

APPLICANT: MICHAEL AND VICKI TATELMAN
APPLICATION NUMBER: 2022-01
BLOCK: 27
LOT: 7.01
ADDRESS: 6 WILLOW WAY
RESOLUTION NUMBER: 2202-01



**RESOLUTION OF THE UNIFIED PLANNING/ZONING BOARD
OF THE BOROUGH OF SEA BRIGHT
FOR BULK VARIANCE RELIEF**

WHEREAS, VICE CHAIR DAVID DeSIO offered the following Motion moved and seconded by **COUNCILMAN BIEBER**:

WHEREAS, MICHAEL AND VICKI TATELMAN hereinafter referred to as the “applicant”, by and through their attorney, **RICK BRODSKY, ESQ.**, 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:

To consider an application to permit the demolition of the existing single-family residential dwelling and the construction of a new single-family residential dwelling, with respect to premises located in the R-2 Zone and known as Block 27, Lot 7.01 on the Tax Map of the Borough of Sea Bright, and commonly known as 6 Willow Way, Sea Bright, New Jersey. Applicant is seeking the following variances:

- (i) “c” variance: 130-39.C – Front yard setback of 16.9 feet proposed, where 20.5 feet is existing and 25 feet is required
- (ii) “c” variance: 130-39.C – Building height of 3 stories proposed, where 1 story is existing and a maximum of 2.5 stories is permitted
- (iii) “c” variance: 130-39.C – Building height of 39 feet proposed, where ±19 feet is existing and a maximum of 38 feet is permitted

In addition, the Applicant will request such other variances, exceptions, interpretations, and design waivers as may be determined to be necessary by the Planning/Zoning Board, and/or its professionals, in order to develop this property as stated above and will amend its application on the record accordingly.

WHEREAS, the application pertains to premises known and designated as Block 27, Lot 7.01 on the Tax Map of the Borough of Sea Bright, which premises are located at 6 Willow Way, Sea Bright, NJ 07760; and

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, **JANUARY 25, 2022**:

WHEREAS, the following items were entered as Exhibits at the hearing which includes but is not limited to; 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:

The following exhibits had been made available for view on the Borough website:

- Zoning Permit Denial No. 2021-085, dated 10/22/21
- Application, received 11/22/21
- Survey prepared by Seneca Survey Co., dated 1/29/18
- Architectural Plans prepared by Anthony M. Condouris, Architect, dated 10/5/21, consisting of three (3) sheets
- Two (2) Photos of property as it currently exists, undated
- Jurisdictional Packet, received 1/21/22

Exhibits introduced at the meeting:

- A-1 a height diagram comparison – October 5, 2021
- A-2 a colorized rendering – aerial view with front yard setback
- A-3 a colorized rendering – northwest side
- A-4 a colorized rendering – northeast side

WHEREAS The Board listened to the Testimony of the following:

1. ARCHITECT ANTHONY CONDOURIS

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

NONE.

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

1. PAUL HALL

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. The applicants wish to demolish the existing single-family home and construct a new single-family home. Approval for three variances is requested: for front yard setback where 25' is required and 16.9' is proposed, for building height where 2.5 stories are allowed and 3 stories are proposed, and for building height where 38' is allowed and 39' is proposed. Other setbacks will be brought into conformity, so despite the 3 variances the property is actually being brought into more conformity than presently exists.

2. The proposed setback for the property is set at 16', but the existing condition is currently 12'. Therefore, this setback will be a bit further back than the neighboring properties.
3. Vice Chair DeSio pointed out that the front yard setback variance will be decreased even further because the correct existing setback is 10.9'
4. Mr. Condouris advised, and the Board accepted, that the new house setbacks will comply on the back and sides of the house. The applicants are asking for 39' height, which is 1' more than allowed under the ordinance, driven by roof line design. Mr. Condouris provided an illustration with a comparably designed ordinance-compliant house with a different roofline, which is actually over 10' taller in height than the proposed design, based upon the height calculation in the current ordinance. The proposed design does not have a sloped roof and has full walls as it is a low-pitched roof for low impact design.
5. Mr. Brodsky discussed the number of stories proposed, which is driven by the design and design calculations under the ordinance. The applicants are asking for three stories, the third being a partial story which can be only one third of the second story in square feet.
6. Mr. Condouris stated that the final lot surface will be grass plus a driveway.
7. Engineer Hoder pointed out that the plot plan, required later, will show grading, and water and sewer lines. **Applicant agrees to fully repair any damage to sidewalk as a condition of approval. Applicant must also comply with comments in the Board Engineer's letter for notes on plan, etc.. There will be a review and a plot plan to be submitted for approval as well as any drainage calculations/reports to be complied with. Applicant must also show mechanicals and must also show water and sewer lines/hookups on the plan. Either Avakian (Town Engineer) or Hoder (Board Engineer) shall review plot plan/drainage and approve same.**
8. All other spaces other than driveway will be grass/landscaping.
9. The Board discussed that the third floor provides the benefit of additional living space, and the additional foot with the current height calculation does not create any negative impact. The Board discusses that the home is not out of character with other homes in town for height.
10. The applicant, if necessary, must meet fire code on a 3 story home and will comply with construction code.
11. Vice Chair DeSio stated that the application is improving the setbacks and centering the house, and that this is a good application.
12. Chairman Cunningham stated that most of the third floor is open air and that there are a fair number of homes in this style in the neighborhood

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**, as follows:

Applicant is GRANTED bulk variance relief pursuant to NJSA 40:55D-70.c and applicant is granted variances to construct the single family home per the plans submitted with this application, as follows:

1. "c" variance: 130-39.C – Front yard setback of 16.9 feet proposed, where 20.5 feet is existing and 25 feet is required
2. "c" variance: 130-39.C – Building height of 3 stories proposed, where 1 story is existing and a maximum of 2.5 stories is permitted
3. "c" variance: 130-39.C – Building height of 39 feet proposed, where ±19 feet is existing and a maximum of 38 feet is permitted

As a condition of approval, Applicant agrees to fully repair any damage to sidewalk post construction, if required, to the Borough's specifications. Applicant must also comply with comments in the Board Engineer's letter for notes on the plans. There will be a review and a plot plan submitted for approval and any and all drainage calculations/reports shall be complied with. Applicant must also show mechanicals and must also show water and sewer lines/hookups on the plan to be provided. Either Avakian (Town Engineer) or Hoder (Board Engineer) shall review plot plan/drainage and approve same, prior to construction permits being issued.

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. 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 Vice Chair DeSio and Seconded by Board Member Councilman Bieber

THOSE IN FAVOR: Bieber, Cashmore, Cunningham, DeSio, Gorman, Lawrence, DeGiulio

THOSE OPPOSED: None

RECUSED: None

ABSENT: Bills, Kelly, Leckstein, Schwartz

ABSTAINED: None

MEMORIALIZATION VOTE:

Adopted on a roll call on a motion offered by Board Vice Chair DeSio and Seconded by Board member Lawrence

THOSE IN FAVOR: Bieber, Cashmore, Cunningham, DeSio, Gorman, Lawrence

THOSE OPPOSED: None

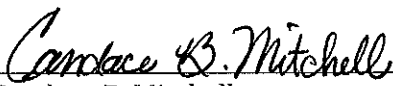
RECUSED: None

ABSENT: DeGiulio

ABSTAINED: None

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 February 8, 2022.

Date: February 8, 2022



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

