

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 Asbury Park Press on January 17,2009, filed it with the Clerk, and posted a notice on the bulletin board in the Borough Office.

PRESENT: Boardmembers, Cashmore, Clauer, Cunningham, DeSio, Fernandes, McBride, Murphy, Torcivia, Smith, Attorney Higgins, Engineer Hoder, Board Secretary Branagan

ABSENT: Nott

- 3. NEW BUSINESS NAVESINK PARTNERS, LLC
1410 Ocean Avenue
Block 3 Lots 7,8,9
B-2 and R-2 Zones
Proposing 3,600 sf building.
Proposed improvements/uses;
overflow parking, boat rack/storage**

Attorney Higgins said that she discussed with the applicant's attorney Marc Policastro, Esq. about the boat rack storage as to whether this could be a use variance. Marianas are permitted under the ordinance however no boats are to be stored closer than 15 feet making this a bulk variance and boat rack storage is prohibited. It has been determined that we will proceed with the site plan aspect as a bifurcated application. There will be a re-notice to make sure that issue has been covered.

Attorney Higgins stated that all the Boardmembers present were not within 200 feet of the applicant. Boardmember DeSio has a conflict with this application and was recused from hearing this application. No other members of the board have a conflict with this application.

A-1 Jurisdictional Packet;

A-2 Aerial view of subject property

A-3 Preliminary Final Site Plan

A-4 Photograph of restaurant and boat racks

B-1 aerial photographs of the subject property during the

winter

B-2 aerial photographs of the subject property during the winter

B-3 letter from David Hoder, P.E. of Maser Consulting dated March 19, 2009.

Sean Torpe, a licensed engineer in the State of New Jersey employed by L.G.A Engineering was sworn in by Attorney Higgins. Mr. Torpe said that the property is bounded on the east by Ocean Avenue, west by Shrewsbury River, north by a residential area and the south by a dentist's office and a residential area. The lot is approximately 9.3 acres including riparian rights. The existing use of the site is a marina for both winter and summer boat storage. There is an office, restaurant and a boat maintenance garage. There are boat racks on the property.

He said that they are proposing for Lot 8 adding a 3600 sf maintenance building adjacent to the existing maintenance building. On Lot 8 they are proposing to add a third boat rack. Partially on Lot 8 and Lot 9 they are proposing to add pavement for boats to be transported, equipment and additional parking. We are providing and meeting the parking requirements for the entire site. He said that Lot 8 will continue as it is now and more parking is required for the restaurant. An application was sent to DEP for dredging to remove sediment to enhance boating. They are looking to replace bulkheads.

Charles McQuillan, managing partner of Navesink Partners, LLC was sworn in by Attorney Higgins. Mr. McQuillan said that since Lot 9 was purchased they have more boats on the lot and were able to give more parking to the restaurant.

Engineer Hoder said that 34 parking spaces are required for the restaurant. Mr. McQuillan said that they would have 34 spaces for the restaurant for the off season and not reserve for storing boats during the winter.

Boardmember Cashmore asked Engineer Torpe as to the date of the aerial photograph because it shows that it is a summer photograph and that a winter photograph would be more helpful. Engineer Torpe was unsure of its date. Mr. McQuillan said that the aerial photo was about 2 or three years old.

Boardmember Cashmore said that the plans show three levels of storage for the boat racks at a maximum height of forty feet and the existing racks is using a fourth level of storage and they are putting boats on top of one rack and on the second rack they are storing boat trailers.

Mr. McQuillan said that the current rack system has the

capability of four stories. We use the fourth rack very sparingly for boat trailers are on the top. The boats on the top are derelict boats to be disposed of. The new rack system is for three levels.

Engineer Hoder presented two aerial photographs taken of the subject property during the winter depicting the boat's storage.

Engineer Torpe said that Lots 6, 5, and 4 of the property bordering a residential area has board on board fencing and shrubbery. Lot 3 has access to the subject. Lot 2 has a wooden picket fence. The dentist office has half of Lot 1 with shrubbery. On Lot 9 there is existing chain link fencing and they are looking to adding shrubbery as not to block the view.

Engineer Hoder said that they are in receipt of the application to the Monmouth County Planning Board, NJDEP Waterfront Development Permit/ Water Quality certificate dated February, 2009. We checked the plans for completeness and the technical review is the letter that is being submitted. The subject property is in the B2 Zone, Riverfront business Zone and contains a total of 405,071 sf (9.3 acres). The property has 550 feet along the west side of Ocean Avenue. The site has existing commercial uses: marina, winter storage, restaurant, boat sales, boat maintenance, etc.). The Applicant is proposing improvements to overflow parking, boat storage, landscaping, and lighting on Lot 9, as well as a boat rack with pavement area and a 3,600 sf maintenance garage/machine shop addition on Lot 8. There are no proposed improvements.

Engineer Torpe read Engineer Hoders' comments for required variances:

a) The minimum side yard setback requires 25 ft and 11.90 ft existing non-conformity. Engineer Torpe said that they are not considering any changes.

b) The minimum lot coverage requires 30% and 3.82% is proposed. The applicant is under the minimum requirements.

c) Ordinance Section 130-40F states that the parking or storage of boats, vehicles or other equipment in any front yard, side yard or rear yard setbacks is prohibited. The applicant is proposing storage of boats within all setbacks. Engineer Torpe said that currently boats are stored up to the setbacks and inside the residential buffer in the southern portion of the site. We are proposing to do the same and provide 6 ft landscaping area and store boats up to the 6 ft. separation from the northern property line. There are boats on display along Ocean Avenue for sale. The existing operation has done this and is proposing to continue that within the setbacks.

Engineer Hoder said that if the boats should be pulled back from

the property line then this is the time that the Board should discuss this.

Engineer Torpe said that the property to the north of the subject property is a residential complex. Immediately up to the property line is paved parking and a driveway access aisle and up to the fence is asphalt for parked cars. To the south there is residential lots with board on board fence there is an opening on Lot 3 and has been used for access. On Lot 2 there is a residential with a picket fence and the Dentist's office on the corner. To the north they are proposing to do 6ft landscaping next to the open chain link fence. They are proposing to plant trees that are 8-10 ft and some are 5-6 ft. This would help shield the property in the north.

Mayor Fernandes said that currently there are boats in the north back 15ft. Mr. McQuillan said that even though the property was zoned for boats the prior use was residential and he had to apply for a use variance and he had to move the boats back 15 ft. until he submitted an application.

Attorney Higgins said that Mr. McQuillan bought the property next door in the B2 Zone which is the allowed use for marinas. He had to get a zoning permit to have the boats there and was told that he could not bring them in closer than 15ft.

d) Ordinance Section 130-42.A., buffer strips shall be established along the common lot line between the non-residential and residential lots, on the non-residential lot and shall be at least 15 feet wide. There is off-street parking and boat storage within 15 feet of residential properties. An increased buffer should be provided to residential structures. Engineer Torpe said that the applicant is trying to store boats up to 6 ft off the property line and proposing to continue to operate Lot 8.

Engineer Torpe said the proposed building is 45ft by 80ft and the height is 130 ft. and is lower than the existing buildings. Mayor Fernandes asked of Mr. McQuillan the hours of operation. Mr. McQuillan said that the hours of operation are 8 a.m. to 4:30 p.m. seven days in the summer. In the winter they are open five days a week and the office is open on Saturdays. The restaurant is open all year form 11:00 a.m. until closing almost as late as 2 a.m. This winter the restaurant was closed from Monday through Wednesday.

e) Ordinance Section 130-59 B. (3, the marina may provide for the sale of boats, boating equipment, accessories and parts and may also provide for the storage of boats. No boats shall be stored out of doors closer than 15 feet to any adjoining residential property line. Rack storage is prohibited. The Applicant is proposing rack storage and boat storage within 15

feet of residential properties. Engineer Torpe said that the applicant would like to operate Lot 8 up to the property line and for Lot 9 the applicant would like to add 6 ft. of landscaping and be allowed to store boats as to maximize the use of the facility.

Mr. McQuillan said that they want to transfer as much of the winter storage as possible and allowing for 6 ft instead of 15 ft would allow for a measurable number of boats.

GENERAL COMMENTS:

1. The plan upon which the site plan is based is approximately 16 years old. The Applicant shall provide testimony that no improvements have occurred since that time. Mr. McQuillan said that there have been changes other than the recent use of trailers on the property and they have been removed.

2. Provide a copy of the Survey of Property dated 8/15/05 prepared by Birdsall Engineering as reference in the notes on Sheet 1 of 8. Engineer Torpe said that will be provided.

3. Lots 10.01 and 10.04 are not listed on the property owners within 200'. They will provide that information.

4. We defer any improvements or dedications regarding the right-of-way of New Jersey State Highway 36 to the NJDOT. Engineer Torpe said that the applicant is not proposing to make any changes to what is existing.

SITE CONSIDERATIONS

1. For the 120 parking spaces for the restaurant and marina office uses it is required to provide five handicap accessible parking spaces, of which one shall be van accessible space. The van accessible space shall have an 8 ft. wide accessible aisle located on the right side of the parking space in accordance with Americans with Disabilities Act (ADA) requirements. At least 2 of the spaces shall be located in close proximity to the office use. All handicap spaces shall have appropriate striping, signage, ramps and details in accordance with ADA requirements. The applicant will comply. Applicant will comply both point 1 and

3. It is recommended to provide a screened fence on northerly and southerly prp

Engineer Torpe said that regarding Site Considerations No. 1 and 2 the applicant will comply. The applicant will add landscaping in answer to No. 3 of the Site Considerations. 4. There will be no storage to the proposed 40 ft.boat racks

B.

INFORMAL APPLICATION

RAY GUZMAN
1246 Ocean Avenue
Block 3 Lot 25
B2 Zone
Demolition of Existing One Story structure
Construction of Three Unit Condominium.

5. ADJOURNMENT:

Motion to Adjourn: _____ Second: _____

Time: _____ P.M.