

**Sea Bright, New Jersey
Unified Planning Board Minutes
July 8, 2014
7:30 p.m.**

Chairman Cunningham called the meeting to order and requested those present to join him in the salute to the Flag.

Chairman Cunningham read the following statement:

2. OPENING STATEMENT:

The Borough of Sea Bright, in compliance with the "Open Public Meetings Act" has advertised the date; time and location of this meeting in **The Asbury Park Press** on January 11, 2014 filed it with the Clerk, and posted a notice on the bulletin board in the Borough Office.

3. ROLL CALL:

PRESENT: Cashmore, Cunningham, Desio, Leckstein, McBride, Smith,
Isoldi-Jany(Alt.#1) Beer (Alt.#2) Marrone (Alt. 3)

ABSENT: Davis, Long, Nott,

4. Chairman Cunningham introduced a motion approving the June 10, 2014 minutes. Seconded by Boardmember McBride and approved by unanimous voice vote.

5. MEMORIALIZATION OF RESOLUTION:

Councilman Leckstein introduced a motion approving the following application.

**RESOLUTION OF THE SEA BRIGHT PLANNING/ZONING BOARD
GRANTING SITE PLAN AND VARIANCE APPROVAL**

**RE: James LoBiondo
24 New Street
Block 12 Lot 12
Sea Bright, New Jersey**

WHEREAS, James LoBiondo (the "Applicant") made application to the Planning/Zoning Board of Sea Bright (the "Board") for property known as Block 12, Lot 12 on the Tax Map of the Borough of Sea Bright, also known as 24 New Street for bulk variances to demolish an existing single family residence damaged by Superstorm Sandy and construct a new single family residence with bulk variances; and

WHEREAS, the Applicant seeks bulk variances for side yard setback where 7' is required and 3.75' on each side is proposed; minimum lot area where 1,800 s.f. is required and 1,600 s.f. is existing and proposed; rear setback where 15" is required and 6' is existing and proposed; front setback where 5 – 12' is required and 0' is proposed; maximum building coverage where 50% maximum is permitted and 64% is existing and proposed; and

WHEREAS, Applicant has provided due notice to the public and all surrounding property owners as required by law, has caused notice to be published in the official newspaper in accordance with N.J.S.A. 40:55D-1 et seq. and, therefore, this Board has accepted jurisdiction of the application and has conducted public hearing on the matter at meeting on June 10, 2014, at which time all persons having an interest in said application were given an opportunity to be heard; and

WHEREAS, the Applicant appeared and marked into evidence certain documents including the following:

- A-1:** Jurisdictional Packet
- A-2:** Architectural plans prepared by Anthony Condouris dated 4-28-14
- A-3:** Photo depicting rear deck of existing home which extended up to the sidewalk
- A-4:** Photo of adjacent rear yards
- A-5:** Photo showing rear yard of neighboring property with improvements up to the sidewalk
- A-6:** Photo of rear yards across the street with no setback
- A-7:** Photo of front yards across the street with no setback
- A-8:** Photo of side yard of subject
- A-9:** Photo of neighboring property setback

WHEREAS, the Board considered the testimony and evidence presented and the Board makes the following findings of fact and conclusions of law:

1. The Applicant wishes to demolish the existing storm damaged single family home, and construct a new home adding a second floor and elevated on pilings to be above the original ABFE for the site.

2. The property is in the R-3 zone.

3. The Applicant seeks bulk variances for side yard setback where 7' is required and 3.75' on each side is proposed; minimum lot area where 1,800 s.f. is required and 1,600 s.f. is existing and proposed; rear setback where 15' is required and 6' is existing and proposed; front setback where 5 – 12' is required and 0' is proposed; maximum building coverage where 50% maximum is permitted and 64% is existing and proposed

4. The subject property has been subject to flooding and was heavily damaged by the storm.

5. The new home will be raised to allow for parking for two cars underneath. There will be a new curb cut, giving a net of 1 additional parking space.

6. The Board found that the proposed home will be centered on the lot and will be elevated to protect against future flooding. This will be an improvement on the existing home.

7. The rear deck on the existing home went right to the sidewalk. The proposed rear set back will be 6'. The Applicant testified that the new home will be 1824 s.f. which is consistent with the neighborhood. Upon questioning from the Board, the Applicant testified that the front steps do not extend over the property line.

8. The Applicant and his architect testified that the plans show the front garage wall to be even with the upper balconies. Upon consideration, the Applicant will move the front garage wall back flush with the front door. Columns will be added which will soften the look of the front of the house. The Applicant will submit revised plans to reflect this change.

9. The mechanicals will be in the attic and no mechanicals will be located in any set back.

10. The Board found these improvements will improve and increase the fire protection

and public safety, better securing the home from flood and moving the structure into the subject property. The house will be centered on the lot improving the side yard conditions.

11. Board members noted that the front and side yard deficiencies have been existence for many years with no problems or issues and this proposal will not exacerbate the situation. The exhibits reflect that most of the homes on the street have 0 front yard setbacks.

12. The Board found that elevating the new house, giving a garage under the structure will create additional parking.

13. The Board found that the bulk variances are consistent with the neighborhood and the pre-existing dwelling. The proposed design and layout of the home will add to the safety of the property and make for a better and more aesthetically pleasing home.

14. The Board found that the variances could be granted without any negative impact on the zoning ordinance or zone plan. The proposal is the least obtrusive, improves existing conditions and will further protect the property and its critical services from danger of flooding.

15. The Board found that the granting of the variances will have no substantial detrimental impact on surrounding properties nor will it substantially impair the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Sea Bright that the Application with the bulk variances set forth above described is approved in accordance with the plans submitted and marked into evidence, subject to the following conditions:

GENERAL CONDITIONS

1. The applicant shall submit proof of payment of all real estate taxes applicable to the property and payment of all outstanding and future fees and escrow charges, posting of all performance guarantees, if any, in connection with the review of this application prior to and subsequent to the approval of this application.

2. The applicant must obtain the approval of all necessary and appropriate

governmental agencies and compliance with all governmental regulations, including but not limited to CAFRA, except those specifically waived or modified in this Resolution.

3. The applicant shall comply with all building, FEMA and fire codes including but not limited to, entrances and exits.

4. The accuracy and completeness of the submission statements, exhibits and other testimony filed with or offered to the Board in connection with this application, all of which are incorporated herein by reference and specifically relied by the Board in granting this approval. This condition shall be a continuing condition, which shall be deemed satisfied unless and until the Board determines (on Notice to the applicant) that a breach thereof.

5. All stipulations agreed to on the record, by the applicant.

6. In the event that any documents require execution in connection with the within approval, such documents shall not be released until all of the conditions of the approval have been satisfied unless otherwise expressly noted.

7. The Applicant shall pay to the municipality any and all sums outstanding for fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspections of improvements and other purposes authorized by the MLUL.

8. The Applicant shall furnish such Performance Guarantees and/or Maintenance Guarantee as may be required pursuant to the MLUL and the Sea Bright Ordinances.

9. No site work shall be commenced or plans signed or released or any work performed with respect to this approval until such time as all conditions of the approval have been satisfied or otherwise waived by the Board.

Specific Conditions

1. The architect will submit new plans showing the revised front garage wall being moved back to be flush with the front door.

2. No mechanicals will be located within any setback.

BE IT FURTHER RESOLVED that this Resolution memorializes the action taken by the Planning/Zoning Board at its meeting of June 10, 2014; and

BE IT FURTHER RESOLVED that the Chairman and Board Secretary are hereby authorized to sign any and all documents necessary to effectuate the purpose of this Resolution; and

BE IT FURTHER RESOLVED that the Board Secretary is hereby authorized and directed to cause a certified copy of this Resolution to be sent to the Applicant, the Borough Clerk, the engineer and the zoning officer and to make same available to all other interested parties and to cause notice of this Resolution to be published in the official newspaper at the Applicant's expense.

I certify the foregoing to be a true copy of a Resolution by the Sea Bright Planning/Zoning Board memorialized on July 8, 2014.

Kathy Morris, Secretary
Sea Bright Planning/Zoning Board

Adopted on a roll call on a motion by _____
and
Seconded by _____

Lance Cunningham, Chairman
Sea Bright Planning/Zoning Board

Seconded by Boardmember Marrone and adopted on the following roll call vote:
Ayes: Cunningham, Leckstein, McBride, Smith, Beer, Marrone.

Nayes: None
Abstain: Cashmore, DeSio
Absent: Davis, Nott, Isoldi-Jany

6. **INFORMAL HEARING
OSGOODBY
3 ISLAND VIEW WAY
BLOCK 1 LOT 8**

Applicant cancelled informal hearing and will reschedule at a later date.

7. **INFORMAL HEARING
THOMAS MAHER
1030 OCEAN AVENUE
BLOCK 17 LOT 4**

Anthony Condouris Architect represents the applicant Thomas Maher. Mr. Condouris presented to the Board the applicants proposal of a Hotel and Restaurant on the former Post Office lot. The proposed design would be a three story hotel and restaurant with the restaurant being located on the bottom floor. The next two stories would be hotel rooms with a total of 16 rooms, 8 rooms on second floor and 8 rooms on the third floor. The restaurant will be open to the public and will be open year round as well as the hotel. Mr. Condouris explained the restaurant would be located in the back of the building facing the river with a walk in bar area. The restaurant hotel can accommodate 27 parking spaces.

The Board suggested that it may be a good idea to flip the design of the building or a mirror image of the design to avoid any disturbance to the residents of the Nautilus Condominiums which would be located behind restaurant. Board member Marrone would like to see plant material added to soften the look of the parking lot. Boardmember Davis asked applicant if he would incorporate a bike rack. Boardmember McBride stated that the hotel restaurant would be great for Sea Bright and it would be a signature piece to the landscape of town.

Chairman Cunningham Open the meeting to the public there were no public comments.
Chairman Cunningham closed the public portion of the meeting.

**CONSTANTINE PAPPAS
34 BEACH STREET
BLOCK 10 LOT 8**

Applicant's home was severely damaged by Superstorm Sandy and is seeking bulk variances to construct a new deck and construct a new set of stairs on his newly raised home. Min. lot area required 1, 800 existing 1,689.5 proposed 1,689.5. min each side yard required 3 existing 5'/9' proposed 1.76/9' min both side yards 9 ft 0 required 6 existing 5'9' proposed 2.5'

Attorney Higgins stated Boardmember Beer has recused himself from the application and Boardmember Davis was within 200 ft. of the application. No other Boardmembers were within 200ft of this application.

The applicant appeared and marked into evidence certain documents including the following.

- A-1:** Jurisdictional Packet
- A-2:** drawing of plans
- A-3:** Survey prepared by Widdis dated 7-15-99 with hand written depictions of the proposed improvements
- A-4:** 2 Photos of rear of subject premises
- A-5:** 1 photo of front of subject premises

Constantine and Siobhan Pappas were sworn in by attorney Higgins. Mr. Pappas testified that he has already elevated his home and he now seeking variances to add a deck and stairs to the front of the house. Mr. Papas testified he seeks to bump the first floor rear wall to match the wall dimensions on the second floor. The rear bump out will square off the house.

The Board found that the bulk variances are consistent with the neighborhood and the pre-existing dwelling The Board found that the variances could be granted without any negative impact on the zoning ordinance. The proposal improves existing conditions.

Councilman Leckstein introduced a motion approving the Pappas application. Seconded by Boardmember Marrone and approved on the following roll call vote.

Ayes: Cashmore ,Cunningham, DeSio, Leckstein, McBride, Marrone, Isoldi-Jany
Nays: None
Abstain: Beer
Absent: Davis, Long, Nott

ADJOURNMENT:

There being no further business before the Planning Board Boardmember McBride made a motion to Adjourn the meeting at 9:15 pm. Seconded by Councilman Leckstein and approved on a unanimous vote.

Respectfully Submitted

Kathy Morris
Board Secretary

