

**APPROVED MINUTES
REGULAR MEETING OF THE SEA BRIGHT UNIFIED PLANNING/ZONING BOARD
TUESDAY, April 25, 2023**

Call to Order and Flag Salute

Chairman Cunningham called the meeting to order at 7:33 p.m. and requested those present to 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 on January 26, 2023, 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 Engineer David J. Hoder and Board Secretary Candace B. Mitchell

Approval of 4/11/22 Regular Meeting Minutes

Board member Marc A. Leckstein, Esq. offered a motion to approve the minutes. Second was offered by Board member Councilman Erwin Bieber, and the motion carried upon the following roll call vote:

Ayes: Bieber, Bills, Cashmore, Cunningham, DeGiulio, DeSio, Lawrence, Leckstein
Nays: none

ITEMS OF BUSINESS

Memorialization of Resolution

Application No. 2023-02: ExQuisite Relief, LLC.

1052 Ocean Avenue, Unit 8, Bl. 16, L. 9

Board member Councilman Erwin Bieber offered a motion to approve the application. Second was offered by Board member Elizabeth DeGiulio, and the motion carried upon the following roll call vote:

Ayes: Bieber, Bills, Cashmore, Cunningham, DeGiulio, DeSio, Lawrence, Leckstein
Nays: none

Application No. 2023-03

Michael Berkowitz

9 Tradewinds Lane, Bl. 4, L. 7.10

The applicant is seeking a variance for maximum lot coverage to install an in-ground pool and associated site improvements.

Board member Councilman Erwin Bieber stepped away from the Board for this application because he owns property located within 200' of the subject property.

Board member Marc Leckstein, Esq. stepped away from the Board for this application because of a conflict of interest involving applicant business with his law firm.

Present for the application were property owner Michael Berkowitz and architect Anthony M. Condouris.

The following exhibits were entered into evidence:

- A1 – Borough of Sea Bright Unified Planning-Zoning Board Certified Application, dated 3/31/23
- A2 – Borough of Sea Bright Application for Zoning Permit, dated 3/15/23 (denial)
- A3- Photos of Subject Property, dated 2/6/23 (2 photos)
- A4 - Survey by Thomas Craig Finnegan, P.L.S., dated 8/5/20 (hand marked by Edgewater Pools/Geffrey S. Wallach, P.E.
- A5 – Architectural Plans entitle Proposed Pool and Patio for Berkowitz Residence by Anthony M. Condouris, dated 3/8/23 (2 sheets)
- A-6 –Landscape Plan (Preliminary Concept Plan)
- Board Engineer's Technical Review by David J. Hoder, P.E, P. P. ,C.M.E. dated 4/20/23, 3 pages

Board Attorney Ben Montenegro informed those present that the applicant's noticing has been reviewed and was found complete and satisfactory, and the Board took jurisdiction of the application.

Mr. Berkowitz was not represented by counsel. He was sworn in to present the application. Architect Anthony M. Condouris was sworn in and accepted by the Board as an expert witness.

Mr. Berkowitz purchased the property in 2020. On this beachfront property is a single family home. The sea wall is located in the rear yard of the property. He is proposing to construct a rear yard swimming pool, measuring 36' x 18' with a deck and other site improvements, including a grill deck, elevated pool equipment, fencing, step stones, stairs, and landscaping as shown on the plans provided. There are no changes proposed to the exterior of the home.

Mr. Berkowitz is seeking variance relief for maximum lot coverage, where 50% is allowed and 57.87% is proposed, and for front yard setback, where 25' is allowed and 24.35' is proposed and is an existing condition.

Mr. Condouris showed a preliminary concept landscaping plan. He has agreed to provide a final plan to be approved by the Board Engineer.

Mr. Montenegro referenced Mr. Hoder's Technical Review. The deck around the pool was identified as a low deck. Mr. Hoder explained the landscape plan that was originally submitted proposed a fence. He identified the lot coverage as 57.3% vs. 50%. He suggested the resolution should include the front setback variance was approved. 24.35' is the front setback shown on the survey and is a condition that existed since construction of the home. Mr. Hoder also stated that no CAFRA permit is required. Mr. Lawrence offered that the setback from the top of the seaward side of the seawall is 30' and is alright. That is the measurement that matters to the DEP. The setback has to be at least 25' away.

Mr. Hoder wondered about possible future drainage problems. Chairman Cunningham said the plot plan stage and engineering review will show grading and drainage plans.

Mr. Montenegro asked where the pool equipment will be located. Mr. Condouris answered it will be on the right side, raised, and not in the setback. The pool equipment will be elevated above the flood plain elevation. The elevation of the proposed deck will be 10.4', whereas minimum elevation required is 9.0'.

There were no public comments or questions for Mr. Berkowitz or for Mr. Condouris.

A motion to approve a variance for maximum lot coverage was offered by Frank Lawrence, with the addition of a variance for front setback. A second to the motion was offered by Vice Chairman David DeSio, and the motion carried on the following roll call vote:

Ayes: Bills, Cashmore, Cunningham, DeGiulio, DeSio, Lawrence, Leckstein

Nayes: none

Councilman Bieber and Mr. Leckstein rejoined the Board for the remainder of the meeting.

OTHER BUSINESS

Application No. 2023-01

16 Via Ripa Properties, LLC

16 Via Ripa Way, Bl. 31, L. 6

The Board received a request from Attorney Rick Brodsky, Esq. to carry this application to the May 23rd meeting.

A motion to carry the application was offered by Mark Leckstein, on the condition that the applicant must re-notice. The application has been carried from 3/14/23 to 4/11/23, and to 4/25/23. The motion was seconded by Chairman Cunningham, and carried on the following roll call of the Board members:

Ayes: Bieber, Bills, Cashmore, Cunningham, DeGiulio, DeSio, Lawrence, Leckstein

Nayes: none

Public Comments

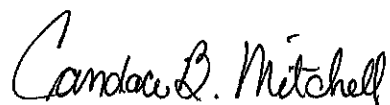
There were no members of the public wishing to speak.

CLOSING ITEMS

The Chairman announced the next regular meeting to take place on May 23, 2023.

With no further business, the meeting was adjourned at 8:07 p.m. on a motion offered by Mr. Leckstein, seconded by Chairman Cunningham, and carried upon a unanimous voice vote by the Board members.

Respectfully submitted,

A handwritten signature in cursive script that reads "Candace B. Mitchell".

Candace B. Mitchell, Board Secretary