

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

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 *Courier* on January 16, 2009 filed it with the Clerk, and posted a notice on the bulletin board in the Borough Office.

ROLL CALL:

PRESENT: Boardmembers, Cashmore, Clauer, Cunningham, DeSio, Fernandes, McBride, Murphy, Nott (8:09 p.m. arrival) Torcivia (Alt. #1) Smith (Alt. #2) (8:03 arrival), Attorney Higgins, Board Secretary Branagan

ABSENT: Long

3. NEW BUSINESS:

A. Boardmember Clauer introduced a motion approving this application. Second by Councilman Murphy and adopted upon the following roll call vote:

Ayes: Cashmore, Clauer, Cunningham, Fernandes, McBride, Murphy, Nott, Torcivia, Smith

Nays: None

Abstain: None

Absent: Long

Boardmember Murphy introduced a motion memorializing the following resolution:

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

DAVID AND BONNIE DeSIO

822 Ocean Avenue,

Block 24, Lots 12

WHEREAS, David and Bonnie DeSio, owners of premises commonly known as 822 Ocean Avenue, Block 24, Lots 12, Sea Bright, New Jersey have applied to the Planning/Zoning Board for variances required for renovation and upgrading of an existing single family home in the R-2 zone, addition of a 3rd floor, replace existing 2nd floor deck, redesigning front entrance; and

WHEREAS, the applicant has provided due notice to the public and all surrounding properties 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., this Board gaining jurisdiction therein and a public hearing having been held on this matter at a regular planning/zoning board meeting of November 10, 2009 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 Rendering of proposed;

A-3 Architectural/Site plan prepared by Passman Ercolino, Anthony J. Ercolino, dated 10-23-09

A-4 Elevations by Passman Ercolino dated 10-7-09;

A-5 Floor plans by Passman Ercolino dated 10-7-09

A-6 Photographs of existing, front and rear view.

WHEREAS, members of the public were given the opportunity to be heard regarding the application; and

WHEREAS, the Board having considered the evidence presented made the following findings:

1. The applicant seeks Variances for minimum each side yard, 7 ft. required, where 3 ft. is existing and 4.4' is proposed; minimum both side yards, 15 ft. required, 13 ft. existing and 14.4 is proposed; height where 35 ft is allowed and existing is 34' and proposed is 38 from crown of road, front yard setback where 25' is required, existing is 30' and proposed is 24.67'; rear yard where 15' is required, 7.75 is existing and 11.4' is proposed; lot coverage where 70% is permitted, 75.8 existing and 76.3% is proposed.

2. David DeSio testified that he bought the house in 1998 and has not done any improvements. The current 2nd floor deck is located toward the side of the home, 3 feet from the side yard. It is only 10' wide. The proposal is to move the deck toward the middle of the home, reducing the side yard encroachment and making the side setback 4.4'. The deck will be 12' wide, making it safer for placement of a table and chairs.

The plans include a new front entrance. DeSio testified that in order to maintain the existing 4' staircase, columns are required. Hurricane codes require 12" masonry columns. He proposes a stone veneer which will result in a 4 inch encroachment into the front setback.

He explained that 70% lot coverage is permitted. Due to the existence of pavers in the front that were in place before

he purchased and before the ordinance defined pavers as impervious, the existing lot coverage is 75.8%. The lot coverage will increase to 76.3% with the new front entrance and the maintenance of the existing stairs.

The existing house is 3234 s.f. and will increase to 4260 s.f.

DeSio explained that the existing home has a roof with gabled ends. The gabled ends are being reframed to create a hip roof with the ridgeline remaining at 35', and a bathroom and closet constructed beneath the ends of the ridgeline. The hip roof design is structurally stronger for hurricane purposes. He needs a variance for the front peak of the house, measuring 14' wide and 38' high from the crown of the road. He tried several ways to keep the roof within the ordinance limits. However, none of the designs allowed for the structural superiority and had a pleasing appearance. He could eliminate the peak, but the house would have a flat roof appearance.

DeSio testified that the building footprint will not change. He will be moving the a/c units from the sideyard to next to the house, not within a setback.

3. Neighbor Mike O'Shea testified in favor of the application. The proposed house will be in keeping with other homes in the neighborhood.

4. Board member Cashmore noted that he felt the requested variances, resulting in a 35' ridge line and a 38' peak at center span which is tied into the gabled entry roof, would be far more aesthetically pleasing than a flat roof, which would result in the existing 35' ridge line were simply carried across the roof. He also pointed out the hip roof was more structurally suited for hurricane resistance.

5. Board member Nott felt that the improvements were minimally invasive and that the benefit of granting the minor variances far outweighed any detriment. The house, with the peaked roof was more aesthetically pleasing and was a safer design. Even with the height of the peak, the house would not be higher than the neighbor.

6. Mr. DeSio testified that the proposed improvements are within the existing footprint, and in his opinion, the upgrades will be consistent with other homes in the area, and the improvements are consistent with the existing structure.

The renovated home will not be out of character with other homes in the area and in Sea Bright.

7. The Board found that the variances can be granted due to the nature of the development in the neighborhood, location, the new variances are consistent with the other residences in the neighborhood, made for a safer design and layout and therefore can be granted without substantial detriment to the Zone Plan and Zoning Ordinance.

8. The Board finds that the variances can be granted without substantially impairing the Zone Plan and Zoning Ordinance in that the height variance will provide for a more aesthetically pleasing and hurricane resistant roof and the proposal will improve the structure and provide a better and safer layout.

9. The Board found that the proposed improvements were consistent with the homes in the neighborhood, and enhanced the value and aesthetic value of the subject property.

10. The variances can be granted due to the nature of the development in the neighborhood, location, the existing nonconformities, which would not be significantly increased by the addition, one nonconformity will be reduced and therefore can be granted without substantial detriment to the Zone Plan and Zoning Ordinance.

11. Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated with the same.

12. After evaluating all of the evidence and testimony, the Board felt that the applicant had met its burden of proof, as to the positive and negative criteria.

NOW, THEREFORE BE IT RESOLVED, that the Planning/Zoning Board of the Borough of Sea Bright, based upon the findings of fact set forth herein that the variances requested for the improvements as set forth on the proposed plans marked into evidence be granted subject to the following conditions:

General conditions

1. The applicant shall obtain the approval of all necessary and appropriate governmental agencies and comply with all governmental regulations except those specifically waived or modified in this resolution.

2. 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 in connection with the review of this application prior to and subsequent to the approval of this application.

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

4. All of the terms and conditions set forth on the record and hereinabove, including, but not limited to screening the mechanicals.

5. The applicant shall be bound by all representations made in testimony before the Zoning Board as set forth in the minutes of the hearings on the dates referred to above.

Specific conditions

1. Applicant **stipulated** that the a/c units will be moved next to the home and will not be within a setback.

BE IT FURTHER RESOLVED, that this resolution memorializes the action taken by the Planning/Zoning Board, at its meeting of November 10, 2009.

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 and the Tax Assessor and to make same available to all other interested parties.

BE IT FURTHER RESOLVED that the Board Secretary is hereby authorized and directed to cause a notice of this Resolution to be published in the official newspaper at the applicant's expense and to send the Affidavit of Publication to the Applicant and to make same available to all other interested parties and that no permits shall be issued until such proof of notice has been proffered.

Second by Boardmember McBride and approved by the following roll call vote:

Ayes: Cashmore, Clauer, Cunningham, Fernandes, McBride, Murphy, Nott, Torcivia, Smith

Nays: None

Abstain: None

Absent: Long

B.

**AMCK, LLC
1066 Ocean Avenue
Block 16, Lot 4
B1 Zone**

Demolish an existing structure and construct a three story masonry building. Seeking approval for the following variances: mixed use retail, office and residential, minimum lot width, maximum building coverage and parking.

Boardmembers Fernandes and Murphy were recused because the application was subject to a use variance. No other members of the board had a conflict with the application or potential witnesses.

- A-1** Jurisdictional Packet;
- A-2** photograph of existing building
- A-3** photograph of proposed building
- A-4** survey prepared by Richard Stockton, dated August 8, 2009.
- A-5** garbage/recycling details
- B-1** Engineer Hoder's engineering review dated October 6, 2009.

Attorney Higgins swore in Architect Anthony Condouris. Mr. Condouris said that the existing structure consists of partial masonry and wood and is in disrepair. There is one occupant, Sea Bright Pizza. There is an 8 ft wide easement along the north side of the building. The opposite side is a small retail space not owned by the applicant. The proposed building would be three stories: first floor - retail (750 sf) in the front and office space (450 sf) The second floor is residential with two units, one bedroom (547 sf) and two bedroom 698 (sf). The third floor would be a three bedroom unit(1650 sf). There is to a balcony on the second floor. A roof deck is on the third floor unit facing the front. There is three HVAC on the roof and three on ground level all located behind the building. In the back is the trash/recycling area with a 6 ft. gated stockade fence. The height of the building measured from the crown of the road is 35 feet and permitted is 42 feet in commercial zones. Attorney Higgins said that the minimum width is 50 ft and existing is 32 ft. Mr. Condouris said that the height was not included in Zoning Officer's denial and it is not an undersized lot. Attorney Hoder read into the record Ordinance 1-2009 regarding undersized lots.

Mr. Condouris said that he would meet further with Engineer Hoder regarding stormwater management regulations and provide calculations of prior sewer and water usage.

They are proposing more of a residential style look on the

balcony and easement and the lights will be shown on a grading plan. A variance is being sought for two signs that conform on size but two is not permitted.

Attorney swore in Art Bernard as the applicant's planner. He said that he is not aware of other building's height on this block and there are many other sized lots throughout the neighborhood. Attorney Higgins said that the permitted height must be reduced proportionately to the width of the height to 26% less.

This application was re-scheduled to January 26, 2010.

5. ADJOURNMENT:

There being no further business before the Planning Board. Boardmember Clauer made a motion to adjourn the meeting at 9:50 P.M. Second by Boardmember Cashmore and approved upon unanimous voice vote.

Respectfully Submitted,

Suzanne Branagan
Planning/Zoning Board Secretary