

**RESOLUTION**

**SEA BRIGHT PLANNING BOARD  
DENHOLTZ ACQUISITIONS  
CHURCH STREET, RIVER STREET, SOUTH STREET  
POPPINGER PLACE, NEW STREET & FRONT STREET  
SEA BRIGHT, NJ  
BLOCK 13, LOTS 13-18, 20-22; BLOCK 14, LOTS 12 & 14;  
& BLOCK 15, LOTS 5-12**

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**PRELIMINARY MAJOR SUBDIVISION  
PRELIMINARY AND FINAL SITE PLAN**

**FILE NO.: SBPB 22-08**

**INTRODUCTION**

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**WHEREAS**, Denholtz Acquisitions has made Application to the Sea Bright Planning Board for the property designated as Block 13, Lots 13-18, 20-22; Block 14, Lots 12 & 14; Block 15, Lots 5-12 being a 2.66 acre tract located west of Ocean Avenue along portions of Church Street, River Street, South Street, Poppinger Place, New Street and Front Street in Sea Bright, New Jersey, within the Borough's Sea Bright River Properties Redevelopment Plan (the "Plan"), for the following approval: Preliminary Major Subdivision and Preliminary and Final Site Plan approval which allow:

- Demolition of existing improvements;
- Construction of four new single-family homes, a condominium building containing fifteen condominium units and twenty-five multi-family townhouses; and
- Bulkhead, boardwalk, boat ramp, dog park and other associated amenities and improvements.

**PUBLIC HEARINGS**

**WHEREAS**, the Board held a Public Hearing on February 14, 2023 at 3<sup>rd</sup> Floor, 1097 Ocean Avenue, Sea Bright, New Jersey, Applicants having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

## EVIDENCE / EXHIBITS

WHEREAS, at the said Hearing, the Board reviewed, considered, and analyzed the following:

### Application Submissions:

- *PB -1 Cover letter and application package from John A. Guinco, Esq, Dated September 9, 2022;*
- *PB -2 Plans entitled "Preliminary Major Subdivision & Site Plan, Haven at Sea Bright" prepared by Walter Joseph Hopkin, P.E. of WJH Engineering, dated January 17, 2022, revised July 22, 2022, consisting of fifteen sheets;*
- *PB -3 Architectural plans entitled "Denholtz Properties "New Townhome Development- Condominiums" prepared by Daniel Condatore, RA, dated September 9, 2022 consisting of 9 sheets;*
- *PB -4 Architectural plans entitled "Denholtz Properties, New Townhome Development, Model A" prepared by Daniel Condatore, RA, dated September 9, 2022 consisting of 6 sheets;*
- *PB -5 Architectural plans entitled "Denholtz Properties, New Townhome Development, Model B" prepared by Daniel Condatore, RA, dated September 9, 2022 consisting of 11 sheets;*
- *PB -6 Architectural plans entitled "Denholtz Properties, New Townhome Development, Model C" Group 1 prepared by Daniel Condatore, RA, dated September 9, 2022 consisting of 8 sheets;*
- *PB -7 Architectural plans entitled "Denholtz Properties, New Townhome Development, Model C" Group 2 prepared by Daniel Condatore, RA, dated September 9, 2022 consisting of 10 sheets;*
- *PB -8 Photographs of the site;*
- *PB -9 Narrative of offsite improvements;*
- *PB -10 List of temporary submission waivers;*
- *PB -11 List of outside agency approvals required;*
- *PB -12 Stormwater Management Narrative;*
- *PB -13 Completeness Review Memo #01 by Hoder Associates Dated February 22, 2022;*
- *PB -14 Response letter from Walter Joseph Hopkin, P.E. of WJH Engineering, dated July 28, 2022;*
- *PB -15 Owner's affidavits of Authorization and consent;*
- *PB -16 Tax collector certification dated 9/9/22;*
- *PB -17 Copy of CAFRA application;*
- *PB -18 Schedule A of title commitment;*
- *PB -19 Title 39 letter;*

- *PB -20 Cover letter and application package from John A. Guinco, Esq, Dated February 7, 2022;*
  - *PB -21 Zoning Permit application submitted Jan 27, 2022;*
  - *PB -22 Borough of Sea Bright Planning/Zoning Board Application;*
  - *PB -23 Stormwater Management Narrative including the Drainage Inlet Map;*
  - *PB -24 Original W-9;*
  - *PB -25 Ownership disclosure statement; (not included);*
  - *PB -26 Signed Owner Consents; (not included);*
  - *PB -27 Signed Certificate of Title; (not include);*
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- *PB -28 Affidavit of Service;*
  - *PB -29 Affidavit of Publication;*
  - *PB -30 Completeness Review Memo #02 by Hoder Associates Dated September 12, 2022;*
  - *PB -31 Technical Review Memo #01 by Hoder Associates Dated September 21, 2022;*
  - *PB -32 Planning Review Letter by Leon S. Avakian, Inc. Dated September 22, 2022;*
  - *PB -33 Second Planning Review Letter by Leon S. Avakian, Inc. Dated January 20, 2023;*
  - *PB -34 Tax Collector Certification dated February 14, 2023.*

Hearing Exhibits:

- *A -1 3d Rendering of the Condominium Building;*
- *A -2 3d Rendering of the Townhome Building;*
- *A -3 Arial map of the Subject Tract with Superimposition of Overall Proposed Development;*
- *A -4 Architectural plans entitled "Denholtz Properties "New Townhome Development- Condominiums" prepared by Daniel Condatore, RA, dated September 9, 2022 consisting of 9 sheets;*
- *A -5 Architectural plans entitled "Denholtz Properties, New Townhome Development, Model A" prepared by Daniel Condatore, RA, dated September 9, 2022 consisting of 6 sheets;*
- *A -6 Easterly Elevation of Proposed Single Family Home;*
- *A -7 Plans entitled "Preliminary Major Subdivision & Site Plan, Haven at Sea Bright" prepared by Walter Joseph Hopkin, P.E. of WJH Engineering, dated January 17, 2022, last revised January 31, 2023.*

**WITNESSES**

**WHEREAS**, sworn testimony in support of the Application was presented by the following:

- Steven Lidster, Applicant Representative;

- Daniel Condatore, Architect;
- Walter Hopkin, Engineer;
- John Rea, Traffic Consultant;
- John A. Giunco, Esq., appearing;

**TESTIMONY AND EVIDENCE PRESENTED BY THE APPLICANTS'**

**REPRESENTATIVES**

~~WHEREAS~~, testimony and other evidence presented by the Applicants' and / or their representatives revealed the following:

- Existing conditions include a variety of commercial and residential uses. This proposal significantly reduces impervious coverage compared to what currently exists.
- Improvements were designed to blend into the downtown. Architectural design is moving away from Victorian style and the proposed building design represents a hybrid of styles that are harmonious with the area and conveys a light open feeling about the site, taking advantage of the views with roof decks and fenestration.
- The original submitted plans were modified in order to comply with all setback requirements in the Plan.
- The proposal fully complies with the Plan.
- The Applicants herein propose three different types of residential units:
  - Single family residential which will be four stories tall and include a roof deck. Ground floor is for parking, second level to contain living space (i.e. kitchen, dining and half bathroom), third level to contain two bedrooms and the fourth level to contain a master bedroom. Plans include provision for elevator. Building height is 41.6 feet;
  - Townhomes which will be approximately 2,000 square feet of living space and otherwise laid out similarly to the single family homes;
  - Condominium building which will contain fifteen condominium units, and include a gym, trash chute from each floor, flex space for use as party rooms, business center or other similar ancillary purpose serving the residents there. Each unit and the flex rooms to include a

balcony to take advantage of the view. Fourth level units have stair case that accesses the private roof deck area.

- The to-be-constructed buildings, will sided with material with a cedar shake look which is a prefinished durable product that holds up in tougher sea side environments. Color pallet will be in neutral greys and whites.
- Elevator shafts and stairwells will rise approximately ten feet above the roof line, which is permitted under the height ordinance. There will be no access whatsoever to persons upon the top of these elevator shafts.

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- Railings along the roof decks will be light/transparent.
- There will be an approximately 35 foot boat ramp, new bulkhead along the entire associate river frontage and boardwalk. The boat ramp is served by two nearby public parking spaces. The bulkhead and boardwalk elevations are proposed at 9 feet height which exceeds the minimum under the Plan. The proposed height of the bulkhead provides increased flood protection. Applicant will enter into a Developers' Agreement with the Borough to develop a new pumping station for improved stormwater management.

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- There will be bike racks and benches located per the plans within the public right of way.
- The Plan requires two parking spaces per residential unit. There are a total of 44 residential units proposed in this application, therefore requiring the provision of at least 88 off street parking spaces. The application proposes 95 off street parking spaces, exceeding the Plan standard. However, RSIS requires 101.5 off street parking spaces for this application which is not met in this application. A de minimis waiver will be required.
- Many of the off street parking spaces proposed are garage spaces. It was noted that people often use their garage for storage, rather than parking, and, if those cars were instead parked on the street, this could result in a hardship for the surrounding community.
- Due to the proposed reconfiguration of Front Street, this application would also create a net gain of between 8-15 on street parking spaces that will be available to the public that do not currently exist.
- Vehicle circulation around the development area will be greatly improved compared to what currently exists due to the re-routing of Front Street closer to the river. The application also proposes adequate vehicular circulation to the residential driveways and other off street parking areas.

## **PUBLIC COMMENTS**

**WHEREAS**, public questions, objections, comments, and / or statements, in connection with the Application were presented by the following:

- Chris Jerry
- Rob Long
- Gareth Middleton
- Drew Miller
- ~~Christina Doxey~~
- Mark Teichman

**FINDINGS OF FACT**

**NOW, THEREFORE, BE IT RESOLVED**, by the Sea Bright Planning Board, after having considered the aforementioned Application, plans, evidence, and testimony, that the Application is hereby **granted / approved with conditions**.

In support of its decision, the Planning Board makes the following Findings of Fact and Conclusions of Law:

1. The Sea Bright Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is shown on the Tax Map of the Borough of Sea Bright as Block 13, Lots 13-18, 20-22; Block 14, Lots 12 & 14; Block 15, Lots 5-12 being a 2.66 acre tract located west of Ocean Avenue along portions of Church Street, River Street, South Street, Poppinger Place, New Street and Front Street in Sea Bright, New Jersey, within the Borough's Sea Bright River Properties Redevelopment Plan.
3. The subject property contains a variety of commercial and residential uses and significantly more impervious surface than what is being proposed by this application.
4. This application promotes the purpose and intent of the Plan.
5. As such, the Applicants propose the following:

- Demolition of existing improvements;
- Construction of four new single-family homes, a condominium building containing fifteen condominium units and twenty-five multi-family townhouses; and
- Bulkhead, boardwalk, boat ramp, dog park and other associated amenities and improvements.

6. Details pertaining to the proposed buildings and other proposed improvements

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are set forth elsewhere herein and are also set forth on the submitted plans.

7. Such a proposal requires no variance relief and is fully conforming with the Plan.

8. The Sea Bright Planning Board is statutorily authorized to grant the requested approvals, and therefore, the matter is properly before the Board.

9. With regard to the Application, and the requested relief, the Board notes the following:

- The proposed residential use is a permitted use in accordance with the Plan.
- The proposed accessory uses are permitted in accordance with the Plan.
- The Applicants initially submitted a proposal which would have required some Variance relief. The application has since been revised to eliminate all non-conforming conditions, and is now fully conforming.
- The Board is of the opinion that the aforesaid revisions substantially improved the overall acceptability of the proposal.
- The Board is of the opinion that the application is compatible with the neighborhood and the downtown area.
- The Board appreciates the Applicants' concessions (listed hereinbelow), which resulted in a superior proposal (than what was initially submitted).
- Given the fact that the Applicants will be demolishing existing improvements and starting with vacant land, it is appreciated that Applicants complied with all of the requirements set forth in the Plan.
- The Board reviewed an extensive amount of testimony / information / documentation / pictures of the immediate area. Based upon the same, and

per the testimony and evidence presented, the Board finds that the requirements of the Plan of been satisfied. Additionally the Board finds substantial benefits to the surrounding community as a result of this project including increased number of off street parking spaces for public use, the creation of recreational area along the water front that will be accessible to all members of the public, increased flood protection for the area achieved through the construction of a new bulkhead with an elevation 9.0 top, revitalization of an area identified as being in need of redevelopment and the improved traffic circulation along the affected public streets as a result of re-routing Front Street.

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- The Board is of the opinion that, given the Applicant's full compliance with the Plan requirements and the Applicant's willingness to agree to all of the conditions imposed by the Board during the hearing, the Applicant is entitled to approval of this application.
  - The Application as initially submitted requested variance approval for a number of variances, including setback variances. However, prior the Hearing, the Applicants' representatives modified the proposal so as to eliminate all variances.
  - The Board finds that the elimination of some of the initially requested variances substantially improves the overall merit / acceptability of the Application.
  - The use of the land approved herein is, in fact, an appropriate use of the land.
  - Subject to the conditions contained herein, the buildings approved herein have been appropriately scaled, and the same will be consistent with the kind of development called for in the Plan.
  - Sufficiently detailed testimony / plans were represented to the Board.
  - Additionally, the Board finds the application proposes needed architectural/aesthetic benefits to the subject property.
  - Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated with the same.
  - Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and, thus, the Application can be granted without causing substantial detriment to the public good.



- Approval of the within application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.

Based upon the above, and for other reasons set forth during the Public Hearing Process, the Board is of the opinion that the requested relief can be granted without causing substantial detriment to the public good.

### **CONDITIONS**

During the course of the Hearing, the Board has requested, and the Applicants' representatives have agreed, to comply with the following conditions:

- a. All rooftop trellis systems shown on the plans shall be removed.
- b. Applicant shall arrange to have seismic monitoring in place during the installation of the bulkhead to ensure that there is as low risk as possible to the buildings in the surrounding area. Any damage to local streets or buildings due to the bulkhead construction shall be the responsibility of the developer.
- c. Dog park, riverside lawn area, benches, bike racks, fish cleaning area, boardwalk and boat ramp shall be open to all members of the public.
- d. Applicant shall demonstrate to the satisfaction of the Board attorney that the an appropriate instrument is recorded that binds the HOA to include a covenant upon the residents that any garage space provided shall only be used for housing vehicles and not for any other purpose (including but not limited to storage of personalty).
- e. Applicant shall maintain the common areas in accordance with the Redevelopment Plan entered into between the Governing Body and the Applicant.
- f. Applicant shall revise plans to include detail on the plans showing decorative metal fencing along the bulkhead consistent with testimony.
- g. Applicant shall revise plans to widen Front Street along the river from 18 feet to 21 feet.

- h. Applicant shall comply with all of the requirements set forth in Technical Review Memo #01 by Hoder Associates Dated September 21, 2022.
- i. Applicant shall revise plans to include a note designating two parking spaces as rideshare pickup spaces.
- j. Applicant shall revise the plans to reconfigure the condominium building such that it is rendered substantially in conformance with the concept plan that was submitted by the Applicant to the Governing Body as an exhibit to the Redevelopment Agreement between the parties to the satisfaction of the Borough Planner.
- k. Applicant shall submit a landscaping plan in conformity with the Plan to the Board professionals for review and approval.
- l. Applicant shall revise plans to reconfigure the two boat ramp parking spaces so that a 7 foot wide walk way is created along the side of the parking spaces.
- m. Applicant's traffic consultant shall review and come to agreement with the Board engineer concerning the possibility of rendering a portion of new Front Street between New Street and Church Street to a one-way street in a northerly direction during the compliance phase.
- n. Applicant shall include detail on the plans for how the trash storage areas serving the condominium building will be vented, deodorized and directed in such a way to prevent creating offensive odors to the existing residents to the satisfaction of the Board engineer.
- o. Applicant shall revise the plans to modify a portion of the gravel walkway to the boat ramp to pervious pavers.
- p. Applicant shall submit a lighting plan demonstrating compliance with the Plan.
- q. Applicant shall submit a signage plan indicating where all regulatory and advisory signs will be located.
- r. The Applicants shall obtain any and all necessary demolition Permits as the Borough of Sea Bright may require.
- s. The Applicants shall comply with any Prevailing FEMA Regulations.
- t. The Applicants shall comply with all Prevailing Affordable Housing Regulations / direction / contributions, which may be required by the United States of America, the State of New Jersey, the Borough of Sea

Bright, the Court System, C.O.A.H., and any other Agency having jurisdiction over the matter.

- u. The Applicants shall utilize good faith efforts to replace any existing trees at the site that will be removed during demolition.
- v. If applicable, the proposed structure shall comply with applicable Provisions of the Americans with Disabilities Act.
- w. The Applicants shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District.
- x. The Applicants shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.
- y. If required by the Board / Borough Engineer, the Applicants shall submit appropriate performance guarantees in favor of the Borough of Sea Bright.
- z. Unless otherwise agreed by the Planning Board, the within approval shall be deemed abandoned, unless, within 24 months from adoption of the within Resolution, the Applicants obtain a Certificate of Occupancy for the construction / development approved herein.
- aa. The applicant testified that trash from the townhomes and condominium building shall be picked up by private hauler, at no cost to the borough; trash from the remainder of the four single-family units shall be through public trash collection.
- bb. The applicant shall work with the Borough Planner to provide an increased setback of the condominium building from lot 11, block 14, to the satisfaction of the Borough Planner.
- cc. The applicant will provide signage throughout the site, at the boat ramp and on the adjacent public streets to the satisfaction of the Board Engineer.
- dd. The applicant will construct the storm water piping in the area of the future River Street Pump Station to be compatible with the future construction of the Pump Station. If the pump station is not built at the time when the Haven Development is completed, the developer will

construct the future outfall through the bulkhead to a size as required by a hydraulic analysis performed by the applicant.

ee. **The approval granted herein is specifically dependent upon the accuracy and correctness of the testimony and information presented, and the accuracy of the plans submitted and approved by the Board. The Applicants are advised that there can be no deviation from the plans approved herein, except those conditions specifically set forth or otherwise referenced herein. In the event post-approval conditions at the site are different than what was presented to the Board, or different from what was otherwise known, or in the event post-approval conditions are not necessarily structurally sound, the Applicants and their representatives are not permitted to unilaterally deviate or build beyond the scope of the Board Approval.**

**BE IT FURTHER RESOLVED**, that all representations made under oath by the Applicants and / or their agents shall be deemed conditions of the approval granted herein, and any mis-representations or actions by the Applicants' representatives contrary to the representations made before the Board shall be deemed a violation of the within approval.

**BE IT FURTHER RESOLVED**, that the Application is granted only in conjunction with the conditions noted above - and but for the existence of the same, the within Application may not be approved.

**BE IT FURTHER RESOLVED**, that the granting of the within Application is expressly made subject to and dependent upon the Applicants' compliance with all other appropriate Rules,

Regulations, and / or Ordinances of the Borough of Sea Bright, County of Monmouth, and State of New Jersey.

**BE IT FURTHER RESOLVED**, that the action of the Board in approving the within Application shall not relieve the Applicants of responsibility for any damage caused by the subject project, nor does the Planning Board of the Borough of Sea Bright, the Borough of Sea Bright, or its agents / representatives accept any responsibility for the structural design of the proposed improvement, or for any damage which may be caused by the development.

**APPLICATION VOTE:**

Adopted on a roll call on a motion by Board Member Councilman Bieber and Seconded by Board Member Mark Zelina:

THOSE IN FAVOR: Bieber, Bills, DeGiulio, DeSio, Lawrence, Zelina

THOSE OPPOSED: None

RECUSED: None

ABSENT: Cashmore, Cunningham, Kelly, Leckstein, Schwartz

ABSTAINED: None

**MEMORIALIZATION VOTE:**

Adopted on a roll call vote on a motion offered by Board Member Councilman Erwin Bieber and Seconded by Board Member Frank Lawrence, by members who voted to approve the application:

THOSE IN FAVOR: Bieber, Bills, DeGiulio, DeSio, Lawrence, Zelina

THOSE OPPOSED: none

RECUSED: none

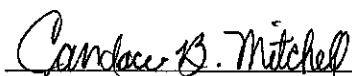
INELIGIBLE: Cashmore, Leckstein

ABSENT: Cunningham, Kelly, Schwartz

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 28, 2023.

Date: February 28, 2023



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Candace B. Mitchell, Administrative Officer  
Unified Planning/Zoning Board Borough of Sea Bright