

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

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

**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: 1124 Ocean Avenue and 1132 Ocean Avenue

Block 12 Lots 2 and 1

Dimensions: Frontage See below Depth See below Total Area \_\_\_\_\_

Zoning District: B-1

Frontage: Lot 1 - approx. 32' (Ocean Avenue)/approx. 63' (Surf Street); Lot 2 - 75'/25'  
Depth: Lot 1 - 65.33' Lot 2 - 91.86'

**2. APPLICANT**

Name: BD Real Estate Adventures, LLC

Address: 23 Schoolhouse Lane, Morristown, NJ 07960

Telephone Number: 973-722-1800

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.) Eric H. Daley, 23 Schoolhouse Lane, Morristown, NJ 07960 - 50%  
Keith Brothers, 13 Trinity Place, Warren, NJ 07059

**4. If owner is other than the applicant, provide the following information on the**

**Owner(s).** Owner of 1132 Ocean Avenue, Block 12, Lot 1, Sea Bright, New Jersey

**Owner's Name:** Lawrence A. Cole and Laura Jean Cole

**Address** 4 Gull Point Road, Monmouth Beach, NJ 07750

**Telephone Number** 732-233-5320

5. Property Information:

Restrictions, covenants, easements, association by-laws, existing or proposed on the property: See attached Deed of Covenants and Restrictions recorded by the Monmouth County Clerk (Attach copies) on April 2, 2024 in Deed Book OR-9682, Page 9347

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: Commercial/Restaurant

6. Applicant's Attorney: Rick Brodsky, Esq.

Address: Ansell Grimm & Aaron, PC, 1500 Lawrence Avenue, CN 7807, Ocean, NJ 07712

Telephone Number 732-922-1000 Email: rbrodsky@ansell.law

7. Applicant's Engineer: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number \_\_\_\_\_ Email: \_\_\_\_\_

8. Applicant's Planning Consultant: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number \_\_\_\_\_ Email: \_\_\_\_\_

9. Applicant's Traffic Engineer: \_\_\_\_\_

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: Anthony M. Condouris, Architect

Field of Expertise: Architecture

Address 20 Bingham Avenue, Rumson, NJ 07760

Telephone Number 732-842-3800 Email tony@amcarchitect.com

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

X - Amended \_\_\_\_\_ Preliminary Site Plan Approval

X - Amended \_\_\_\_\_ 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

X \_\_\_\_\_ Request for Variance Approval

**Reason for request:**

The benefits of granting the relief sought substantially outweigh any detriment, especially where, as here, the previously approved restaurant use is permitted in the Zone, and the proposed improvements to install a roof over the bathroom area and existing bar, as well as the proposed signage, will greatly improve the functionality of the restaurant without any detrimental impact whatsoever on the surrounding neighbors,

\_\_\_\_\_ Informal Review \_\_\_\_\_ zone plan and zoning Ordinance.

\_\_\_\_\_ 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)

X \_\_\_\_\_ Variance Relief (hardship)

\_\_\_\_\_ (N.J.S. A. 40:55D-70c (1))

X \_\_\_\_\_ 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** 130-39C: Maximum Building Coverage of 50% permitted, where 57.2% is existing and 65.8% is proposed as to Lot 2, and 100% is existing and proposed as to Lot 1;

130-63.P: Two (2) proposed signs projecting perpendicularly from the building on Lot 2, on both New Street and Ocean Avenue, respectively, where same are not permitted;

130-39C: Proposed Lot Coverage of 89% as to Lot 2, where 75% is permitted and 89% is existing and previously approved; and

130-39C: Proposed Minimum Rear Setback of 0 feet as to Lot 2, where 15 feet is required and 0 feet is existing and previously approved.

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

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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. See attached

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) Installation of a roof over the bathroom area of the existing restaurant building, as well as a roof over the existing bar, and installation of signage.

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? N/A

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:

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

NE Regional Sewer Auth \_\_\_\_\_ No \_\_\_\_\_  
Monmouth County Board Of Health \_\_\_\_\_ No \_\_\_\_\_  
Monmouth County Planning Board \_\_\_\_\_ No \_\_\_\_\_  
Freehold Soil Conservation District. \_\_\_\_\_ No \_\_\_\_\_  
NJ DEP \_\_\_\_\_ No \_\_\_\_\_  
Sewer Extension Permit \_\_\_\_\_ No \_\_\_\_\_  
Sanitary Sewer Connection Permit \_\_\_\_\_ No \_\_\_\_\_  
Stream Encroachment Permit \_\_\_\_\_ No \_\_\_\_\_  
Waterfront Development Permit \_\_\_\_\_ No \_\_\_\_\_  
Wetlands Permit \_\_\_\_\_ No \_\_\_\_\_  
Tidal Wetlands Permit \_\_\_\_\_ No \_\_\_\_\_  
Potable Water Constr. Permit \_\_\_\_\_ No \_\_\_\_\_  
NJ Department of Transportation \_\_\_\_\_ No \_\_\_\_\_  
Public Service Electric & Gas \_\_\_\_\_ No \_\_\_\_\_  
Other \_\_\_\_\_

24. Certification from the Tax Collector that all taxes due on the subject property have been paid. Requested

25. Certification from Sewer Collector that sewer utility charges due on the subject property have been paid. Requested

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

**Applicant's Professional Report Requested:**

**Attorney** Rick Brodsky, Esq. \_\_\_\_\_  
Address: Ansell Grimm & Aaron, PC \_\_\_\_\_  
1500 Lawrence Avenue, CN 7807, Ocean, NJ 07712 \_\_\_\_\_  
Phone Number: 732-922-1000 \_\_\_\_\_ Email: rbrodsky@ansell.law \_\_\_\_\_

Architect: **Engineer:** Anthony M. Condouris \_\_\_\_\_  
Address: 20 Bingham Avenue \_\_\_\_\_  
Rumson, NJ 07760 \_\_\_\_\_  
Phone Number: 732-842-3800 \_\_\_\_\_ Email: tony@amcarchitect.com \_\_\_\_\_

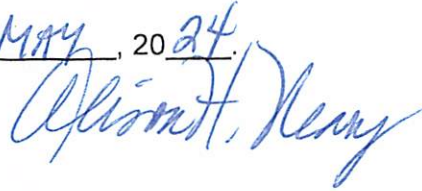
### CERTIFICATION

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 31<sup>st</sup> day of May, 2024.

A Notary Public of NJ Owner

My Commission Expires: \_\_\_\_\_

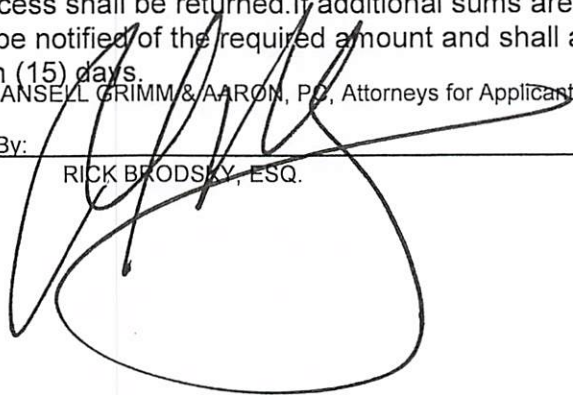


I understand that the sum of \$ \_\_\_\_\_ has been deposited in an escrow account (Builder's Trust Account). In accordance with the Ordinances of the Borough of SeaBright, I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, 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.

ANSELL GRIMM & AARON, PC, Attorneys for Applicant

Date: 5/31/24 Applicant: By: \_\_\_\_\_  
RICK BRODSKY, ESQ.



ALISON H. NEARY  
NOTARY PUBLIC OF NEW JERSEY  
COMMISSION EXPIRES SEPT. 13, 2025

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

Application No. \_\_\_\_\_ Date 5/31/24  
Application Name BD Real Estate Adventures, LLC  
Application Address 22 Schoolhouse Lane, Morristown, NJ 07960  
Property Address 1124 and 1132 Ocean Avenue Block 12 Lot s 2 and 1

**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 Denials (Two)  
C 2. 17 copies of completed application and check list, signed, dated, and notarized, **plus one** marked "**FOR PUBLIC INSPECTION**"  
C 3. 17 sets of plot plan or variance plan signed, dated, and notarized, also **Show Base Flood Elevation, plus one** marked "**FOR PUBLIC INSPECTION**"

- \_\_\_\_\_ 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)

To be provided \_\_\_\_\_ 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)

To be provided \_\_\_\_\_ 8. Certificate of owner authorizing submission (after No. 26 in first part of application)

- N 9. Required application fees/check made payable to Borough of Sea Bright

- N 10. Required escrow fees/check made payable to Borough of Sea Bright

- C 11. Completed W-9 Form

- Requested \_\_\_\_\_ 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

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: 5/31/24 NAME: ANSELL GRIMM & AARON, PC, Attorneys for Applicant  
by RICK BRODSKY, ESQ.

LICENSE NO. \_\_\_\_\_ SIGNATURE \_\_\_\_\_

SEAL: \_\_\_\_\_



**SITE PLAN - PRELIMINARY (AMENDED)**

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

Application No. \_\_\_\_\_ Date 5/31/24  
Application Name BD Real Estate Adventures, LLC  
Application Address 22 Schoolhouse Lane, Morristown, NJ 07960  
Property Address 1124 and 1132 Ocean Avenue  
Block 12 Lots 2 and 1

**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)

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

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: 5/31/24

NAME: ANSELL GRIMM & BARON, PC, Attorneys for Applicant by RICK BRODSKY, ESQ.

LICENSE NO. \_\_\_\_\_

SIGNATURE \_\_\_\_\_

SEAL: \_\_\_\_\_



**SITE PLAN - FINAL (AMENDED)**

Application No. \_\_\_\_\_ Date 5/31/24  
Application Name BD Real Estate Adventures, LLC  
Application Address 22 Schoolhouse Lane, Morristown, NJ 07960  
Property Address 1124 and 1132 Ocean Avenue  
Block 12 Lots 2 and 1

**CHECKLIST**

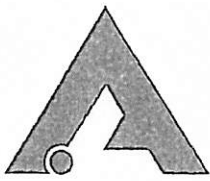
Prior to issuance of a Certificate of Completeness, the Administrative Officer shall determine that the following documents have been submitted:

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

- |                |  |
|----------------|--|
| <u>C</u>       | 1. 17 copies of the application and plat <b>plus one</b> marked <b>"FOR PUBLIC INSPECTION"</b>   |
| <u>NA</u>      | 2. All Federal, State and County approvals or proof of application   |
| <u>NA</u>      | 3. Proof of provision of utility services  |
| <u>C</u>       | 4. Required application fees (W-9 required for Escrow)   |
| <u>NA</u>      | 5. Description of Off-Tract Improvements and cost estimate   |
| To be provided | 6. Consent of owner to application   |
| <u>NA</u>      | 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: 5/31/24  
NAME: ANSELL GRIMM & AARON, PC, Attorneys for Applicant  
by RICK BRODSKY, ESQ.  
SIGNATURE \_\_\_\_\_  
LICENSE NO. \_\_\_\_\_  
SEAL: \_\_\_\_\_



# ANSELL.LAW

## ANSELL GRIMM & AARON, PC

1500 LAWRENCE AVENUE  
CN7807  
OCEAN, NEW JERSEY 07712  
732-922-1000  
732-922-6161 (FAX)

365 RIFLE CAMP ROAD  
WOODLAND PARK, NEW JERSEY 07424  
973-247-9000  
973-247-9199 (FAX)

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SUITE 112  
PRINCETON, NEW JERSEY 08540  
609-751-5551

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5TH FLOOR  
NEW YORK, NY 10036  
800-569-3886

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SUITE 400  
NEWTOWN, PENNSYLVANIA 18940  
267-757-8792

website: ansell.law

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BRIAN E. ANSELL ‡  
MITCHELL J. ANSELL  
MICHAEL V. BENEDETTO  
RICK BRODSKY ♦  
DAVID J. BYRNE □  
PETER S. FALVO, JR.  
PETER B. GRIMM  
ROBERT A. HONECKER, JR. □ §  
JASON S. KLEIN ♦  
JENNIFER S. KRIMKO  
DONNA L. MAUL •  
MELANIE J. SCROBLE  
LAWRENCE H. SHAPIRO ♦ □  
DAVID B. ZOLOTOROFF

EDWARD J. AHEARN  
BRIAN J. ASHNAULT  
KELSEY M. BARBER  
NICOLE A. BENIS  
ELYSA D. BERGENFELD  
KRISTINE M. BERGMAN □  
GABRIEL R. BLUM ♦  
HILLARY H. BRYCE □  
BARRY M. CAPP ♦ Δ  
ALFRED M. CASO  
KEVIN M. CLARK  
ANTHONY J. D'ARTIGLIO ♦  
LAYNE A. FELDMAN ♦  
CRAIG D. GOTTILLA ♦ □  
RICHARD A. L'ALTRELLI ♦  
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TARA K. WALSH ♦  
ANDREA B. WHITE ♦ •

COUNSEL  
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STACEY R. PATTERSON ♦  
ROY W. HIBBERD Δ ▽  
HON. RAYMOND A. HAYSER, J.T.C. (RET)

IN MEMORIAM  
LEON ANSCHELEWITZ (1929-1986)  
MAX M. BARR (1929-1993)  
MILTON M. ABRAMOFF (1935-2004)  
DAVID K. ANSELL † (1982-2019)  
ROBERT I. ANSELL (1965-2022)  
RICHARD B. ANSELL ‡ (1968-2021)

LICENSED ALSO IN:  
Δ D.C. ♦ MASS. ♦ N.Y.  
□ PENN. ▽ CALIF.

† FELLOW, AMERICAN  
ACADEMY OF MATRIMONIAL  
LAWYERS

‡ CERTIFIED BY THE SUPREME  
COURT OF NEW JERSEY AS A  
CIVIL TRIAL ATTORNEY

§ CERTIFIED BY THE SUPREME  
COURT OF NEW JERSEY AS A  
CRIMINAL TRIAL ATTORNEY

• CERTIFIED BY THE SUPREME  
COURT OF NEW JERSEY AS A  
MATRIMONIAL LAW ATTORNEY

### BOROUGH OF SEA BRIGHT MONMOUTH COUNTY, NEW JERSEY

#### NOTICE OF HEARING

**TO ALL OWNERS OF PROPERTY LOCATED WITHIN A RADIUS OF TWO HUNDRED FEET FROM BLOCK 12, LOTS 1 AND 2.**

**PLEASE TAKE NOTICE** that BD Real Estate Adventures, LLC has applied to the Planning/Zoning Board of the Borough of Sea Bright to consider an application for amended preliminary and final site plan approval, with variances, to permit the installation of a roof over the bathroom area of the existing restaurant building, as well as a roof over the existing bar, and a proposed sign, with respect to premises located in the B-1 Zone and known as Block 12, Lots 1 & 2 on the Tax Map of the Borough of Sea Bright, and commonly known as 1132 and 1124 Ocean Avenue, respectively, Sea Bright, New Jersey. Applicant is seeking the following variances:

(i) Maximum Building Coverage of 50% permitted, where 57.2% is existing and 65.8% is proposed as to Lot 2, and 100% is existing and proposed as to Lot 1.

(ii) Two (2) proposed signs projecting perpendicularly from the building on Lot 2, on both New Street and Ocean Avenue, respectively, where same are not permitted.

(iii) Proposed lot coverage of 89% as to Lot 2, where 75% is permitted and 89% is existing and previously approved.

(iv) Proposed minimum rear setback of 0 feet as to Lot 2, where 15 feet is required and 0 feet is existing and previously approved.

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.

A regular meeting will be held by the Planning/Zoning Board of the Borough of Sea Bright on Tuesday, June 11, 2024 at 7:30 p.m. at the Sea Bright Beach Pavilion, 1097 Ocean Avenue, Sea Bright, New Jersey, at which time you may appear in person or by agent or attorney and present any objection which you may have to granting this application.

A copy of the maps and application documents have been filed in the office of the Board Secretary and are available for public inspection at the Borough Hall, 1099 Ocean Avenue, Sea Bright, New Jersey during normal business hours and are available on the Borough website at [www.seabrightnj.org](http://www.seabrightnj.org).

This Notice is sent to you by the Applicant, by order of the Planning/Zoning Board of the Borough of Sea Bright.

ANSELL GRIMM & AARON, PC  
Attorneys for Applicant,  
BD Real Estate Adventures, LLC

By: \_\_\_\_\_

RICK BRODSKY, ESQ.

Dated: May 29, 2024





# Monmouth County Document Summary Sheet

AGREEMENT	Type	AGREEMENT				
	Consideration					
	Submitted By	ANSELL GRIMM & AARON, P.C.				
	Document Date	03/28/2024				
	Reference Info					
	Book ID	Book	Beginning Page	Instrument No.	Recorded/File Date	
	OR	9663	5362	2023071620	10/13/2023	
	GRANTOR	Name			Address	
		BD REAL ESTATE ADVENTURES, LLC			23 SCHOOLHOUSE LANE, MORRISTOWN, NJ 07960	
	GRANTEE	Name			Address	
		BD REAL ESTATE ADVENTURES, LLC			23 SCHOOLHOUSE LANE, MORRISTOWN, NJ 07960	
	Parcel Info					
	Property Type	Tax Dist.	Block	Lot	Qualifier	Municipality
	COMMERCIAL	42	12	2		4201
<p align="center"><b>* DO NOT REMOVE THIS PAGE.</b></p> <p align="center"><b>COVER SHEET [DOCUMENT SUMMARY FORM] IS PART OF MONMOUTH COUNTY FILING RECORD.</b></p> <p align="center"><b>RETAIN THIS PAGE FOR FUTURE REFERENCE.</b></p>						

# Deed of Covenants and Restrictions

This Deed is made on MARCH 28, 2024  
BETWEEN:  
BD Real Estate Adventures, LLC

whose post office address is  
23 Schoolhouse Lane  
Morristown, New Jersey 07960  
referred to as the Grantor,  
AND

BD Real Estate Adventures, LLC  
whose post office address is  
23 Schoolhouse Lane  
Morristown, New Jersey 07960

referred to as the Grantee.  
The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

1. **Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property (called the "Property") described below to the Grantee. This transfer is made for the sum of \$ 1.00 One Dollar and No Cents. The Grantor acknowledges receipt of this money.

2. **Tax Map Reference** (N.J.S.A. 46.15-1.1) Municipality of Sea Bright Borough  
Block No. 12, Lot No. 2, Qualifier No. , Account No.  
No property tax identification number is available on the date of this Deed. (Check Box if Applicable)

3. **Property** The Property consists of the land and all the building and structures on the land in the Borough of Sea Bright, County of Monmouth and State of New Jersey. The legal description is:

☒ Please see attached Legal Description annexed hereto and made part hereof. (Check Box if Applicable)

INTENDED to be the same premises conveyed to Grantor herein by Deed from 1124 Ocean Avenue, LLC, dated September 21, 2023 and delivered on September 22, 2023 and recorded in the Monmouth County Clerk's Office on October 13, 2023 in Deed Book OR-9663 at Page 5362.

THIS Deed shall constitute a declaration of covenants and restrictions and shall confirm that the Grantor and Grantee specifically represent and warrant that this deed contains a deed restriction whereby Grantor and Grantee agree to a deed restriction regarding the historic plaque located on the building which currently exists on the subject property, reflecting that should any owner of the subject property cease to maintain the plaque as part of the building, or elect to demolish the building on which the historic plaque is located, or elect to permanently remove the historic plaque from the currently existing building, then the plaque shall be dedicated and delivered to the Borough of Sea Bright, for no consideration, in accordance with the terms of the Resolution of Approval adopted by the Borough of Sea Bright Unified Planning/Zoning Board on March 12, 2024 (annexed hereto as Exhibit A and made a part hereof).

Prepared by (Print signer's name below signature)

(For Recorder's Use Only)

Rick Brodsky, Esq.

The street address of the Property is:  
**1124 Ocean Avenue, Sea Bright, New Jersey**

**4. Promises by Grantor.** The Grantor promises that the Grantor has done no act to encumber the Property. This promise is called a "Covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the Property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

**5. Signatures.** This Deed is signed and attested to by the Grantor's proper members as of the date at the top of the first page. (Print name below each signature.)

Witnessed or Attested by:

**BD REAL ESTATE ADVENTURES, LLC**

Paulo J Braga

Paulo J. Braga

By:

Eric Daley

Eric Daley, Managing Member

STATE OF NEW JERSEY, COUNTY OF MONMOUTH SS:  
 I CERTIFY that on MARCH 28, , 2024

**ERIC DALEY**

personally came before me and stated to my satisfaction that this person (or if more than one, each person):  
 (a) is the Managing Member of BD Real Estate Adventures, LLC and that he did execute this Deed as his own act and deed and as an authorized action of BD Real Estate Adventures, LLC; and  
 (b) made this Deed for \$ 1.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5); and  
 (c) BD Real Estate Adventures, LLC is the maker of this Deed.

RECORD AND RETURN TO  
 Rick Brodsky, Esq.  
 Ansell Grimm & Aaron  
 1500 Lawrence Avenue  
 CN 7807  
 Ocean, New Jersey 07712

Paulo J Braga  
 Notary Public of New Jersey  
 Print name and title below signature

Paulo J. Braga  
 NOTARY PUBLIC  
 STATE OF NEW JERSEY  
 MY COMMISSION EXPIRES March 2, 2025



### **LEGAL DESCRIPTION**

The Land referred to herein below is situated in the Borough of Sea Bright, County of Monmouth, State of NJ, and is described as follows:

**BEGINNING** at a point marked by a property corner set, said point being the point of intersection between the westerly R.O.W. line of Ocean Avenue (R.O.W. varies) with the southerly R.O.W. line of New Street (40' R.O.W.), and running; thence

- 1) Along said westerly R.O.W. line of Ocean Avenue, S10°11'10"W, a distance of 75.00 feet to a point marked by a property corner set therein; thence
- 2) N84°15'00"W, a distance of 65.33 feet to a point; thence
- 3) S08°45'25"W, a distance of 25.08 feet to a point in the northerly R.O.W. line of Surf Street (35' R.O.W.); thence
- 4) Along the same, S77°11'20"W, a distance of 25.00 feet to a point therein; thence
- 5) N08°56'45"E, a distance of 96.81 feet to a point marked by a property corner set in said southerly R.O.W. line of New Street; thence
- 6) Along the same, S84°18'16"E, a distance of 91.86 feet to the Point and Place of **BEGINNING**.

**BEING** in accordance with a survey prepared by Morgan Engineering & Surveying dated August 17, 2023.

**NOTE FOR INFORMATION ONLY:** Being known and designated as Tax Lot 2 in Block 12 as shown on the current Borough of Sea Bright Tax Map.

**RESOLUTION OF APPROVAL**

**APPLICATION OF  
BD REAL ESTATE ADVENTURES, LLC**

IN THE MATTER OF : UNIFIED PLANNING/ZONING BOARD  
BD REAL ESTATE ADVENTURES, : BOROUGH OF SEA BRIGHT  
LLC : APPLICATION NO. 2024-02  
: BLOCK 12, LOTS 1 & 2  
: 1124-1132 OCEAN AVENUE

**WHEREAS**, BD REAL ESTATE ADVENTURES, LLC. has requested amended preliminary and final site plan approval with variance relief pursuant to N.J.S.A. 40:55D-70 (c)(1) and (2) to modify the site plan to have one combined restaurant site with courtyard on the property located at Block 12, Lots 1 & 2 on the tax map of the Borough of Sea Bright, being commonly known as 1124-1132 Ocean Avenue, Sea Bright, New Jersey, and said premises being in the B-1 Central Business Zone; and

**WHEREAS**, the Board held a public hearing on said application on February 27, 2024; and

**WHEREAS**, the applicant provided adequate notice of the hearing in accordance with N.J.S.A. 40:55D-12; and

**WHEREAS**, the applicant was represented by counsel, Rick Brodsky, Esq., who presented the Application; and

**WHEREAS**, the Board heard the testimony and evidence presented by the applicant, applicant's witness and received no comments from the public.

**NOW, THEREFORE BE IT RESOLVED**, that the Unified Planning/Zoning Board of the Borough of Sea Bright, County of Monmouth and State of New Jersey, made the following findings:

1. The Board found the application complete.
2. Based upon the opening comments of the Applicant's counsel, the Board heard the following:
  - A. The Applicant proposed to modify the plan to combine the site into one integrated restaurant with courtyard, where there are currently two separate restaurant units on each lot. The only building footprint expansion proposed is the vestibule addition noted on the plans.

B. Variance relief was requested for building coverage where 50% is permitted, 55.3% is existing and 57.2% is proposed; and off street parking where no parking is proposed/existing and 30 spaces are required for Lot 1 and 114 spaces are required for Lot 2. Applicant sought re-approval of the variances previously existing and not modified by the application for (Lot 1) lot area, lot width, lot depth, rear yard setback, building coverage, lot coverage, and parking; (Lot 2) rear yard setback and parking.

3. The following were submitted in support of the Application:

- A. Zoning Denial by Mary Tangolis, Zoning Officer, dated 11/17/23
- B. Certified Planning/Zoning Board Application
- C. Survey of Property, by Morgan Engineering, dated 8/17/23 (1 sheet)
- D. Architectural Plans (3 sheets) by Condouris Architects (dated 1/3/24)
- E. 2/21/24 Board Engineer Report of David J. Hoder, P.E.

4. Based upon the sworn testimony of the Applicant's Principal Eric Daley, the Board made the following findings of fact:

- A. He is a Principal/Owner of Applicant BD Real Estate Adventures, LLC. The Applicant is the owner of Lot 2 and Applicant has a 20-year lease to occupy Lot 1.
- B. Applicant (or affiliated entity) will be the owner/operator of the restaurant to operate on the proposed integrated site.
- C. The subject property is located in the B-1 Central Business Zone.
- D. There is an existing restaurant unit on each of the lots with courtyard on Lot 2. The site is currently vacant but previously housed Volk's restaurant on Lot 1 and Rory's restaurant on Lot 2.
- E. The Applicants' intent per the architectural plans submitted is to modify the site to utilize same as one integrated restaurant/bar with outdoor courtyard seating.

- F. He indicated that the vestibule area addition is intended for a host station for patrons entering the restaurant.
  - G. The concept for the integrated restaurant would be to provide a more formal dining setting in the Lot 2 side dining room/bar while providing a more casual setting/menu in the courtyard and Lot 1 side dining room/bar.
  - H. The rear room identified on the floor plan is intended as a "speak easy" type lounge/bar area.
  - I. He testified that deliveries will be made from Surf Street at a door located near the location of the walk-in box depicted on the plans.
  - J. He testified that garbage will be housed in an interior refuse room (approximately 11' by 11') in the area on the plans identified as "existing kitchen" in the Lot 1 side of the building. Applicant agreed to modify the architectural floor plans to delineate the refuse room with exterior door location (Surf Street side of building on Lot 1).
  - K. He testified that there will be no access to the Lot 1 portion of the building from the courtyard. There will be patron access to the Lot 1 portion of the building via doorway entrance on Ocean Avenue as depicted on the plans.
  - L. Applicant agreed as a condition that any music (live or via speakers) shall comply with the Borough's noise/curfew ordinance.
  - M. He opined that there will be no negative impacts created by the application for amended site plan approval and that the benefits of the amended plans, outweigh any detriments.
5. Based upon the sworn testimony of the Applicant's Architect Anthony Condouris, the Board made the following findings of fact:
- A. He is a licensed architect in the State of NJ and prepared the architectural plans submitted to the Board for review/approval.
  - B. The property is located on the west side of Ocean Avenue between New Street and Surf Street.
  - C. It is the current location of two restaurant units, one on Lot 1 (formerly Yolk's restaurant) and one on Lot 2 (formerly Rory's restaurant).
  - D. The applicant owns Lot 2 and has a 20-year lease for Lot 1. The proposal is to combine and integrate the building and courtyard for one restaurant use.

- E. Sheet A-1 of the plans provides the site plan proposed for the integrated restaurant use with outdoor courtyard.**
- F. Sheet A-2 of the plans provides the proposed renovated floor plan for the integrated restaurant use. The Lot 1 side of the building provides for dining room/bar and bathrooms that will house the casual pub style portion of the restaurant. The courtyard will similarly provide for a casual atmosphere and menu with tables and bar and designated bathrooms accessed only via the courtyard as depicted on the plans.**
- G. The Lot 2 side of the building (Sheet A-2) provides for the vestibule addition proposed which will house the host station. This dining room/bar area will be a more formal dining room/menu. The rear room is proposed as a "speak easy" type bar/lounge area.**
- H. The rear portion of the floor plan (Sheet A-2) identifies the kitchen to remain with walk-in. This kitchen will service both dining rooms and the court yard. The area of the "existing kitchen" on Lot 1 will be converted to a refuse room/office and connecting hallway from the proposed kitchen to the Lot 1 dining room/bar.**
- I. Sheet A-3 of the plans shows the building architectural elevations.**
- J. He confirmed the only footprint change proposed by the application is the vestibule addition on Lot 2 which creates a minor increase in building coverage.**
- K. Acknowledging that the courtyard bathrooms and proposed refuse room are located on Lot 1, while they service uses that take place on Lot 2, Applicant agreed as a condition that amended approval from the Board shall be required if at any time in the future there is not common ownership/operation (as is existing currently via Applicant's ownership of Lot 2 and leasehold interest in Lot 1).**

- L. He noted that there is a historical plaque dating to approximately 1894 on the Surf Street façade of the building near the rear corner of the building. Applicant agreed as a condition to provide by way of deed restriction for notice to any future owners, that Applicant has agreed to a historical deed dedication reflecting that should any owner of the subject property cease to maintain the plaque as part of the building, then same shall be dedicated to the Borough of Sea Bright, for no additional consideration.
- M. He confirmed that there is no parking provided on site. This is an existing condition that is not being changed. Noting that the only expansion of the building is for the vestibule, he opined that this will cause no detriment to the surrounding neighborhood.
- N. He proposed that the trees in the courtyard would be planted in the ground. If not able to be sustained, they will be replaced with similar plantings in free standing planters.
- O. He noted that the proposed planters at the front of the courtyard are approximately 24" in height.
- P. As to seating, he testified that the plans propose 51 seats in the Lot 1 dining room/bar; 99 seats in the Lot 2 dining room/bar; and 67 seats in the courtyard. He noted this is less than approved for the Lot 2 use via 1999 Resolution for Harry's Lobster House which allowed 70-75 people in the courtyard area and 110 seats in the dining room/bar.

**CONCLUSIONS OF LAW:**

**WHEREAS**, after careful deliberation, the Board has determined that the applicant has met the requirements of N.J.S.A. 40:55D-70(c)(1) and (2) with conditions imposed, for the variance relief required and re-approval of variances previously granted/existing for this application for amended site plan approval in as much as the amendments to the plans are an appropriate development of the subject parcel with a permitted use in the Zone;



**WHEREAS**, after careful deliberation, the Board has determined that the proposal advances purposes of zoning as set forth in N.J.S.A. 40:55D-2 (a) and (i) of the Municipal Land Use Law; and those benefits outweigh any detriment from the proposal; and

**WHEREAS**, after careful deliberation, the Board has determined that the proposed development will not have a substantial negative impact on the neighborhood and will be a benefit in terms of the functional use of the site and improved aesthetics at the site; and

**WHEREAS**, the Board (noting that despite public notice, no persons appeared in opposition to the application) has determined that the relief sought can be granted without a substantial negative impact to the public good, provided all conditions of approval are satisfied or met; and

**WHEREAS**, the Board has determined that the relief sought does not impair the intent and purpose of the Master Plan or Zoning Ordinance of the Borough of Sea Bright.

**NOW, THEREFORE, BE IT RESOLVED** by the Unified Planning/Zoning Board of the Borough of Sea Bright, in the County of Monmouth and State of New Jersey, on the 27th day of February, 2024, upon a motion made by Mr. Leckstein and seconded by Mr. DeSio that the application of BD Real Estate Adventures, LLC, be granted, subject to the following terms and conditions:

1. The applicant shall be bound by all exhibits introduced, all representations made, and all testimony given before the Board at its meeting of February 27, 2024.
2. The applicant shall provide all required Site Performance Bond and Inspection Fees in accordance with the Municipal Ordinance.
3. The applicant shall be responsible for obtaining any other approvals or permits from other governmental agencies, as may be required by law, including but not limited to CAFRA, and the Municipality's and State's affordable housing regulations; and the applicant shall comply with any requirements or conditions of such approvals or permits.
4. The applicant must comply with the Development Fee Ordinance of the Borough of Sea Bright, if applicable, which Ordinance is intended to generate revenue to facilitate the provision of affordable housing.

5. The applicant shall comply with all items set forth in the Board Engineer report dated 2/21/24, unless specifically exempted herein.
6. 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.
7. The applicant shall comply with all building, FEMA and fire codes including, but not limited to, entrances and exits.
8. 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 are specifically relied upon by the Board in granting this approval. This condition shall be a continuing condition, deemed satisfied unless and until the Board determines (on notice to Applicant) of a breach thereof.
9. In the event that any documents require execution in connection with this approval, such documents shall not be released until all conditions are satisfied.
10. 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.
11. 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.
12. Applicant shall comply with the following special conditions:
  - A. Applicant shall provide a final lighting plan that shall be subject to the review and approval of the Board Engineer and Board Planner as to size, type, number and location to

- insure no negative impacts to the surrounding property owners.
- B. Applicant shall provide by way of deed restriction for notice to any future owners, that Applicant has agreed to a historical deed dedication reflecting that should any owner of the subject property cease to maintain the plaque as part of the building, then same shall be dedicated to the Borough of Sea Bright, for no additional consideration. Said deed shall be subject to the review and approval of the Board engineer and Board attorney.
  - C. Amended approval from the Board shall be required if at any time in the future there is not common ownership/operation for the integrated use of the two lots (as is existing currently via Applicant's ownership of Lot 2 and leasehold interest in Lot 1).
  - D. Any music (live or via speakers) in the courtyard area shall comply with the Borough's noise/curfew ordinance.
  - E. Applicant shall modify the architectural floor plans to delineate the refuse room with exterior door location (Surf Street side of building on Lot 1).
13. Publication of a notice of this decision shall be published in the official newspaper of the Board. Such publication shall be arranged by the applicant.

**ADOPTED** this 27th day of February, 2024 on a roll call upon a motion offered by Mr. Leckstein and a second by Mr. DeSio

**ADOPTION VOTE ON ROLL CALL:**

**IN FAVOR:** Mr. Cashmore, Chairman Cunningham, Ms. DeGiulio, Vice Chairman DeSio, Mr. Lawrence, and Mr. Leckstein

**OPPOSED:** None

MEMORIALIZED this 12th day of March, 2024 on a roll call upon a motion by Mr. Leckstein and a second by Ms. DeGiulio

**MEMORIALIZATION VOTE ON ROLL CALL:**

**IN FAVOR:** Mr. Cashmore, Chairman Cunningham, Ms. DeGiulio,  
Vice Chairman DeSio, Mr. Leckstein, and Mr. Zelina

**OPPOSED:** None

**CERTIFICATION**

I, Candace B. Mitchell, Secretary of the Unified Planning/Zoning Board of the Borough of Sea Bright, County of Monmouth, State of New Jersey, do hereby certify the attached is a true copy of the Resolution for Application No. 2024-02 Approved by the Unified Planning/Zoning Board at its regular meeting on February 27, 2024 and memorialized on March 12, 2024.

  
\_\_\_\_\_  
Candace B. Mitchell, Secretary  
Borough of Sea Bright Unified Planning/Zoning Board

