

April 12, 2023

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

Re: William A. G., Inc.
First Compliance Review
Block 13, Lot 37
Sea Bright App. # Z 2022-088
HACE # SEP-169

Dear Ms. Mitchell:

Our office is in receipt of a Site Plan for Compliance Review for the above property on Ocean Avenue. The applicant submitted the following:

- Architectural Plans entitled “Multi-use Building – Addition, Lot 37, Block 13, 1106 Ocean Avenue, Sea Bright, NJ 07760” by Keven C Roy, Architect. Englishtown, NJ 07726, dated 1/6/23, consisting of 5 sheets.

Previously Submitted:

- Application Package dated 11/4/22.
- Zoning denial dated 9/28/22.
- Preliminary and Final Minor Site Plan for 1106 Ocean Avenue Addition, Lot 37, Block 13, Tax Map Sheet 8, Sea Bright, Monmouth County, NJ, prepared by In Site Engineering, LLC, dated 9/15/2022 consisting of 3 sheets.
- Architectural Plans entitled “Multiuse Building – Addition, Lot 37, Block 13, 1106 Ocean Avenue, Sea Bright, NJ 07760” by Keven C Roy, Architect. Englishtown, NJ 07726, dated 8/4/22, consisting of 4 sheets.
- Front and side renderings of the proposed building.
- Photographs of the existing building.
- Topographic and Utility Survey of the site prepared by In Site Engineering, LLC, dated 7/28/2022 consisting of 1 sheet.

A) Introduction

The property is located on the West side of Ocean Avenue at the South corner of Church Street. The site has 59.70 feet of frontage on Ocean Avenue and 70.10 feet of frontage on Church Street. The property is located in the B-1 Central Business Zone.

There is an existing mixed-use building on the site, with three retail units on the first floor and one apartment on the second floor. The applicant is proposing to enlarge the apartment on the second floor, add a small third floor and a roll up garage door on Church Street.

The property is located in the FIRM Flood Zone AE with a minimum elevation of AE zone with a BFE of 8. The existing building is at elevation 5.3. All mechanical equipment should be a minimum of three feet above the base flood elevation (elevation 11).

The entire first floor is below the required flood elevation and is subject to flooding. The applicant will be required to conform to the requirements of the Sea Bright flood plain manager and the Sea Bright Construction Department regarding the proposed construction.

B) Fees

All fees have been paid previously.

C) Zoning Table (**B-1** Zone)

Item	Required	Provided
Min. Lot Area (sq. feet)	3,000 SF	4,338 SF
Min. Lot Width (feet)	50 Ft	59.7 Ft
Min. Lot Depth (feet)	60 Ft	69.2 Ft
Min. Front Yard Setback (Ocean Ave.)	00 Ft	1.2 Ft
Min. Front Yard Setback (Church St.)	00 Ft	0.6 over Ft
Min. Side Yard Setback (feet)	00 Ft	0.1 Ft
Min. Rear Yard Setback (feet)	15 Ft	0.1 over Ft
Max. Building Height (feet/stories)	42 Ft. / 3 Stories	33 Ft. / 3 Stories
Max. Building Coverage	50 %	91.11 %
Max. Lot Coverage	75 %	100.0%

Bulk variances are in BOLD

D) Technical Review:

1) SB Section 130 32 Off Street Parking

The applicant is indicating that the Sea Bright Ordinances require 23 are required.

Use	Parking requirement	Spaces required	Provided
1315 SF Restaurant	1 space per 200 SF	6.57	0
650 SF Restaurant	1 space per 200 SF	3.25	0
1000 SF Personal Service Establishment ¹	1 space per 100 SF Plus 1 space per emp.	11	0
Residence ²	2.5 for a 4 bedroom	2.5	0

Notes:

- 1) The application states that the personal service establishment only has one employee.
- 2) The use of the third floor room is unspecified, if it is a bedroom, 3 spaces would be required.
- 3) A garage door is shown on the architect's plan. Testimony should be provided as to the use of this area. **Satisfied, testimony was provided that the 3rd floor is not a bedroom.**

- 2) SB Section 130-44 - The applicant should indicate and provide testimony on the need for a loading dock or area. **Satisfied, testimony provided.**
- 3) SB Section 130-51 E - Sidewalks shall be installed if required by the Planning Board, when deemed necessary for safety. *The sidewalks on Ocean Avenue (Route 36) are in good shape. The sidewalks on Church Street are in poor shape with most of the surface worn away. The Board should decide if the applicant should be required to replace the sidewalk on Church Street.* **Not Satisfied, the applicant agreed to replace the sidewalk on Church Street, the plans should be revised.**
- 4) SB Section 130 58 L 1 - Outdoor lighting shall be so designed as not to cause glare upon adjoining residential property or interfere with vehicular traffic. *There are under canopy lights in for the commercial uses and two spot lights for the rear residential entrance. No other site sighting is present.* **Not Satisfied, the applicant should show all lighting on the building and on the rooftop deck.**
- 5) Sanitary Sewers
 - a) The applicant is currently connected to the existing sanitary sewer system in Sea Bright. *A pre and post sewer flow calculation should be provided so we may calculate additional connection fees if any.* **Not Satisfied.**
- 6) Stormwater Management
 - a) This project cannot be considered a Major Development in that the application is not disturbing more than one acre of land or is building more than one quarter of an acre **Comment only.**
- 7) The applicant should provide testimony on trash storage. **Satisfied, testimony provided.**
- 8) All notes pertaining to roadway striping, curbs and signage should be removed unless the applicant intends to construct/replace any of these items. **Satisfied.**
- 9) Two decks are proposed on the second floor and a deck is proposed on the roof of the building (third floor). Both decks have been enlarged. Specifically, the plans show the open deck area above the second story living space has increased in area from a 920 sq. ft. balcony to a 2,276 sq. ft. open deck. Additionally, the third story rooftop room has increased in area from 363 sq. ft. to a 450 sq. ft. penthouse study. **Due to the differences between the approved plan and submitted revisions, we recommend the applicant seek approval from the Unified Planning Board for the proposed changes.**

- 10) The narrow shapes on the South side of the second floor should be explained (Sheet A-4). **Satisfied, testimony provided.**
- 11) If the applicant is successful, the following items shall be provided at the appropriate time:
- a) Section 130-67 A 1 - Performance Guarantees - Prior to the signing of a final plat of a subdivision or of a site plan, issuance of a development permit and/or the commencing of any clearing, grading or installation of improvements, the developer shall have filed with the Borough a performance guaranty sufficient in amount to equal 120% of the total cost to the Borough, as estimated by the Borough Engineer, of constructing those on-site, on-tract, off-site and off-tract improvements necessary to protect adjacent property and the public interest in the event development of the site were not completed. **Not Satisfied, the plans should be revised and an estimate provided so we may calculate the performance guaranteed for the sidewalk on Church Street.**
 - b) The applicant shall be subject to any affordable housing requirements of Sea Bright.

11) Outside Agency Approval

The application shall be subject to review by all regulatory agencies having jurisdiction, including:

- a. Sea Bright Fire Department. **To be provided at building permit.**
- b. Flood Plain Official. **To be provided at building permit.**

Conditions of the Resolution of February 28, 2023:

1. The Board requires that should the storage area be turned onto a garage, that floor plans be modified and submitted. Should the mechanicals in this area remain, same must meet building code requirements. The entire utility room as a garage space is approximately 20' by 22'. **Satisfied, the space is actually 19-5 by 11-5 and is shown correctly.**
2. The board requires that the first floor, floor plans of the current existing structure be updated and submitted for approval to include what is actually currently present on the first floor as a benchmark for future matter. **Satisfied.**
3. With regard to the proposed construction, the board requires that the applicant amend the current plans to show the wall to be removed between the kitchen and the great room and include the stairwell to rooftop room along with elevations for deck/railings/proposed lighting. **Not Satisfied, lighting not shown.**
4. Lastly the board requires that the use of the residential area shall be restricted to ONE RESIDENTIAL 4BR UNIT, which will be non-divisible. This shall not become a multi-family unit. **Satisfied, applicant agrees.**

5. Outside Agency Approval: The application shall be subject to review by all regulatory agencies having jurisdiction, including:
 - c. Sea Bright Fire Department. **To be provided at building permit.**
 - d. Flood Plain Official. **To be provided at building permit.**

6. Lastly, with regard to Borough requirements, the board requires the following:
 - a) Section 130-67 A 1 - Performance Guarantees - Prior to the signing of a final plat of a subdivision or of a site plan, issuance of a development permit and/or the commencing of any clearing, grading or installation of improvements, the developer shall have filed with the Borough a performance guaranty sufficient in amount to equal 120% of the total cost to the Borough, as estimated by the Borough Engineer, of constructing those on-site, on-tract, off-site and off-tract improvements necessary to protect adjacent property and the public interest in the event development of the site were not completed. **Not Satisfied, the plans should be revised and an estimate provided so we may calculate the performance guarantee for the sidewalk on Church Street.**
 - a. The applicant shall be subject to any affordable housing requirements of Sea Bright. **Satisfied, applicant agrees, and they will be requested as part of the building permit process.**

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 from the following, if applicable:
 - a. All plans must be approved by the borough engineer and the Code and Construction Departments for the issuance of Permits. **Not Satisfied, at this time.**
 - b. Monmouth County Planning Board. **Satisfied, not required.**
 - c. Fire Marshall. **To be provided at building permit.**
 - d. Board of Health. **To be provided at building permit.**
 - c. Soil Conservation and Sediment Control approvals and Permits. **Satisfied, not required.**
 - e. Affordable Housing Contribution (ORD 04-22). **To be provided at building permit.**
 - f. Board of Adjustment Planner. **Not Satisfied, at this time.**
 - g. Board of Adjustment Engineer. **Not Satisfied, at this time.**
 - h. Posting of Performance Guarantees and inspection fees. **Not Satisfied, at this time.**
 - i. Final Site Plan drawings incorporating all changes and or amendments made at the hearing. **Not Satisfied, at this time.**
 - j. Final design subject to approval of the board's professionals. **Not Satisfied, at this time.**
 - k. Subject to the applicant complying with any and all federal, State, County and Local laws, rules and regulations affecting and pertaining to the development or use of the site in question. **Satisfied, applicant agrees.**

- 2) Subject to all representation and testimony of the applicant being truthful and accurate.
Satisfied.

Due to the differences between the approved plan and submitted revisions, we recommend the applicant seek approval from the Unified Planning Board for the proposed changes. If you have any questions regarding the matter, please do not hesitate to contact our office.

Very truly yours,

HODER ASSOCIATES



David J. Hoder, P.E., P.P., C.M.E.
Unified Planning Board Engineer

cc: Ben Montenegro, Esq, Board Attorney,
Douglas D. Clelland, PE
Kevin Asadi, Esq.