

Present for the application were attorney Rick Brodsky, Esq, homeowner Lindsay DeChario, architect Anthony Condouris, and Planner Andrew Janiw.

The following items were submitted in support of the application.

For the 8/22/23 Meeting:

- Zoning Permit Denial, dated 7/6/23
- Planning Board Application, received 7/31/23
- Variance Plan Checklist
- Description of Changes to Premises
- Architectural Plans, dated 6-12-23
- 6 Exterior Photos
- 4 Interior Photos of uneven floors
- Engineer's Technical Review, 8/15/23
- Planner's Review, dated 8/10/23

For this evening's meeting:

A-1 Revised Architectural Plans, dated 6/12/23, revised 10/7/23

A-2 Beacon Planning Aerial Photo

A-3 Photo of the subject property and Center St. Frontage

A-4 Photo of 25 Center Street property

A-5 Photo of Subject Property, rear elevation

A-6 Photo of 25 and 27 Center Street, common property line view

O-1 – Photo entitled Figure #1

O-2 – Photo entitled Figure #2

Mr. Brodsky introduced the application, stating that the owner purchased the home in 2020. The house is over one hundred years old and is in need of renovation. The owner, Ms. DeChario, has decided to keep the house as a mother-daughter home and not to consider it a two-family dwelling. All living space is connected and accessible.

Board member Mr. Leckstein made a statement that, at the first hearing, the applicant was asked to make it clear that we all understand the home will remain a one-family mother-daughter home, and that this restriction will be put in the resolution of approval. Ms. DeChario may come back to the Board if she wants to ask for the home to become a two-family home.

Architect Anthony Condouris was sworn in and was accepted by the Board as an expert witness. Mr. Condouris discussed the revised plans provided for this meeting. He stated the property is located in the R-3 zone and contains a two-story structure. The renovation keeps the same building footprint. He discussed the variances requested. The only expansion is for the side stairs. The setbacks are not changing. He talked about the difficulties in planning the renovation, especially because the second floor contains different levels.

The ground floor will provide four off-street parking spaces and unfinished storage. The first floor will provide a family room, kitchen, two bedrooms, 2 full bathrooms, a laundry closet, and a rear deck. The second floor will provide a kitchen, two bedrooms, two full bathrooms, and a rear deck. The third floor will provide one bedroom, a full bathroom, an office, and a laundry room. There will be a front rooftop deck.

Councilman Bieber asked whether each unit is separate when the doors are locked. Mr. Condouris answered that they are separate, and he discussed the access to each unit.

Public Questions or Comments

John Taguer, 25 Center Street, was sworn in to testify after being given permission to not only ask questions of Mr. Condouris, but to make comments as well. He distributed two photos, labeled O-1 and O-2, to the Board members. Mr. Taguer stated that he has three specific concerns: He asked: have you fully complied with the Building and Zoning ordinance? Mr. Condouris answered that, no, we are asking for variances to the zoning ordinance. Mr. Taguer asked whether Mr. Condouris has addressed the International Residential Code, otherwise known as the IRC New Jersey? Mr. Condouris explained that the IRC is addressed when they are doing construction plans rather than the zoning approval. He asked, thirdly, whether Mr. Condouris has given any consideration to neighbors in terms of things like "shadow" and the ability to see out of your windows. He wanted to know if those things were considered. Mr. Condouris answered that he didn't see it as an issue there. Mr. Taguer pointed out that the house went through extensive renovations with the previous owner. Mr. Condouris answered that he is aware of the previous elevation of the house and renovations. Mr. Taguer asked about the setback on the east side. Mr. Condouris stated that the setback is 5.9' on the east side, alone.

Mr. Leckstein asked Mr. Taguer what his specific concerns are. Mr. Taguer answered that the architect may not have shown as much detail as he should have, which may lead to other questions regarding whether he has covered all of his variances. Mr. Taguer stated that the second part is that he doesn't believe the architect has covered the IRC New Jersey, specifically regarding fire code and fire spread. Board member DeSio answered that those things are considered by the Building Department. The Board has no jurisdiction over construction. Mr. Taguer pointed out that he is not talking about the materials but about the location of the building. He mentioned that "shadow" was important when he elevated his house, and that it's important here. He also stated that the IRC will not allow any windows on the side of the house between the two properties due to not enough space in between them, and he had to remove windows from his house when he renovated because the house was too close to the property line. Attorney Rick Brodsky asked Mr. Taguer whether he was aware his house is .7' from the property line at the closest point and 1.4' at the farthest point.

Lindsay DeChario was sworn in to testify. She stated that the roof over the deck was shortened to comply with the setback.

Vice Chairman DeSio stated that the house is going to be three stories; so, the whole building has to be fire rated, and it has nothing to do with the Planning Board.

Mr. Leckstein added that the Board cannot give variances to the fire code. He asked that if the deck isn't being moved any closer to Mr. Taguer's house, what was Mr. Taguer's objection. Mr. Taguer answered that if you look out of his window right now, there is some sun light and a little bit of breathing room. He said that if they are allowed to build the third floor, the deck will become a wall. Ms. DeChario stated that they changed the plan to accommodate Mr. Taguer's concerns about the light and shadow. Instead of having a straight wall all the way, the side would be stepped in at the front part of the house by building a deck. A roof is needed for solar panels.

Mr. Taguer stated that there will be a tremendous shadow. He talked about the front setback. Mr. Condouris pointed out that is preexisting. Mr. Taguer discussed they are building a two foot overhang. They are planning to build higher and closer to him. He is asking for the roof deck to be set back. There was discussion about the roof deck.

He objected to the expansion of the staircase and deck at the rear of the home. He objected to the renovations due to the closeness of the two properties and the impact it will have on his enjoyment of his front porch. Councilman Bieber pointed out that the east side stairway will not stick out any farther than it does now. Mr. Condouris confirmed Councilman Bieber's point.

The public portion was closed, and the Applicant's Planner, Andrew Janiw, was sworn in and accepted as an expert witness. Mr. Janiw entered Exhibit A-2, an aerial photo of the subject property and surrounding neighborhood to show that the proposed home is consistent in size and character to the rest of the neighborhood, especially in reference to front, rear, and side setbacks.

He entered exhibit A-3, a photo of the subject property's frontage and the neighboring frontages on the street to show the general conformity of the neighboring setbacks.

Exhibit A-4 was a photo entered to show the rear of the subject property and the neighboring home. He showed that the neighboring home extends much farther into the rear yard than the subject property.

Exhibit A-5, also a photo, showed the rear of the subject property, the compliant rear yard, and the two rear decks that will require variance relief. He was of the opinion that the open air structure of the decks plus the compliant rear yard setback mitigates against the minor encroachment into the rear yard setback.

Exhibit A-6 was a photo showing the common property line between the subject property and 25 Center Street and the non-compliance of 25 Center Street as compared with the subject property.

Mr. Janiw stated that the variance relief requested for front, rear, and side setback are all existing conditions that will be continued by the renovation, but they are consistent with the single family home development on that street. He stated that the renovation will improve the functionality and the aesthetics of the home.

Public Questions and Statements

Mr. Taguer suggested an adjustment to the plan for the stairs. He also invited anyone to visit his home and see how the renovation is going to create a wall very close to his house that he will see when he looks out the window. He said he does not understand why there has to be a roof with railing going all the way out to the street. He said anything that protrudes from the house is an obstruction to his view. He said that he knows he is not guaranteed a view, but he is guaranteed a view if the plan doesn't violate the zoning, and it does violate the zoning. So, again, he said that the roof deck is going out too far, and the set of stairs is a pure convenience. He again invited everyone to come and take a look, before rendering an opinion, to see what he is talking about. Houses are being built closer together. He doesn't think we should be doing that. Neighbors need to have a little space and fresh air between them. He disagreed with Mr. Janiw that this house is similar to the houses in the neighborhood. He said that it is wider than any other house. Most houses have space on the side. This house does not.

The public portion was closed.

Mr. Brodsky finished by stating that the renovation is being done thoughtfully, and that the variances being sought are more than supported. The building will not be any closer to the property lines than the structure that is there today and is nowhere near as close as the neighbor's property. He thinks it is a good plan and a thoughtful plan, and he hopes the Board will take into consideration the expert testimony that has been given.

Board Statements

Mr. Cashmore had a question for Mr. Condouris. He said that he takes the neighbor's concerns seriously and asked if Mr. Condouris could do anything decorative, such as adding trim. Mr. Condouris stated that could be done.

Ms. DeChario offered that the Juliet balcony planned for the front, which breaks up the front wall, would be aesthetically pleasing. It could be eliminated, though.

Councilman Bieber agreed that the flat surface would not be attractive and suggested the front deck railing could be set back. The building does not look as high if the railing is set back. Doing that could accommodate some of Mr. Taguer's concerns and is not asking too much of the homeowner. Chairman Cunningham asked if that would be agreeable, and Mr. Condouris said that he doesn't think it will be a problem. Board member Lawrence agreed that moving the railing back would be a good idea, and the applicant agreed.

Mr. DeSio stated that, after superstorm Sandy, everybody had to raise their houses. He said we have to learn to accept that there is a change going on. It's not the same way as when Sea Bright was a fishing village in the 1800's. This is a new society and people need square footage to live in and a comfortable house.

Mr. DeSio offered a motion to approve the application, and a second was offered by Ms. Bills. The motion was carried upon the following roll call vote:

Ayes: Mr. Bieber, Ms. Bills, Mr. Cashmore, Mr. Cunningham, Ms. DeGiulio, Mr. DeSio, Mr. Lawrence, Mr. Leckstein, Mr. Zelina

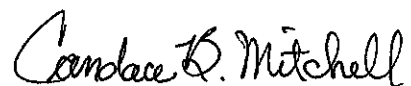
Nays: none

CLOSING ITEMS

The Chairman announced the next regular meeting will take place on December 12, 2023.

With no further business, the meeting was adjourned at 9:20 p.m. on a motion offered by, Mr. Leckstein, seconded by Ms. Bills, and carried upon a unanimous voice vote by the Board members.

Respectfully submitted,



Candace B. Mitchell, Board Secretary