

BOROUGH OF SEA BRIGHT PLANNING/ZONING BOARD APPLICATION

**1099 Ocean Avenue Sea Bright, New Jersey 07760
732-842-0099 ext. 123**

The application with supporting documentation must be filed with the office of the Planning Board Secretary and must be delivered for review **at least ten (10) days** prior to the meeting at which the application is to be considered.

NOTE: All plans must be folded. Any rolled plans will not be accepted.

To be completed by Municipal staff only.

Date Filed _____ Application No. _____

Application Fees _____ Escrow Deposit _____

Reviewed for Completeness _____ Hearing _____

1. SUBJECT PROPERTY

Location: 1485 Ocean Avenue, Sea Bright, NJ
Block 4 Lot 5
Dimensions: Frontage 1236.8 FT Depth 143.6 FT Total Area 763,596 SF
Zoning District: B-3 Oceanfront Business Zone

2. APPLICANT

Name: 1485 Ocean Avenue Realty LLC c/o William Stavola
Address: 1485 Ocean Avenue, Sea Bright, NJ 07760
Telephone Number: 352.572.5056
Applicant is a: Corporation___ Partnership___ Individual ___ Limited Liability Company X

3. DISCLOSURE STATEMENT: Pursuant to J.J.S. 40:55D-48-1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership, applicant must be disclosed. In accordance with N.J.S. 40:55D4-8.2 that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed. (Attach pages as necessary to fully comply.) N/A

4. If owner is other than the applicant, provide the following information on the Owner(s). N/A

Owner's Name: _____
Address _____
Telephone Number _____

5. Property Information:

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:

(Attach copies)

No Proposed _____

Note: All deed restrictions, easements, association by-laws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

Present the use of the premises:

6. Applicant's Attorney: Kevin J. Moore, Esq., Stevens & Lee, P.C.

Address: 100 Lenox Drive, Suite 200, Lawrenceville, NJ 08648

Telephone Number 609.243.6420 Email: kevin.moore@stevenslee.com

7. Applicant's Engineer: Walter Hopkin, P.E., WJH Engineering

Address: 257 Monmouth Road, Building A, Suite 7, Oakhurst, NJ 07755

Telephone Number 732.223.1313 Email: whopkin@wjhengineering.com

8. Applicant's Planning Consultant: N/A

Address: _____

Telephone Number _____ Email: _____

9. Applicant's Traffic Engineer: N/A

Address: _____

Telephone Number _____ Email: _____

10. List any other Expert(s) who will submit a report or who will testify for the Applicant: (Attach additional sheets as may be necessary).

Name: N/A

Field of Expertise: _____

Address _____

Telephone Number _____ Email _____

11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

PLOT PLAN or VARIANCE PLAN APPROVAL
 SUBDIVISION

Minor Subdivision Approval

Subdivision Approval (Preliminary)

Subdivision Approval (Final)

Number of lots to be created ____ (including remainder lot)

Number of proposed dwelling units _____ (if Applicable)

SITE PLAN:

- Minor Site Plan Approval
- Preliminary Site Plan Approval
- Final Site Plan Approval
- Amendment or Revision to an Approval Site
- Plan Area to be disturbed (square feet)
- Total number of proposed dwelling units
- Request for Waiver from Site Plan Review and Approval
- Request for Variance Approval

Reason for request:

See Addendum A.

- Informal Review
- Appeal decision of an Administrative Officer (N.J.S.A 40:55D-70A)
- Map or Ordinance Interpretation of Special Question (N.J.S.A.40:55D-70b)
- Variance Relief (hardship) (N.J.S. A. 40:55D-70c (1))
- Variance Relief (substantial benefit) (N.J.SA.40:55D-70c (2))
- Variance Relief (use) (N.J.S 40:55D-70d)
- Conditional Use Approval (N.J.S 40:55D-67)
- Direct issuance of a permit for a structure in bed of a mapped street, public drainage way, or flood control basin. (N.J.S 40:55D-334)
- Direct issuance of a permit for a lot lacking street frontage (N.J.S 40:55D-35)

12. Section(s) of Ordinance from which a variance is requested § 130-38(D)

13. Waivers requested of development standards and/or submission requirements:(attach additional pages as needed)

See Addendum A

14. Attach a copy of the Notice to Appear in the official newspaper of the municipality and to be mailed to the owners of all real property, as shown on the current tax duplicate, located within the State and within 200 feet in all directions of the property which is the subject of this application. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable.

The Notice is enclosed herewith.

The publication and the service on the affected owners must be accomplished **at least 10 days prior** to the date scheduled by the Administrative Officer for the hearing. An Affidavit of Service on all property owners and Proof of Publication must be filed before the application will be complete and the hearing can proceed.

15. Explain in detail the exact nature of the application and the changes to be made at the premises including the proposed use of the premises: (attach pages as needed) See Addendum B

16. Is a public water line available? Yes

17. Is public sanitary sewer available? Yes

18. Does the application propose a well and septic system? No

19. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate lot and block number? N/A

20. Are any off-tract improvements required or proposed? No

21. Is the subdivision to be filed by Deed or Plat? N/A

22. What form of security does the applicant propose to provide as performance and maintenance guarantees? N/A

23. Other approvals, which may be required, and date plans submitted: None

MARK THE FOLLOWING WITH A YES OR NO AND DATES OF THE PLANS SUBMITTED

- NE Regional Sewer Auth _____
- Monmouth County Board Of Health _____
- Monmouth County Planning Board _____
- Freehold Soil Conservation District. _____
- NJ DEP _____
- Sewer Extension Permit _____
- Sanitary Sewer Connection Permit _____
- Stream Encroachment Permit _____
- Waterfront Development Permit _____
- Wetlands Permit _____
- Tidal Wetlands Permit _____
- Potable Water Constr. Permit _____
- NJ Department of Transportation _____
- Public Service Electric & Gas _____
- Other _____

24. Certification from the Tax Collector that all taxes due on the subject property have been paid. Submitted by Patricia Spahr upon application submission.

25. Certification from Sewer Collector that sewer utility charges due on the subject property have been paid. Submitted by Patricia Spahr upon application submission.

Note: It is the responsibility of the Applicant to mail or deliver copies of the Application form and all supporting documents to the Board Secretary, Borough Engineer and Board Attorney for their review at least ten (10) days prior to the meeting at which the application is to be considered, otherwise the application will be deemed incomplete. A list of those required to receive documents is attached to the application form.

26. The Applicant hereby requests that copies of the reports of the Borough Engineer and Board Attorney reviewing the application be provided to the following of the applicant's professionals.

Applicant's Professional Report Requested:

Attorney Kevin J. Moore, Esq., Stevens & Lee, P.C.
Address: 100 Lenox Drive, Suite 200
Lawrenceville, NJ 08648

Phone Number: 609.243.6420 Email: kevin.moore@stevenslee.com

Engineer: Walter Hopkin, P.E., WJH Engineering
Address: 257 Monmouth Road, Building A, Suite 7
Oakhurst, NJ 07755

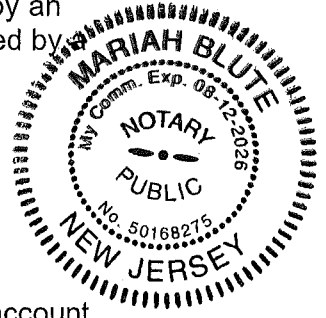
Phone Number: 732.223.1313 Email: whopkin@wjhengineering.com

CERTIFICATION

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate Application and that I am authorized to sign. (If the applicant is a corporation, this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner).

Sworn to and subscribed before me this 13 day of October, 2023.

A Notary Public of NJ Owner
My Commission Expires: 08-12-2026



I understand that the sum of \$ 5,000 has been deposited in an escrow account (Builder's Trust Account). In accordance with the Ordinances of the Borough of SeaBright, I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials.

Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required amount and shall add that sum to the escrow account within fifteen (15) days. 1485 Ocean Avenue Realty Company LLC

Date: 9/13/23 Applicant: BY:
William Stavola
Member

PLOT PLAN OR VARIANCE PLAN
BOROUGH OF SEA BRIGHT PLANNING/ZONING BOARD

Application No. _____ Date _____
Application Name 1485 Ocean Avenue Realty LLC Preliminary & Final Site Plan
Application Address 1485 Ocean Avenue, Sea Bright NJ
Property Address 1485 Ocean Avenue, Sea Bright, NJ Block 4 Lot 5

CHECKLIST

Prior to issuance of a Certificate of Completeness and assignment of a hearing date, the Administrative Officer shall determine that the following documents have been submitted:

To be completed by Applicant (C=complete, N=Not complete, NA=not-applicable)

- C 1. 17 copies of Zoning Permit Denial
- C 2. 17 copies of completed application and check list, signed, dated, and notarized, **plus one** marked "FOR PUBLIC INSPECTION"
- N/A 3. 17 sets of plot plan or variance plan signed, dated, and notarized, also **Show Base Flood Elevation, plus one** marked "FOR PUBLIC INSPECTION"
- W* 4. 17 copies of Survey (unless Variance Plan states that it is based upon the survey). Must indicate mean high waterline, if pertinent to application)
- C 5. 17 (sets of) Photographs of property/dwelling as it currently exists
- C 6. Description of proposed operation (No. 15 in first part of application)
- C 7. Request for any variances (under No.11 in first part of application)
- N/A 8. Certificate of owner authorizing submission (after No. 26 in first part of application)
- C 9. Required application fees/check made payable to Borough of Sea Bright
- C 10. Required escrow fees/check made payable to Borough of Sea Bright
- C 11. Completed W-9 Form
- C** 12. Certification that taxes and sewer utility charges are paid to date
- C 13. Completed Notice of Hearing
- C 14. Certified list of property owners within 200 feet

The following requirements must also be met before an application may be heard:

- _____ 15. Affidavit of Mailing and Service for Public Notice (Provide 7 days prior to hearing.)
- _____ 16. Affidavit of Publication for Public Notice (Provide 7 days prior to hearing.)

If Applicable:


- _____ 17. Proof of Application to Monmouth County
- _____ 18. Proof of application to NJDOT
- _____ 19. Application for CAFRA
- _____ 20. Application for Floodplain Encroachment Permit
- _____ 21. Application for Stream Encroachment Permit

* Waiver sought, see Addendum A.
**To be submitted by Patricia Spahr upon application submission

After the application is deemed complete the Board Secretary will provide you with a hearing date so that you may notice property owners.

Certified mail receipts are to be provided **at least 7 days prior to hearing date.**

I certify the above information is accurate and complete.

DATED: 10/9/23 NAME: Walter Hookin, P.E.
LICENSE NO. 40673 SIGNATURE 
SEAL: _____

SITE PLAN - PRELIMINARY

**BOROUGH OF SEA BRIGHT
PLANNING/ZONING BOARD**

Application No. _____ Date _____
Application Name 1485 Ocean Avenue Realty LLC Preliminary & Final Site Plan
Application Address 1485 Ocean Avenue, Sea Bright, NJ
Property Address 1485 Ocean Avenue, Sea Bright, NJ
Block 4 Lot 5

CHECKLIST

Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following documents have been submitted:

To be completed by applicant (C=complete, N=Not complete, NA=not-applicable)

- C 1. 17 copies of completed application and check list, signed, dated and notarized **plus one** marked **"FOR PUBLIC INSPECTION"**
- C 2. 17 sets of site plan signed, dated and notarized, with must have raised seal, also **Show Base Flood Elevation plus one** marked **"FOR PUBLIC INSPECTION"**
- W* 3. Survey. Must indicate mean high waterline, if pertinent to application
- C 4. Checks payable to the Borough of Sea Bright (**W-9 Escrow Account**)
- C 5. Certified list of property owners within 200 feet
- C 6. Completed Notice of Hearing
- C 7. Affidavit of Mailing or service
- C**** 8. Certification that taxes and sewer utility charges are paid to date
- C 9. Photograph of property/dwelling as it currently exists
- N/A 10. Application for Municipal and/or State Wetlands Permit
- N/A 11. Description of off-tract improvements and cost estimates
- N/A** 12. Letter from utility companies
- W* 13. Environmental Impact Statement
- N/A 14. Certificate of owner authorizing submission
- N/A 15. Proof of Application to Monmouth County
- N/A 16. Proof of application to NJDOT
- C 17. Description of proposed operation
- C 18. Required escrow fees
- C 19. Request for any variances
- *** 20. Application for CAFRA
- N/A 21. Application for Floodplain Encroachment Permit
- N/A 22. Application for Stream Encroachment Permit

* Waiver sought, see Addendum A.
**This application is for an awning, which does not require utilities.
*** The New Jersey Department of Environmental Protection has issued a CAFRA permit which approves, among other things, the awning. The CAFRA Permit is enclosed as part of this application.
**** To be submitted by Patricia Spahr upon application submission

After the application is deemed complete then the Board Secretary will provide you with a hearing date so you may notice property owners. Certified mail receipts are to be provided at **least 7 days prior** to hearing date.

I certify the above information is accurate and complete.

DATED: 10/9/23 NAME: Walter Hopkin, P.E.
LICENSE NO. 40673 SIGNATURE _____
SEAL: _____

SITE PLAN - FINAL

Application No. _____ Date _____
Application Name 1485 Ocean Avenue Realty LLC Preliminary & Final Site Plan
Application Address 1485 Ocean Avenue, Sea Bright, NJ
Property Address 1485 Ocean Avenue, Sea Bright, NJ
Block 4 Lot 5

CHECKLIST

Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following documents have been submitted:


To be completed by Applicant (C: complete, N: not complete, NA: non-applicable)

- C 1. 17 copies of the application and plat **plus one** marked **"FOR PUBLIC INSPECTION"**
- C 2. All Federal, State and County approvals or proof of application
- N/A 3. Proof of provision of utility services
- C 4. Required application fees (W-9 required for Escrow)
- N/A 5. Description of Off-Tract Improvements and cost estimate
- N/A 6. Consent of owner to application
- N/A* 7. Statement that final Site Plan follows exactly the Preliminary Site Plan in regard to all details or Statement setting forth all material changes

I certify the above information is accurate and complete.

DATED: 10/9/23

NAME: Walter Hopkin, P.E.

SIGNATURE 

LICENSE NO. 40673

SEAL:



* The Applicant is seeking preliminary and final site plan approval concurrently

NARRATIVE DESCRIPTION OF PROJECT

The Applicant proposes to install a 1233³/₄ square foot temporary awning over the existing deck on the ocean side of the Applicant's property. While the temporary awning appears rather substantial, it can be disassembled in three to four hours.

ADDENDUM A

REQUEST FOR SUBMISSION WAIVERS

1. Survey. The temporary awning is an addition to an already approved and existing deck. Therefore, no survey is required.

2. Environmental Impact Statement. The temporary awning is an addition to an already approved and existing desk. Therefore, no environmental impact statement is required.

ADDENDUM B

BULK VARIANCE DESCRIPTION

Without prejudice to its position that said variance was already granted, Ocean requests a bulk variance to permit the temporary accessory awning (“Awning”) over the existing deck (“Deck”), located on the subject property, to be 1233¾ square feet in area when section 130-38(D) of the Borough of Sea Bright Land Use Code (“Ordinance”) limits accessory structures to measure a maximum of 500 square feet.

Under N.J.S.A. 40:55D-70c.(2) of the Municipal Land Use Law (“MLUL”), the Board may grant a variance from the Ordinance if the applicants shows that (1) such a deviation from the Ordinance promotes one or more of the purposes of the MLUL, (2) the benefits of the deviation for the project substantially outweigh any detriments of the variance alone, See Pullen v. South Plainfield Planning Board, 291 N.J.Super. 1, 9 (App. Div. 1996), (3) the variance is an improvement over the current zoning, (4) the variance can be granted without substantial detriment to the public good, and (5) the grant of the variance will not substantially impair the intent the purpose of the zone plan and zoning ordinance.

Granting the variance furthers purpose “c” of the MLUL, “to provide adequate light, air, and open space.” It would likewise further the purpose “g,” “to provide sufficient space in appropriate locations for a variety of . . . recreational . . . uses and open space, both public and private . . . in order to meet the needs of all New Jersey citizens.” The awning would expand public access to and use of the beachfront property. Sea Bright attracts thousands of tourists to its beaches every season, and its residents depend on the income from visitors. The installation of the temporary Awning would enable residents and visitors of Sea Bright to enjoy the open space of the beachfront while protected from the heat and ultraviolet light of the sun months. Further, the Property’s attractiveness could in turn bolster the attractiveness of Sea Bright and its beaches to visitors.

The benefits of the Project far outweigh the nonexistent detriments of granting the variance. The temporary Awning covers a small Deck associated with the tiki bar which cannot be used without discomfort if not protected from the elements. The Project would grant the ability to use the deck by shielding residents and visitors from the heat, the ultraviolet rays of the sun, and inclement weather. There are no detriments associated with the temporary awning as it is of an insignificant height, would not block any views of the ocean, and can be removed when not in use.

The variance represents an improvement over the existing zoning of the Property. The current zoning limits the maximum square footage of an accessory structure to 500 square feet. This is not functional or responsive zoning. The variance provides for a realistic square footage of an accessory structure—an awning—to cover an existing deck. Therefore, it represents an improvement over the existing zoning of the Property.

The variance can be granted “without substantial detriment to the public good.” “In this respect the statutory focus is on the variance’s effect on the surrounding properties. The board . . . must evaluate the impact of the proposed . . . variance upon the adjacent properties and determine whether or not it will cause such damage to the character of the neighborhood as to constitute ‘substantial detriment to the public good.’” Medici v. BPR Company, 107 N.J. 1, 23 fn. 12 (1987). The surrounding properties on the eastern side of Ocean Avenue are all commercial properties separated from residential properties by Ocean Avenue and a large embankment. The Property is not visible from the street and the addition of the Awning will not obstruct sightlines.

Finally, the grant of the variance will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. The Borough of Sea Bright Land Use Code permits awnings in all business zones. It likewise requires awnings to compliment the architecture of the building to which they are affixed and reflect its shape. The Sea Bright Master Plan further identifies that the resort character of Sea Bright should be strengthened, and this cannot be accomplished without utilization of the Borough’s principal attraction.









