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Borough of Sea Bright

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October 20, 2023

BY HAND DELIVERY

Ms. Candace B. Mitchell
Unified Planning/Zoning Board Secretary
Borough of Sea Bright Unified Planning/Zoning Board
1099 Ocean Avenue
Sea Bright, NJ 07760

Re: Application: Appeal from Decision of Zoning Officer Pursuant to N.J.S.A. 40:55D-70a;
Preliminary and Final Site Plan Approval and Bulk Variance for Awning
Applicant: 1485 Ocean Avenue Realty LLC
Premises: 1485 Ocean Avenue, Sea Bright, NJ 07760
Block 4, Lot 5 on the Current Tax and Assessment Map of the Borough of Sea Bright

Dear Ms. Mitchell:

This firm represents 1485 Ocean Avenue Realty, LLC (“Ocean” or “Applicant”), the owner of Block 4, Lot 5 (“Property”) on the Tax Map of the Borough of Sea Bright (“Borough”). Ocean’s awning contractor applied for a construction permit to install a temporary awning (“Awning”) over the deck (“Deck”) associated with the tiki bar on the Property on September 19, 2019. However, Ms. Mary Tangolics, Borough Zoning Officer, informed Ocean on October 2, 2019, that it would need site plan approval from the Unified Planning/Zoning Board of the Borough (the “Board”) to do so.

However, Ocean obtained site plan approval to install the Awning on April 13, 2021, when the Board granted Ocean, among other things, preliminary and final site plan and c.(2) variance approval for the Deck (“Approval”). The Approval is memorialized in the enclosed resolution, dated April 27, 2021. As Sheet 2 of 2 of the enclosed “Amended Preliminary & Final Site Plan of Block 4, Lot 5 for 1485 Ocean Avenue Realty, LLC, Borough of Sea Bright, Monmouth County, NJ,” last revised February 22, 2021, and Sheet 2 of 2 of the “Amended Preliminary & Final Site Plan of Block 4, Lot 5 for 1485 Ocean Avenue Realty, LLC, Borough of Sea Bright, Monmouth County, NJ,” both prepared by Walter Joseph Hopkin, last revised October 17, 2023, show, the Approval included the Awning. Therefore, there is no basis for an additional application for site plan approval and a construction permit should be issued to allow installation of the Awning. Accordingly, Ocean hereby appeals the aforesaid decision of the Borough Zoning Officer.

Without prejudice to its position that no site plan approval is required for the Awning, in the alternative, depending on the Board’s determination of whether a site plan approval is

required, the Applicant by this letter and its enclosures hereby makes application (the "Application") for preliminary and final major site plan approval and c.(2) bulk variance for the construction of the Awning over the Deck. In support of the Application, I enclose the following:

1. Applicant Check No. 2077 made payable to the Borough of Sea Bright in the amount of \$350 for the preliminary site plan application fee,
2. Applicant Check No. 2078 made payable to the Borough of Sea Bright in the amount of \$2,000 for the preliminary site plan escrow,
3. Applicant Check No. 2079 made payable to the Borough of Sea Bright in the amount of \$350 for the final site plan application fee,
4. Applicant Check No. 2080 made payable to the Borough of Sea Bright in the amount of \$2,000 for the final site plan escrow,
5. Applicant Check No. 2081 made payable to the Borough of Sea Bright in the amount of \$400 for the bulk variance application fee,
6. Applicant Check No. 2082 made payable to the Borough of Sea Bright in the amount of \$1,000 for the bulk variance escrow,
7. 17 copies of Zoning Permit Denial,
8. 17 copies of the completed application and check lists, signed, dated, and notarized, plus one marked "FOR PUBLIC INSPECTION,"
9. Original and one copy of PLOT PLAN OR VARIANCE PLAN CHECKLIST, Borough of Sea Bright,
10. Description of the proposed operation,
11. Request for variances,
12. Completed W-9 Form,
13. Completed Notice of Hearing,
14. Certified list of property owners within 200 feet,
15. 17 copies of Narrative Description of Project,
16. 17 copies of the site plan set entitled "Amended Preliminary & Final Site Plan of Block 4, Lot 5 for 1485 Ocean Avenue Realty, LLC Borough of Sea Bright, Monmouth County, NJ," prepared by Walter Joseph Hopkin of WJH Engineering, consisting of the following two sheets, both dated 2/22/21, last revised 10/17/2023:

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A. Cover Sheet, and

B. Existing Conditions/Amended Site Plan, dated, and notarized, with raised seals,

plus one marked "FOR PUBLIC INSPECTION,"

17. 17 sets of photographs of the property as it currently exists, and

18. 17 copies of the CAFRA Permit approving the awning.

I trust that the above constitutes a complete application. Do not hesitate to call or email me with any questions or comments.

Very truly yours,

STEVENS & LEE



Kevin J. Moore

KJM:kjm
Enclosures
cc:

DESCRIPTION OF OPERATIONS

The Awning covers the Deck associated with the tiki bar. The tiki bar's hours of operation are 12:00 P.M. to 10:00 P.M., seven days a week.

NOTICE

PLEASE TAKE NOTICE, that on Tuesday, _____, 2023, at 7:30 PM, the Unified Planning/Zoning Board of the Borough of Sea Bright, New Jersey ("Board") will hold a hearing at the Sea Bright Beach Pavilion, 1097 Ocean Avenue, Sea Bright, New Jersey, to consider the application of 1485 Ocean Avenue Realty LLC ("Applicant") for the property with a street address of 1485 Ocean Avenue, Sea Bright, New Jersey, designated as Block 4, Lot 5 on the Borough of Sea Bright Tax Map ("Property"). The Property is located in the B-3 Oceanfront Business Zone.

The application consists of an application for preliminary and final site plan approval for a 1233¾ square foot temporary awning over an existing deck associated with the existing tiki bar on the ocean side of the Property.

The Applicant also seeks a c(2) bulk variance from Section 130-38(D) of the Borough of Sea Bright Land Use Code to permit the accessory temporary awning to be 1233¾ square feet in area, where an accessory awning of no more than 500 square feet in area is otherwise permitted.

While the Applicant is not aware of any variances, design waivers or exceptions, other than the one set forth above, required in connection with the aforesaid application, it requests any other variances, design waivers or exceptions required by the Board or its professionals at the time of the hearing.

The application forms, plans and supporting documents for the above application are on file in the office of the Board Secretary and are available for public inspection at the Borough Hall, 1099 Ocean Avenue, Sea Bright, New Jersey, during normal business hours and are available on the Borough of Sea Bright website at www.seabrightnj.org. Any interested party may appear at the hearing and participate therein, subject to the rules of the Board.

1485 Ocean Avenue Realty LLC
Applicant
By its Attorneys, Stevens & Lee, P.C.
Kevin J. Moore, Esq.