

WORKSHOP MINUTES
Seaside Heights Planning Board
Monday, February 3, 2020
6:00 PM
Court Room over Fire House

- Open Public Meetings Act Statement
- Pledge of Allegiance
- Roll Call

Present: Frank C. Gorman, Chris Vaz, Frank M. Santora, Peter Jarkezian, Lou DiGulio, Robert Triano, Vito Ferrone, David Witherspoon, Ted Szejnrok, Thomas Faragalli

Absent: Steve Sanzone

BLOCK 1 LOT 19.01 - 19 DUPONT AVE. - AMI SHAH - ZONE: RESIDENTIAL-SITE PLAN WITH VARIANCE

The applicant has an existing 2-family house on a 20'x100' sq. foot lot where 24'x100' is permitted by code. There are existing zoning violations on the property for density and set backs. Applicant is requesting to add a 3rd floor on the house and to construct a deck with a 0' setback on the east side of the house.

Atty: Matt Heagen, Esq.

Matt Heagen, Esq. appeared with the applicant. He stated that there are 2 aspects to this application; the extension of the existing deck, bringing it out to the lot line and the height of the house. Heagen stated that there has been some dispute over whether the house is 3 or 4 floors because it is elevated. The applicant is asking for an addition 10 feet higher than the roof top deck to make a 3rd floor bedroom/living space with a deck to the rear. Heagen also mentioned that there is an agreement with the neighbors. Doug Klee, Planning Board Engineer pointed out that the neighbor will get a notice for public hearing.

There were many concerns and issues brought up and discussed by the Planning Board.

- *The overall aesthetics due to so many different concepts currently on the house.*
- *The house is already substantially taller than the house next door.*
- *There is a 0 side setback which is already causing safety issues.*
- *If the front deck were to be built as applicant is proposing to project out 8 feet on a 6 foot setback it can cause more safety issues and design/aesthetic issues.*
- *There is a boundary line agreement with the neighbor and an easement. But, the applicant is not sure if it was recorded.*
- *Board would like a survey map with the recorded boundary line.*
- *Major concerns about the height of the house.*

Doug Klee will do a follow-up report highlighting the variances that will be necessary for this proposal. A public hearing will be scheduled at a later date after logistics are concluded.

BLOCK 5.01 LOTS 58, 59, & 63 – 404 BOULEVARD – CS BOULEVARD PROPERTIES, LLC – ZONE: RETAIL BUSINESS & RESIDENTIAL – MAJOR PRELIMINARY AND FINAL SITE PLAN WITH VARIANCES

This property is 30,000 square feet. Currently, there is a steel structure on this property with approvals to build a banquet facility, restaurant/bar, nightclub, and pool club. The applicant is now requesting approval to construct 68 apartment units. The building would be 9-stories high (108 feet) with the lower 2 floors for parking, restaurant, and facility space.

VARIANCES REQUESTED:

- FRONT SET BACK- asking for 0 ft. front set back, which currently exists.
- MINIMUM ALLOWABLE PROPERTY SIZE
- HEIGHT-where 40 feet high is permitted by code, the applicant is requesting 108 feet (currently, the height of the steel structure is 55 feet).
- PARKING – the applicant is requesting a parking variance proposing 68 spaces where 136 are permitted by code.

Vinny Craparotta in to present his application. Since his approvals and permits have expired for the original plan of a pool club, and the town wants a city center, he has revised plans that will incorporate the steel that is already up at this site. The applicant proposes to build a 9-story residential building. He will be asking for 0 setbacks with regard to the building's second story and above. The applicant is planning to build 2 separate towers for 2 different operations. One building will be condominiums to sell by the owner and the other tower will be units to be rented as AirBNBs. The floor level will be retail spaces and parking. The building will be a total of 109 feet high living space. The additional height is there for the elevator to have the capability of going to the roof.

- The applicant will be asking for a waiver of 1 parking spot per unit, for a total of 68 units.*
- Asking for 2 use variances; height and density.*

Board concerns:

- *Does the town have a fire engine that could accommodate a building that height?*
- *May need to have a shade analysis because of the height of the building*
- *Who will own the business? Will someone be on site.*
- *How will the sight lines on the street be affected because of the building's closeness to the street corners.*
- *Will all the units be controlled by the same association?*
- *Is the integrity of the steel still good?*
- *How long will this project take to be completed?*

The applicant said he is trying to find out what direction the Board would like him to go in with his project.

**BLOCK 29 LOTS 2 & 4 – 304 HAMILTON AVE. – JOSEPH NEZGODA- ZONE: RETAIL BUSINESS
APPEAL OF ADMINISTRATIVE OFFICER**

The applicant is appealing a decision by the Zoning Officer as he was recently told that the current use of his property is not conforming. The applicant presently has 2 separate used car dealerships in 2 separate buildings and has had such for the past 20 years. Mr. Nezgoda is coming before the Board at workshop, to request that he be able to operate his business as usual and to inquire if it is necessary for there to be a variance to do so on same property.

Since this is an appeal to a decision made by a zoning officer, this does not require appearance at a workshop. Mr. Nezgoda advised Planning Board Secretary that he was staying to watch how the hearings are handled so he knows what to do when he attends his Public Hearing. This will be addressed on February 26, 2020

BLOCK 2.01 LOT 21 – 21-23 LINCOLN AVE. – MARK LARSEN ET AL – ZONE: RESIDENTIAL AND RETAIL BUSINESS – MINOR SUBDIVISION WITH BULK VARIANCES

Applicant is requesting approval for a minor subdivision. Where there is currently a 6000 square foot lot, the applicant would like to divide it into two 3000 square foot lots. If approved, each lot would have 30' frontage, it would be 30' wide and a depth of 100'. They are proposing that each lot would have the capability of 20 parking spaces and will be asking for a conditional use variance for the parking lots.

ATTY: CHRISTOPHER REID, ESQ.

Christopher Reid, Esq. appeared on behalf of the applicant. He stated that this is a minor subdivision with bulk variances. They would like to subdivide this vacant lot into 2 -30 x100 lots. There will be 10 parking spots with wheel stops on the west side of the property, which is deeded to the hotel. This will give 10 spaces for the hotel to use for parking.

The Board wanted to know if the property will be paved. If there is no paving then the applicant will have to request a waiver from site plan approval.

This will go to public hearing on February 26, 2020.

BLOCK 14 LOT 18 – 214 DUPONT AVE. – 230-242 S 11TH STREET, LLC. – ZONE: LOW DENSITY RESIDENTIAL-

The applicant has a property that has an area of 2500 sq. ft. and currently has a 2 family home on the property. Applicant will be requesting to build an 1800 sq. foot, 1 family home on the property. They are requesting variances for setbacks. The front setback is currently 9.86 feet, the applicant proposes to have 9.86 feet to the building and 0 feet to the deck. The front setback permitted by code is 10 feet. The existing rear setback is 48.67 feet, proposing 36.67 feet where 3 feet are permitted. On the right side of the building exists a 1.78 foot, non-conforming setback. The applicant is proposing a 1.75 foot setback where 3 is required. On

the left side of the building there is an existing non-conforming setback of 1.6 feet to the steps, the applicant is proposing 1.7 feet to the steps where 3 feet are required.

ATTY: PHILIP G. MYLOD, ESQ.

Philip G. Mylod, Esq. appeared with the applicant. Mylod explained that this is a pre-existing 2-family building. The applicant will convert it to a 1-family house. They would like to construct a new deck to conform with stairs and match. This will be 10 feet off of the property line. They will add garages for 2 parking spots underneath the house. There is a shed to the rear of the property with a deck. The applicant would like to extend and expand the deck.

Bruce Jacobs, Engineer of Gravitt Engineering showed that the front steps go all the way to the property line. They would like to add a second floor deck. There is an existing deck in the back yard the applicant proposes to close in to add a kitchen. Jacobs stated that they will need variances for side yard setbacks and the front set back as well as to make a curb cut for parking in the front.

- *The Board mentioned making a deed restriction for the property to be a single family dwelling only as a condition of any approval.*
- *The Board would like detailing of the curb cut.*
- *The Board would consider 0 setback for the elevated deck.*

This will go to public hearing on February 26, 2020.

A motion was made by Chris Vaz at 7:15 pm to adjourn the meeting.

These minutes are not verbatim. There is a recording of the meeting held by the Planning Board Secretary in the Borough Hall.

Submitted by:

*Sherri R. Sieling
Planning Board Secretary*

WORKSHOP MINUTES
Seaside Heights Planning Board
Monday, March 2, 2020
6:00 PM
Court Room over Fire House

- Open Public Meetings Act Statement
- Pledge of Allegiance
- Roll Call
- Motion to approve meeting minutes from February 3, 2020

By Lou DiGuilio, second by Steve Sanzone – All in favor

Roll Call:

PRESENT: Frank C. Gorman, Steve Sanzone, Chris Vaz, Lou DiGuilio, Ted Szejnrok

ABSENT: FRANK M. SANTORA, PETER JARKEZIAN, ROBERT TRIANO, VITO FERRONE, DAVID WITHERSPOON, THOMAS FARAGALLI

BLOCK 52 LOT 3 - 208 SHERIDAN AVE. – OAK FOREST DEVELOPMENT, LLC. (THOMAS BILOTTI) – ZONE: LOW DENSITY RESIDENTIAL/RETAIL BUSINESS – MINOR SUBDIVISION

The applicant is requesting approval for a minor subdivision for the vacant property located at the above address. The lot area is 8000 square feet. They are proposing to create 3 residential lots, each totaling 2,667.67 square feet each. Each lot would have a frontage of 26.67 feet, the width of each lot would be 80 feet wide and the depth of the lots are 100 feet each.

ATTY: HARVEY YORK, ESQ.

Michael York, Esq. appearing with the applicant. This is a 3 lot subdivision. All lots are conforming, the single family residences they are planning to build will be 27' high and they are not asking for any variances. Board members had no questions and felt that they were good to proceed with a public hearing.

BLOCK 58 LOT 1.04 – 1219 BOARDWALK – FRESH CUT FRIES, LLC. – ZONE: RESORT RECREATIONAL – MINOR SITE PLAN WITH POSSIBLE VARIANCES

This property is currently vacant, at which the applicants are requesting approval to convert it into a restaurant and sale of alcoholic beverages. They are seeking to build a rear yard deck, 12 feet wide by 34 feet long with a walkway that will be approximately 4 feet above grade to

be equal to the interior floor level on the boardwalk. This will be used for patrons purchasing food at the self-service food concession from the interior venue. The potential variance would be a rear yard setback for the deck that would extend, but not exceed 36 inches. The deck would be used for seating to 36 inches from the property line. In addition, the applicants would like to construct a rooftop alfresco venue as a destination outdoor dining area with a 25-30 person bar with ocean views.

ATTY: STEPHEN P. SINISI, ESQ.

Steven Sinisi appeared with Fresh Cut Fries, LLC and the project's architect, Gary Liquori of LDL Architects. He stated that they delivered their application to the Planning Board Secretary on January 23, 2020.

Planning Board Engineer, Doug Klee stated that he would like to see a plot plan/site plan with grading, setbacks, etc. The architect stated that it is being drawn.

They explained that the applicants want this to be a dining destination, the first floor on boardwalk level will have boardwalk type foods and there will be a roof top venue. They plan on building a green wall of arborvitae to block the sound. They are requesting approval for a bar, food court, an interior restaurant, internal and external stairs. There are 2 existing pilings where deck was, a member of the board asked if that was compliant with the current code. Kenny Roberts, Zoning officer state that yes it is.

Board members asked if there would be entertainment on the second floor. Mark Pollaro, one of the owners stated that there would be very low volume entertainment; acoustic music, steel drums, etc. It is Pollaro's hope that this will be a destination to bring your wife/date/family to have something to eat with a beautiful view. Michael Mergot partner stated that upstairs would be upscale with seasonal foods such as tapas and sushi. They would like it to be more elevated and classy. They would like to put 6-7 seats in front of the downstairs sushi bar and would like to try to keep it open year round if possible. This would depend on the demand and utility cost.

Lou DiGiulio pointed out that the plans look like there will be seating for approximately 100 people, but only 2 bathrooms. Applicants responded that downstairs will fit 64 people where there will be 2 bathrooms and upstairs will be 4 bathrooms, 2 regular and two handicapped accessible.

The Board stressed that sprinkler systems will be necessary in this project.

The applicants stated that they will be using the basement for storage and the food waste will go by the Polish water ice business.

Doug Klee wanted to verify he was seeing the plans correctly and asked if there will be a pizza oven on the 1st floor and a grill on the 2nd floor. The applicants said yes and

elaborated that there will be a specific roof top menu and food runners. If a client wants something from downstairs, the food runners will order and bring it to the customer. The bar will be located upstairs.

Doug Klee stated that he will need that completed site plans 10 days prior to the 3/25/2020 meeting.

Doug Klee mentioned that there is an ordinance up for adoption on Wednesday, March 4, 2020 regarding alcohol in the area where their business is located. Will these plans meet all the conditions in the ordinance? Mr. Sinisi stated that they feel that they will be in compliance. Doug Klee stated that after the ordinance, they might need to do a site plan incorporating those variance. Doug Klee said that even though the application was turned in on January 23, 2020, there was no site plan accompanying the application.

Mr. Sinisi stated that the foot print is the footprint and is not changing.

Steven Zabarsky, Planning Board Attorney state that the application is not deemed complete. Once the Planning Board engineer gets the site plan, he will do a report deeming the application complete for Public Hearing.

This meeting was adjourned at approximately 7:15 pm.

These minutes are not verbatim. There is a recording available in the office of the Planning Board Secretary in the Borough Hall at 901 Boulevard, Seaside Heights, NJ.

Submitted by:

*Sherri R. Sieling
Planning Board Secretary*

WORKSHOP MINUTES

Seaside Heights Planning Board

Monday, July 6, 2020

6:00 PM

Court Room over Fire House

- Open Public Meetings Act Statement
- Pledge of Allegiance
- Roll Call

Present: Frank C. Gorman, Steve Sanzone, Chris Vaz, Frank Santora, Lou DiGuilio, Robert Triano, Vito Ferrone, David Witherspoon, Ted Szejnrok, Tom Faragalli

Absent: Peter Jarkezian

- Motion to approve meeting minutes from March 2, 2020

Motion by Steve Sanzone Second by Vito Ferrone – all in favor.

BLOCK 51 LOT 67 & 71 – 249 & 251 FREMONT AVE. – KAP MANAGEMENT (CYNTHIA BROWN HANDEL) – ZONE: LOW DENSITY RESIDENTIAL - MINOR SUBDIVISION

ATTY: STEVEN P. GOUIN, ESQ. OF GIORDANO, HALLERAN & CIESLA, PC.

Applicant is proposing a minor subdivision of the existing 2 lots by creating 4 conforming, single family, residential lots. The existing lot area is 11,000 square feet. They are proposing if request for subdivision is granted, to create 4 lots, each with 2,750 square feet of space. Presently this is vacant land.

Adam Garcia, Esq. appeared in absence of Steven Gouin, Esq. on behalf of the applicant.

Also in attendance was Brian Murphy, Engineer. They explained this is an oversized lot, fully conforming, which they would like approval to subdivide into 4 lots.

Doug Klee said that the plan looks good to go.

Schedule for public hearing on July 29, 2020.

BLOCK 35 LOT 63 – 1520 BOULEVARD – HEAVY REEL BREWING COMPANY, LLC. (CHRIS DUBOIS & JEFF GRECO) – ZONE: RETAIL BUSINESS – MINOR SITE PLAN ATTY: JACOB DAVIDSON, ESQ.

The applicants are requesting to move Heavy Reel Brewing from their 615 Boulevard location to the above vacant space, in order to expand their business. The applicants will be requesting a parking variance. They are asking for approval to create an outdoor seating area in place of 3 parking spaces in light of the current situation with COVID-19, so that they may comply with the social distancing guidelines of the state.

Jacob Davidson, Esq., Jeff Greco, and Chris DuBois appeared for this application. Presently the applicants own Heavy Reel Brewery, located at 613 Boulevard, which its existence was approved by this Board. They plan to expand the brewery and move to a new location, which will be 1520 Boulevard.

Applicants are requesting to remove 3 off-street parking spaces to utilize for outside seating to comply with health requirements due to COVID-19 by placing picnic tables temporarily outside. Chris Vaz advised the applicants that they can apply for a temporary permit for outdoor tables through the Municipal Clerk. DuBois stated that if they decide to have permanent outdoor seating, they will include it on their site plan.

They are looking to change the current use of the address from a restaurant to a brewery. The interior of the location will be refit for the brewing equipment and for clientele.

Chris DuBois stated that the restrooms are ADA compliant.

Tom Faragalli asked about the day care facility being located nearby. Chris DuBois said that they are currently on a month to month lease with him, as he owns the whole complex. He also stated that most of their business is on the weekends or evenings, which should not interfere with the day care. Chris also stated that the laundromat is on a month to month lease as well.

They plan to put a new roof and a see- through garage door on the brewery portion of the building.

Members asked how many parking spaces are on the lot in total. Chris DuBois stated that there are 14 spaces and the leases of the other businesses do not address parking. Both of the businesses are mainly drop-off/pick-up places and there is plenty of street side parking.

A member was concerned about the liquor on the north end of town, but a micro-brewery is under a separate category, code #246, and is an allowable use.

Doug Klee, Board Engineer made a suggestion to the Board that they could direct Board engineer to advise zoning officer that applicants can get permits to work on the indoor renovations.

Applicants were advised by Board Attorney that they need to apply for a place to place transfer of the liquor license. Jacob Davidson stated that the State is reviewing it but they will apply to the Mayor and Council for place to place as well.

Members and Planning Board Professionals stated that change of use must be memorialized in the resolution for this project.

**BLOCK 73 LOT 4- 234 SAMPSON AVE. - J. DOUGLAS PETROZZINI-ZONE: LOW DENSITY
RESIDENTIAL- VARIANCE (Bulk C)**

This property is currently a vacant lot which, prior to Superstorm Sandy, had a 4 unit apartment building that was ordered to be demolished by the town. The lot area is 7, 555 square feet. The applicants were before the Planning Board early in 2019 and were approved to build a single building with 4 units contained therein. (Resolution 2019-05). That building was not constructed. Presently, the applicants are here requesting approval to build two buildings, each with 2 separate units. There will be 4 apartment units on the property total. The applicant is requesting a height variance ("C" (bulk) variance) as it will be within 10% of the permitted height. The permitted height is 35' high, the applicant will be asking for approval to build 38.5 feet high to accommodate the BFE and the construction of modular buildings.

MEMORIALIZE RESOLUTION 2020 – 05

Motion made by Chris Vaz Second by Steve Sanzone

Votes in favor: Chris Vaz, Steve Sanzone, Frank C. Gorman, Robert Triano, Tom Faragalli

**BLOCK 29 LOTS 2 & 4 – 304 HAMILTON AVE. – JOSEPH NEZGODA- ZONE: RETAIL BUSINESS
APPEAL OF ADMINISTRATIVE OFFICER**

The applicant is appealing a decision by the Zoning Officer as he was recently told that the current use of his property is not conforming. The applicant presently has 2 separate used car dealerships in 2 separate buildings and has had such for the past 20 years. Mr. Nezgoda is coming before the Board at workshop, to request that he be able to operate his business as usual and to inquire if it is necessary for there to be a variance to do so on same property.

MEMORIALIZE RESOLUTION 2020 – 06

Motion made by Chris Vaz, Second by Robert Triano

Votes in favor: Chris Vaz, Robert Triano, Frank C. Gorman, Steve Sanzone, Tom Faragalli

Chris Vas handed out copies of Ordinance 20-06, which was adopted by the Mayor and Council designating a redevelopment plan for BLOCK 4.01 LOTS 51 & 66, BLOCK 5.01 LOTS 58, 59, AND 63 BLOCK 6.01 LOTS 65, 67, 72, & 73 BLOCK 11 LOT 1, BLOCK 12 LOT 1 AND BLOCK 13 LOT 1. Members were asked to read this and comment on it at the next Planning Board meeting regarding compliance with the town Master Plan.

WORKSHOP MINUTES
Seaside Heights Planning Board
Monday, August 3, 2020
6:00 PM
Court Room over Fire House

- Open Public Meetings Act Statement
- Pledge of Allegiance
- Roll Call

PRESENT: Chris Vaz, Frank M. Santora, Robert Triano, Vito Ferrone, David Witherspoon, Ted Szejnrok, Tom Faragalli

ABSENT: Frank C. Gorman, Steve Sanzone, Peter Jarkezan, Lou DiGuilio

Please note that in the absence of the Chairman, Frank C. Gorman and the Vice Chairman, Steve Sanzone, Frank M. Santora was the acting Chairman and led the meeting.

BLOCK 36 LOT 50 – 33 SAMPSON AVE. – FS PROPERTIES 105, LLC – ZONE: RESIDENTIAL (R) MINOR SUBDIVISION

Applicant is requesting approval for a minor subdivision of this currently vacant property. The lot is 5,000 square feet total. The applicant would like to divide it into two equal lots at 2,500 square feet each. The lot area permitted by code in this zone is 2,000 square feet. In the future, the proposed use of this property will be to build conforming residences.

ATTY: BRANDON CROKER, ESQ.

Brandon Croker, Esq. appeared for the applicant. He explained that this is a 5000 square foot property and the applicants are requesting approval for a minor subdivision. They would like to divide the property into two equal 2500 square foot lots.

Doug Klee stated that the lots are conforming and that this is indeed a simple subdivision.

Schedule for PUBLIC HEARING August 26, 2020.

BLOCK 35 LOT 63 – 1520 BOULEVARD – HEAVY REEL BREWING COMPANY, LLC. (CHRIS DUBOIS & JEFF GRECO) – ZONE: RETAIL BUSINESS – MINOR SITE PLAN

The applicants are requesting to move Heavy Reel Brewing from their 615 Boulevard location to the above vacant space, in order to expand their business. The applicants will be

requesting a parking variance. They are asking for approval to create an outdoor seating area in place of 3 parking spaces in light of the current situation with COVID-19, so that they may comply with the social distancing guidelines of the state.

ATTY: JACOB DAVIDSON, ESQ.

PUBLIC HEARING

Jacob P. Davidson, Esq. appeared on behalf of the applicants.

Although this meeting is a workshop, this applicant was scheduled for their public hearing to be heard today.

The applicants are requesting approval for a change of use; property is currently a restaurant and they would like to convert it to a microbrewery. In addition, they would like to remove 3 of the 12 parking spaces to provide temporary outdoor seating to comply with COVID-19 restrictions and to be able to generate some business during this time.

There will be no changes to the structure of the building but they will be making interior upgrades.

Chris Vaz pointed out that during the applicant's workshop, it was brought to their attention that they could request a special permit for outdoor seating through the Municipal Clerk's office.

Davidson stated that the applicants would like to have permanent outdoor seating.

Steven Zabarsky, Planning Board attorney advised the applicant's attorney that there are only 7 Planning Board members in attendance and that they would need 4 yes votes out of the 7 to be approved. He asked Davidson if they would like to continue the proceeding and Davidson said they would.

William Doran, architect of 3D Architecture was qualified and sworn in to testify.

He stated the following:

The entire building is 6200 sq. ft. - the inside is 3389 sq. ft.

There will be no physical changes to the outdoors except for seating.

New items will be a cooler, a bar, and brewing area.

There will be no kitchen area as food is not allowed to be served in the brewery by the owners.

There are existing bathrooms in the building.

For outdoor seating, they will build a low, block wall to secure the seating area.

Doug Klee, Planning Board Engineer, asked how low the wall would be.

There were concerns about safety of patrons as well as members of the public sitting on the walls. Klee also asked about the lighting of the area. The applicants responded that there is ample lighting in the parking lot. The applicants agreed that if the outdoor

seating gets approved, they will work with the professionals in town to be sure that the wall will not interfere with the driveway on the Hiering Ave. side of the building.

Ken Roberts, Zoning Officer asked how many tables they are planning to have. Applicants answered that there will be 6 tables-no standing. The hours on weekdays will be 5pm to 9pm on weekends 1pm to 9pm. The maximum amount of people will be 24 outside.

Applicants mentioned that they are allowed by State law to have 25 events per year in the brewery and that they are heavily regulated. Those events will be inside.

Frank M. Santora inquired about the ABC issues. Davidson responded that they are fully compliant with ABC licensing and all they need to be complete is a Certificate of Occupancy for the state to allow them to open their doors. In addition, all employees are TIPS certified to identify intoxication and the business is licensed with the DEP and ATTB.

Planning Board members wanted to know about the Day Care facility located in the complex. The applicants/owners were sworn in: Chris DuBois and Jeffrey Greco DuBois stated that everyone at the day care is gone by 6:00 pm during the week. This frees up parking spaces as well as has the children off the premises essentially during the operational hours of the brewery.

Members also inquired about how much beer they allowed to sell. Chris DuBois stated that they are limited to 50,000 barrels per year. He also stated that their main goal is to distribute to liquor stores and bars.

Applicants were asked by Planning Board members how many people are in the brewery on a busy night. Chris DuBois stated that there are 25-30 people maximum at a time.

Inquiries were made about the operating hours. The response was on weekends they operate from 1:00 pm to 9:00 pm and on weekdays 5:00 pm to 9:00 pm.

Board members feel that the applicants should not do permanent outdoor seating, there is ample seating inside except for unusual circumstances such as COVID-19. They also stated that there should be a condition on the resolution that states they should stop serving at 9:00 pm and be cleared out of the business by 10:00 pm.

Frank M. Santora opened the meeting up to questions by the 200 foot radius.

Sandy Valles sworn with a question for the architect about the wall to build for temporary seating. He stated that it will conform to the ordinance for temporary seating. It was pointed out that if it will be temporary seating, no variance will be necessary.

Charlene Palumsky stated that she has heard there is a foul smell when brewing beer. Jeff Greco said that there is no odor and that there is nothing but steam that is generated in the brewing process. Palumsky also asked about events. Greco stated that while they are allowed to do 25 events per year, in the past 2 ½ years they have only had 4 special events.

Frank M. Santora asked what a typical event would be like. Greco responded that they had one person, playing acoustic guitar, in the corner of the brewery.

Bernadette Hillway sworn and asked what is the limit on occupancy? Right now max is 25 inside due to COVID-19 restrictions and 50 as things get better.

Next meeting was opened to members of the public for questions or comment.

Peter Polomski 1601 Boulevard, SSH was sworn in. He stated that the residents of the Patrician Arms are worried about the closing time. They feel that 10:00pm is a problem, it is going to create parking issues, property damage, garbage. There was a suggestion that Heavy Reel Brewery pay for security and security cameras at the Patrician Arms so they can see where/who is causing damage.

Sandy Vallees sworn again to state that she pays \$250.00 for a seasonal parking pass and thinks she will be unable to obtain a parking spot.

Dolores Alexander was sworn in. What happens to the outdoor seating when it closes. Her thought is that people will hang out at the tables and chairs. She asked the Board to only allow temporary outdoor seating and to close the business at 9:00 pm. Bernadette Hillway and Dolores Alexander sworn in to voice their agreement with the above and stated that they are worried about the mix of alcohol and child care together.

PUBLIC PORTION CLOSED.

Planning Board members were all in agreement that the business should only seek the temporary outdoor seating. They also agreed that last call should be 9:00pm, close the business at 10:00pm.

Conditions of the Resolution should be:

- *Temporary outdoor seating*
- *Last call at 9:00pm close by 10:00pm*
- *Conditions will run with the building*
- *No kitchen- no food service*
- *Employees must be TIPS certified*
- *No music outside*

A motion was made by Tom Faragalli, Second by Frank M. Santora to adopt a resolution approving this application. All in favor: Chris Vaz, Vito Ferrone, Robert Triano, David Witherspoon, Ted Szejnrok

BLOCK 51 LOT 67 & 71 – 249 & 251 FREMONT AVE. – KAP MANAGEMENT
(CYNTHIA BROWN HANDEL) – ZONE: LOW DENSITY RESIDENTIAL
- MINOR SUBDIVISION

Applicant is proposing a minor subdivision of the existing 2 lots by creating 4 conforming, single family, residential lots. The existing lot area is 11,000 square feet. They are proposing if request for subdivision is granted, to create 4 lots, each with 2,750 square feet of space. Presently this is vacant land.

ATTY: STEVEN P. GOVIN, ESQ. OF GIORDANO, HALLERAN & CIESLA, PC.

MEMORIALIZE RESOLUTION 2020-07

Motion made by Chris Vaz Second by Vito Ferrone.

Yes votes by all: Frank M. Santora, David Witherspoon, Ted Szejnrok, Tom Faragalli,

BLOCK 58 LOT 1.04 – 1219 BOARDWALK – FRESH CUT FRIES, LLC. – ZONE: RESORT
RECREATIONAL – MINOR SITE PLAN WITH POSSIBLE VARIANCES

This property is currently vacant, at which the applicants are requesting approval to convert it into a restaurant and sale of alcoholic beverages. They are seeking to build a rear yard deck, 12 feet wide by 34 feet long with a walkway that will be approximately 4 feet above grade to be equal to the interior floor level on the boardwalk. This will be used for patrons purchasing food at the self-service food concession from the interior venue. The potential variance would be a rear yard setback for the deck that would extend, but not exceed 36 inches. The deck would be used for seating to 36 inches from the property line. In addition, the applicants would like to construct a rooftop alfresco venue as a destination outdoor dining area with a 25-30 person bar with ocean views.

ATTY: STEPHEN P. SINISI, ESQ.

MEMORIALIZE RESOLUTION 2020-08

Motion made by Chris Vaz Second by Robert Triano

Yes votes by all: Frank M. Santora, Vito Ferrone, Ted Szejnrok

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BLOCK 30 LOT 33 – 508 BAY BOULEVARD- BRIAN D. HOFFNAGLE-ZONE: LOW DENSITY
RESIDENTIAL - MINOR SUBDIVISION

Applicant is requesting approval to sub divide his 75' x 100' lot into 3 separate, equal lots at 25' x 100' each. A lot size of 20' x 100' is permitted by code in this zone. There is currently a newly constructed house on the northern side of the property, taking up one of the proposed lots. Per Land Use Law, applicant is going directly to the final hearing portion of this application for approvals.

MEMORIALIZE RESOLUTION 2020-09

Motion made by Chris Vaz, Second by Vito Ferrone

Yes votes by all: Frank M. Santora, Robert Triano, Ted Szejnrok

BLOCK 4.01 LOTS 51 & 66, BLOCK 5.01 LOTS 58, 59, AND 63 BLOCK 6.01 LOTS 65, 67, 72, & 73 BLOCK 11 LOT 1, BLOCK 12 LOT 1 AND BLOCK 13 LOT 1

Members of the Board were provided copies of the above Borough ordinance, which will adopt a redevelopment plan for the above properties. The Mayor and Council of Seaside Heights have requested the Planning Board to review the ordinance for consistency with the Master Plan.

REVIEW ORDINANCE 20-06

Discussion about the above ordinance ensued. Chris Vaz stated that he was in a Zoom meeting with NY Life Insurance. They have \$25,000,000.00 to give to a developer. The redevelopment piece is a critical piece of criteria qualify for an investor with this money. This is also why it is important for taking eminent domain of the steel structure on the Boulevard.

The Board unanimously were in favor of using Doug Klee's letter of recommendation to be forwarded to the Mayor and Council.

*Vito Ferrone made the motion for Doug's letter, Tom Faragalli seconded the motion
Yes votes from Chris Vaz, Frank M. Santora, Robert Triano, David Witherspoon, Ted Szejnrok*

*Motion by Vito Ferrone to adjourn the meeting at 8:50 pm.
All in favor.*

These minutes are not verbatim. There is a recording available in the office of the Planning Board Secretary in the Borough Hall at 901 Boulevard, Seaside Heights, NJ.

*Submitted by:
Sherri R. Steling
Planning Board Secretary*

MINUTES

Seaside Heights Planning Board

Wednesday, August 26, 2020

6:00 PM

Court Room over Fire House

- Open Public Meetings Act Statement
- Pledge of Allegiance
- Roll Call

Present: Steve Sanzone, Lou DiGuilio, Robert Triano, Vito Ferrone, Ted Szejnrok, Thomas Faragalli

Absent: Frank C. Gorman, Chris Vaz, Frank M. Santora, Peter Jarkezian, David Witherspoon

- Motion to approve meeting minutes from August 3, 2020

Motion by Vito Ferrone, Second by Robert Triano- all in favor

BLOCK 36 LOT 50 – 33 SAMPSON AVE. – FS PROPERTIES 105, LLC – ZONE: RESIDENTIAL (R) MINOR SUBDIVISION

Applicant is requesting approval for a minor subdivision of this currently vacant property. The lot is 5,000 square feet total. The applicant would like to divide it into two equal lots at 2,500 square feet each. The lot area permitted by code in this zone is 2,000 square feet. In the future, the proposed use of this property will be to build conforming residences.

ATTY: REBECCA BOUDWIN, ESQ STANDING IN FOR BRANDON CROKER

Rebecca Boudwin, Esq. appeared on behalf of the applicant.

Following Planning Board Engineer, Doug Klee's letter dated 6/10/20 the following was addressed:

This is a minor subdivision of 33 Sampson Ave, which had been foreclosed, torn down and is now as vacant 5000 square foot lot. Applicants are requesting approval to subdivide the property into (2) 2,500 square foot lots.

Curb and sidewalk are existing.

2 new driveways will be needed, but parking spaces will be the responsibility of any builder who develops the property.

The application for this subdivision is solely for the sale of the lots, there is no building proposal before the Board today.

Doug Klee, referring to the review letter asked Ms. Boudwin if items 1-12 are not done, will the applicants agree to do them. They stated yes.

The subdivided lots will be conforming lots according to their zone.

There is the possibility that parking spots may be impacted once any construction takes place. That will have to be addressed with the board by the new owners/developers of the property.

A motion to adopt a resolution to approve the subdivision of this property was made by: Steve Sanzone, Second by Vito Ferrone.

Yes votes by: Steve Sanzone, Vito Ferrone, Lou DiGuilio, Robert Triano, Ted Szejnrok, and Tom Faragalli.

**BLOCK 35 LOT 63 – 1520 BOULEVARD – HEAVY REEL BREWING COMPANY, LLC. (CHRIS DUBOIS & JEFF GRECO) – ZONE: RETAIL BUSINESS – MINOR SITE PLAN
ATTY: JACOB DAVIDSON, ESQ.**

The applicants are requesting to move Heavy Reel Brewing from their 615 Boulevard location to the above vacant space, in order to expand their business. The applicants will be requesting a parking variance. They are asking for approval to create an outdoor seating area in place of 3 parking spaces in light of the current situation with COVID-19, so that they may comply with the social distancing guidelines of the state.

MEMORIALIZE RESOLUTION 2020-10

Motion to memorialize Resolution 2020-10 was made by Robert Triano, Second by Vito Ferrone

Yes Votes: Robert Triano, Vito Ferrone, Steve Sanzone, Ted Szejnrok, Tom Faragalli

*Motion to adjourn the meeting at approximately 6:30pm was made by Robert Triano.
All in favor*

*These minutes are not verbatim, but highlight the pertinent parts of the meeting.
A recording of the meeting is kept in the Borough of Seaside Heights, by the Board Secretary for listening.*

Submitted by : Sherri R. Sieling

Board Secretary

WORKSHOP MINUTES
Seaside Heights Planning Board
Tuesday, September 8, 2020
6:00 PM
Court Room over Fire House

- Open Public Meetings Act Statement
- Pledge of Allegiance
- Roll Call

PRESENT: Steve Sanzone, Frank Santora, Vito Ferrone, Robert Triano, Ted Szejnrok, Tom Faragalli, Lou DiGuilio, David Witherspoon

ABSENT: Frank C. Gorman, Chris Vaz, Peter Jarkejian

- Motion to approve minutes from meeting held on August 26, 2020

Motion by Tom Faragalli, Second by Vito Ferrone

Yes votes: Tom Faragalli, Vito Ferrone, Steve Sanzone, Robert Triano, Dave Witherspoon, Ted Szejnrok, Tom Faragalli

**BLOCK 59 LOTS 5 & 8 - 1101 OCEAN TERRACE – BLUE WHALE, LLC & SEVEN AMIGOS, LLC –
ZONE: RESORT RECREATIONAL- MINOR SUBDIVISION & MAJOR FINAL SITE PLAN APPROVAL
WITH VARIANCES.**

ATTY: CHRISTOPHER DASTI, ESQ.

Applicants are requesting approval to subdivide the property into 3 lots as well as to construct buildings, which will house 17 residential units where only 12 are permitted. Currently lot 5 and lot 8 are each 9,000 sq. ft. The proposed lots sizes would be 7,200 sq.ft for new lots 1 and 2, and 3,600 square feet for new lot 3. 4,000 square feet is permitted by code in this zone. This would create lots 5.01, 5.02, and 5.03.

The lot frontage for new lots 5.01 and 5.02, if approved, will be 60 feet and new lot 5.03 will be 30 feet where 40 feet is permitted. The width of each lot will be 60 feet for lots 5.01 & 5.02 and 30 feet for lot 5.03. The depth of each of the 3 lots will be 120 feet if approved. Front setbacks for proposed lots 5.01 & 5.02 will be 10 feet and for lot 5.03 there will be no front setback as it is on the boardwalk side. On the right and left sides of the property for all 3 lots the setbacks will be 3 feet.

For the proposed buildings on these lots the applicants are seeking approval for each building on lot 5.01 and 5.02 to be 68.5 feet tall. The building on lot 5.03 is proposed to be built at 15 feet tall.

Currently, there are two buildings on these lots, the applicants are proposing to build four buildings. There will be four units for retail stores and 17 residential units. At this time, there is

a commercial parking lot, where the applicants are proposing to develop the residential units with 34 off street parking spaces and there will be no parking for the retail portion of the project.

VARIANCES:

#1 Height Variance- where 40 feet is permitted by code applicants are requesting to build at 68.5 feet high.

#2 Density Variance-1,200 square feet is permitted per residential unit applicants propose 847 sq. feet per unit.

#3 Awning Setback on Hancock Ave- 10 feet is permitted 7 feet is proposed for this application.

The applicants are requesting a parking design waiver for 0 retail parking spaces as is customary for boardwalk businesses.

John Camera, as consultant to the applicants appeared with Ken Schlatmann, Engineer and Kevin Casey. John Camera explained that there has been ongoing interest in doing a project on this property and they have been before the Planning Board on other occasions:

- *2007 received preliminary approval for 2 lots, 2 buildings with 17 units.*
- *Applicants went to CAFRA regarding Scenic Resources Rule in 2013 and they approved 68 feet height for the building.*
- *2017 applicants were going to move forward with the project with the same approvals, but decided to create 3 lots.*

Applicants would like to get approval to keep the traditional retail on the boardwalk (already have CAFRA approval) and residential (17 units) with businesses behind the boardwalk. There will be 34 parking spaces for the residential units.

Members wanted to know what will be done with the 17 units. Applicants plan to sell most of them off and keep a couple for owners of the property. These will function as modest summer homes.

Applicants are requesting a waiver for no parking to be provided for the retail portion of this project.

Stephen Zabarsky, Esq. Planning Board Attorney interjected that it is important to remember that this is a NEW application. The Board should make their decisions independent of the fact that there were previous approvals and still need to review for evidence. Additionally, Zabarsky commented that Frank Santora (class 1) and Lou DiGuilio (class 3) Planning Board Members cannot vote on this application, due to the height variance. They applicants will need 5 out of 7 yes votes to be approved.

Planning Board members asked about the cabanas on the plans. The applicants explained that they are essentially outdoor showers. The common area is going to be a game room and exercise area with 2nd floor lobby.

The Board wanted to know if there is going to be a condo/property owner's association. The applicant's said yes there will be.

The applicants explained that there will be 6-one bedroom units and 11-two bedroom units.

The main concern for the Board is the proposed height of this building. They feel it will block views and sun on the beach and street. The Board stated that a maximum of 50 feet high, to the total peak of the building would be acceptable. Members of the Board said they would like there to be less units, and for them to be larger in size.

Doug Klee stated that he still needs engineering plans and the architect will need to make changes on the plans for this project.

If Doug Klee receives the new plans with changes 10 days prior to the next meeting date, this can be scheduled for Public Hearing on September 30, 2020.

BLOCK 80 LOT 1 – 450 HIERING AVE.-DOUGLAS MCDOWELL & LARUEN MOLINARI- ZONE: LOW DENSITY RESIDENTIAL – MINOR SITE PLAN APPROVAL WITH VARIANCES.

The applicants are requesting to build a single family home on this vacant 5664 sq. ft property. They are asking approval for a variance for height to comply with flood regulations. Applicants are proposing to build a home at 29.19 feet high where 27 feet is permitted by code.

There is an existing condition for the lot frontage on this property which the applicants would like to keep. The lot frontage is currently 20.53 feet where 40 is permitted by code.

The applicants appeared to present their application. Mr. McDowell explained that this is a vacant, oddly shaped lot. They would like to build a single family home and are requesting a height variance for the total height to be 29.19 feet for aesthetic purposes and to have an attic.

Applicants stated that they will be using all stone on the property for impervious surfaces. Their roof will be made so that the roof water will run off toward the drain in the road. There will be 2 off-street parking spaces.

The applicants would like to be able to have a 2nd curb cut on the property which would require a waiver. Doug Klee mentioned that in their certified notice and letters to 200' list, they should state they are requesting a design waiver for the 2nd curb cut. This can be listed for Public Hearing on September 30, 2020.

BLOCK 80 LOT 4 – 446 HIERING AVE. – STEPHEN A. FRISCIA, JR. -- ZONE: LOW DENSITY RESIDENTIAL – MINOR SITE PLAN APPROVAL WITH VARIANCES.

This applicant is requesting two variances to enhance the remodeling/addition of this property. VARIANCES:

#1 Left Side Setback- where there is a 3 foot minimum by code, the existing structure's left side setback is 2.75 feet. Applicant would like to keep that measurement in order to allow for construction of an addition and replace the second floor of existing structure.

#2 Front Setback- the existing structure has a front setback of 9.66 feet. The applicant is requesting to increase that setback to 9 feet, although code requires a 10' set back. The 9 foot setback will allow for proposed decorative trim to be installed on the front of the house. This feature including replacement of the second floor will have no impact on the existing front setback.

Stephen Friscia appeared regarding his application. This is a single family home which is non-conforming because of the setbacks. The applicant is doing renovations and an addition on this house and would like to have approval for the existing setbacks. The applicant will be taking the existing cupola down, which will comply with the zone's height restrictions. This application can be placed on the agenda for Public Hearing on September 30, 2020.

BLOCK 36 LOT 50 – 33 SAMPSON AVE. – FS PROPERTIES 105, LLC – ZONE: RESIDENTIAL (R) MINOR SUBDIVISION

Applicant is requesting approval for a minor subdivision of this currently vacant property. The lot is 5,000 square feet total. The applicant would like to divide it into two equal lots at 2,500 square feet each. The lot area permitted by code in this zone is 2,000 square feet. In the future, the proposed use of this property will be to build conforming residences.

**ATTY: REBECCA BOUDWIN, ESQ STANDING IN FOR BRANDON CROKER
MEMORIALIZE RESOLUTION 2020-11**

Motion to approve, Vito Ferrone- Second, Robert Triano

Yes votes: Vito Ferrone, Robert Triano, Steve Sanzone, Ted Szejnrok, Tom Faragalli

APPROVED

MINUTES

Seaside Heights Planning Board
Wednesday, September 30, 2020
6:00 PM
Court Room over Fire House

- Open Public Meetings Act Statement
- Pledge of Allegiance
- Roll Call

PRESENT: FRANK C. GORMAN, STEVE SANZONE, CHRIS VAZ, FRANK M. SANTORA, PETER JARKEZIAN, ROBERT TRIANO, VITO FERRONE, DAVID WITHERSPOON, THOMAS FARAGALLI

ABSENT: LOU DIGUILIO, TED SZEJNROK

Doug Klee, Engineer and Stephen Zabarsky, Attorney Present.

- Motion to approve minutes from meeting held on September 8, 2020

Motion by Vito Ferrone, Second by Robert Triano

All were in favor with a change detailing that Steve Sanzone, Vice Chair led the meeting in absence of Frank C. Gorman, Chairman.

Chris Vaz and Peter Jarkezian did not vote as they were not present at the 9/8/20 meeting.

BLOCK 59 LOTS 5 & 8 - 1101 OCEAN TERRACE – BLUE WHALE, LLC & SEVEN AMIGOS, LLC – ZONE: RESORT RECREATIONAL- MINOR SUBDIVISION & MAJOR FINAL SITE PLAN APPROVAL WITH VARIANCES.

Applicants are requesting approval to subdivide the property into 3 lots as well as to construct buildings, which will house 17 residential units where only 12 are permitted. Currently lot 5 and lot 8 are each 9,000 sq. ft. The proposed lots sizes would be 7,200 sq.ft for new lots 1 and 2, and 3,600 square feet for new lot 3. 4,000 square feet is permitted by code in this zone. This would create lots 5.01, 5.02, and 5.03.

The lot frontage for new lots 5.01 and 5.02, if approved, will be 60 feet and new lot 5.03 will be 30 feet where 40 feet is permitted. The width of each lot will be 60 feet for lots 5.01 & 5.02 and 30 feet for lot 5.03. The depth of each of the 3 lots will be 120 feet if approved. Front setbacks for proposed lots 5.01 & 5.02 will be 10 feet and for lot 5.03 there will be no front setback as it is on the boardwalk side. On the right and left sides of the property for all 3 lots the setbacks will be 3 feet.

For the proposed buildings on these lots the applicants are seeking approval for each building on lot 5.01 and 5.02 to be 68.5 feet tall. The building on lot 5.03 is proposed to be built at 15 feet tall.

Currently, there are two buildings on these lots, the applicants are proposing to build four buildings. There will be four units for retail stores and 17 residential units. At this time, there is

a commercial parking lot, where the applicants are proposing to develop the residential units with 34 off street parking spaces and there will be no parking for the retail portion of the project.

VARIANCES:

#1 Height Variance- where 40 feet is permitted by code applicants are requesting to build at 68.5 feet high.

#2 Density Variance-1,200 square feet is permitted per residential unit applicants propose 847 sq. feet per unit.

#3 Awning Setback on Hancock Ave- 10 feet is permitted 7 feet is proposed for this application.

The applicants are requesting a parking design waiver for 0 retail parking spaces.

ATTY: CHRISTOPHER DASTI, ESQ.

PUBLIC HEARING

John Camera and Kevin Casey appeared regarding this application. John Camera stated that based on comments of the Planning Board, they will be changing their plans to construct buildings with 15 units instead of 17 and the height will be reduced to 50 feet high. Due to these changes, the plans were not complete in time to have the public hearing. The applicant requested that the Planning Board carry the application to the next meeting without requiring the applicant to send certified notices a second time.

Peter Jarkezian made a motion to carry this application to the meeting scheduled for October 28, 2020 for the purposes of public hearing without the need for notices.

Robert Triano seconded the motion.

Yes votes: Steve Sanzone, Chris Vaz, Peter Jarkezian, Vito Ferrone, Robert Triano, David Witherspoon, Tom Faragalli

Frank C. Gorman did not vote due to a conflict. Frank M. Santora did not vote since he is Mayor's designee and will not be able to vote on the height variance.

BLOCK 52 LOT 3 - 208 SHERIDAN AVE. – OAK FOREST DEVELOPMENT, LLC. (THOMAS BILOTTI) – ZONE: LOW DENSITY RESIDENTIAL/RETAIL BUSINESS – MINOR SUBDIVISION

The applicant is requesting approval for a minor subdivision for the vacant property located at the above address. The lot area is 8000 square feet. They are proposing to create 3 residential lots, each totaling 2,667.67 square feet each. Each lot would have a frontage of 26.67 feet, the width of each lot would be 80 feet wide and the depth of the lots are 100 feet each.

ATTY: HARVEY YORK, ESQ.

PUBLIC HEARING

Harvey York, Esq. appeared on behalf of the applicants. He and Doug Klee, Planning Board Engineer both stated that this is conforming use of the property. Mr. York stated that the applicants will comply with all recommendations on the review letter from Doug Klee dated March 10, 2020.

There were no questions from the Board.

Mary L. Power, 311 Sheridan Ave. Seaside Heights was sworn in. She questioned the parking for the properties because parking is a major problem on her block. Harvey York responded that the homes the business intends to build will incorporate parking into the construction of the houses. Ms. Power stated that she felt much better about the subdivision knowing the houses will have their own parking spaces.

A motion to adopt a resolution was made by Frank M. Santora, Second by Robert Triano. All present were in favor.

BLOCK 14 LOT 18 – 214 DUPONT AVE. – 230-242 S 11TH STREET, LLC. – ZONE: LOW DENSITY RESIDENTIAL

The applicant has a property that has an area of 2500 sq. ft. and currently has a 2 family home on the property. Applicant will be requesting to build an 1800 sq. foot, 1 family home on the property. They are requesting variances for setbacks. The front setback is currently 9.86 feet, the applicant proposes to have 9.86 feet to the building and 0 feet to the deck. The front setback permitted by code is 10 feet. The existing rear setback is 48.67 feet, proposing 36.67 feet where 3 feet are permitted. On the right side of the building exists a 1.78 foot, non-conforming setback. The applicant is proposing a 1.75 foot setback where 3 is required. On the left side of the building there is an existing non-conforming setback of 1.6 feet to the steps, the applicant is proposing 1.7 feet to the steps where 3 feet are required.

ATTY: PHILIP G. MYLOD, ESQ.

PUBLIC HEARING

Philip Mylod, Esq. on behalf of the applicants attended with Bruce Jacobs of Gravitt Consulting, director of engineering. Jacobs explained the changes since the last meeting. The applicant decided to keep the existing deck that is 7 feet off of the face of the house the way it is. The stairs were moved over to the left for access to the driveway and left available parking space underneath. There will be spiral stairs to the upper floor. The relocation of the stairs, 3 feet off of the east side of the house will conform with the side yard setbacks correcting the existing staircase which is not conforming.

Questions from the Board:

Board member wanted to know where residents land when going down the stairs. They land away from the other property, closer to the house itself making it safer. Jacobs stated that they gave up storage space for a parking space.

Leonard Ligieri, 212 Dupont Ave. SSH in the 200 foot radius list was sworn in. His concern was regarding the deck, but he feels good now knowing they are leaving the deck as-is. Mr. Ligieri does not want to have cars under the deck essentially parking on the sidewalk. The Board told Mr. Ligieri if there are cars parked on the sidewalk, he should contact the police department.

Motion to adopt a resolution was made by Tom Faragalli, Second by Frank M. Santora. All present were in favor.

BLOCK 80 LOT 1 – 450 HIERING AVE.-DOUGLAS MCDOWELL & LARUEN MOLINARI- ZONE: LOW DENSITY RESIDENTIAL – MINOR SITE PLAN APPROVAL WITH VARIANCES.

The applicants are requesting to build a single family home on this vacant 5664 sq. ft property. They are asking approval for a variance for height to comply with flood regulations. Applicants are proposing to build a home at 29.19 feet high where 27 feet is permitted by code.

There is an existing condition for the lot frontage on this property which the applicants would like to keep. The lot frontage is currently 20.53 feet where 40 is permitted by code.

PUBLIC HEARING

Doug McDowell, appeared and sworn in.

Vito Ferrone, Thomas Faragalli, and Frank M. Santora recused themselves from sitting on this application as all three are in the 200 foot radius of this property.

Doug McDowell stated that he is requesting a variance for the house he intends to build to be 29.19 feet tall where 27 feet is allowed. He is also asking for approval for a second curb cut, which already exists on the property. McDowell stated that the second curb cut give them and option to park somewhere else when there is flooding on their street. The applicant stated that there will be all rock ground covering for ample drainage.

Doug Klee referring to his letter of 8/4/2020 asked McDowell about how they would address the drainage and grading. Mr. McDowell stated that they are raising it up by 6 inches and think that the stones will mitigate the storm water.

There were no questions from the Board or the audience.

A motion to adopt a resolution in this matter was made by David Witherspoon, second by Frank C. Gorman.

Yes votes by: Frank C. Gorman, Steve Sanzone, Chris Vaz, Peter Jarkezian, Robert Triano, David Witherspoon

**BLOCK 80 LOT 4 – 446 HIERING AVE. – STEPHEN A. FRISCIA, JR. -- ZONE: LOW DENSITY
RESIDENTIAL – MINOR SITE PLAN APPROVAL WITH VARIANCES.**

This applicant is requesting two variances to enhance the remodeling/addition of this property.
VARIANCES:

#1 Left Side Setback- where there is a 3 foot minimum by code, the existing structure's left side setback is 2.75 feet. Applicant would like to keep that measurement in order to allow for construction of an addition and replace the second floor of existing structure.

#2 Front Setback- the existing structure has a front setback of 9.66 feet. The applicant is requesting to increase that setback to 9 feet, although code requires a 10' set back. The 9 foot setback will allow for proposed decorative trim to be installed on the front of the house. This feature including replacement of the second floor will have no impact on the existing front setback.

PUBLIC HEARING

Stephen Friscia appeared and sworn in.

Vito Ferrone, Thomas Faragalli, and Frank M. Santora recused themselves from sitting on this application as all three are in the 200 foot radius of this property.

Stephen Friscia explained that he is asking for approval for front and side yard variances that are pre-existing on this property. The existing structure has a front setback of 9.66 feet. The applicant is requesting to decrease that setback to 9 feet, although code requires a 10' set back.

Where there is a 3 foot minimum by code, the existing structure's left side setback is 2.75 feet. Applicant would like to keep that measurement in order to allow for construction of an addition and replace the second floor of existing structure.

Applicant also requested a waiver for 2 pre-existing driveways, which will assist with moving cars around since there needs to be off street parking available.

There were no questions from the Board or 200 foot radius.

Motion to adopt a resolution was made by David Witherspoon, second by Steve Sanzone.

Yes votes by: Frank C. Gorman, Steve Sanzone, Chris Vaz, Peter Jarkezian, Robert Triano, David Witherspoon

These minutes are not verbatim, however a recording of this meeting are available in the Borough of Seaside Heights with the Planning Board Secretary.

Submitted by:

Sherri R. Sieling, Secretary

SSH Planning Board

WORKSHOP MINUTES

Seaside Heights Planning Board

Monday October 5, 2020

6:00 PM

Court Room over Fire House

- Open Public Meetings Act Statement
- Pledge of Allegiance
- Roll Call

Present: Frank C. Gorman, Steve Sanzone, Chris Vaz, Frank M. Santora, Peter Jarkezian, Lou DiGuilio, Robert Triano, Vito Ferrone, Ted Szejnrok, Thomas Faragalli

Absent: David Witherspoon

- Motion to approve minutes from meeting held on September 30, 2020

Motion by Steve Sanzone Second by Robert Triano- ALL IN FAVOR

BLOCK 25 LOTS 28- 330 PORTER AVE. – THOMAS BOYD –ZONE: LOW DENSITY RESIDENTIAL MINOR SUBDIVISION & HEIGHT VARIANCES.

The applicant is requesting approval to subdivide a currently vacant lot, which is 5500 square feet into two (2) separate lots at 2750 square feet each. The applicant if approved, proposes to build 2 single family houses. The variance being sought is for the height of the two buildings. The applicant would like to construct the house to 50 feet in height, where 40 foot structures are permitted by code in this zone.

ATTY: MATT HEAGEN, ESQ.

Matt Heagen, Esq. appeared with Thomas Boyd.

Doug Klee, Planning Board Engineer, stated that this is in the residential zone and that Base Flood Elevation plus one foot is the maximum elevation allowed in this zone. The current information Doug Klee has does not include heights. He stated that the applicant must show architectural drawings that reflect the intended eight of the structure.

Steven Zabarsky, Planning Board Attorney stated that if the requested height variance is 10% above the allowed height, it will be considered a "D" variance. Class 1 & Class 3 Planning Board Members are not allowed to vote for these types of variances (Frank M. Santora & Lou DiGiulio). Zabarsky explained to the applicant that for approval, there will have to be 5 yes votes out of 7 members voting for this type of variance.

Planning Board members stated they were fine with this application. They would like clarification on the height and architectural renderings of the structure.

BLOCK 45 LOT 15 – 126 HANCOCK AVE. – 1500 RICHMOND AVENUE, LLC –ZONE: RESIDENTIAL MINOR SUBDIVISION.

The applicant is proposing the subdivision of this 12,000 square foot property into 3 separate lots creating Lots 15.01, 15.02, & 15.03. If approved, lot 15.01 will be 7200 square feet and lots 15.02 and 15.03 will each measure 2400 square feet. Currently there is a vacant, residential house on this property. The applicants propose to build a residential, single family home with no variances.

ATTY: MATT HEAGEN, ESQ.

Matt Heagan appeared for the applicant. He reported that this is a straight subdivision. There will be no variances. The proposed home the applicant would like to build will be 39.9 feet tall.

Planning Board members were satisfied with this proposal.

BLOCK 37 LOT 1 – 1320 BOULEVARD – HOOK'S HOSPITALITY GROUP LLC – ZONE: RETAIL BUSINESS – MINOR SITE PLAN WITH VARIANCES.

Applicant is proposing to expand on a currently existing commercial restaurant, Hook's. They are requesting approval to make this a mixed use property with a restaurant, a banquet room, and 3 residential apartments on this 20,400 square foot property.

VARIANCES:

-Front Yard Setback- where a 10 foot setback is permitted by code, the applicant is requesting 7 feet. *The applicant states that the front yard setback is for the main entrance to the building which is planned to have an elevator, located in a glass vestibule that will go to all 3 floors of the building. This will be a safety and aesthetic feature of the building. The way in which this feature must be constructed, will require a de minimis encroachment into the front yard of the Boulevard.*

-Parking - where 6 parking spots are required, applicant is requesting 5 off street parking spaces.

ATTY: MATT HEAGEN, ESQ.

Matt Heagen appeared for the applicants. He stated that they will be requesting a parking waiver due to the fact that 6 parking spaces are required for the residential portion of the project and the applicant is asking for 5 spaces. There will be set back issues for the elevator/lobby area.

For the parking variance-for the commercial portion of the application they will need to do the math on the restaurant/banquet/bar area to calculate the necessary parking for the capacity of the building.

Matt Heagen pointed out that the adjoining lot, lot 7 is not part of this application and is a separate deed.

The project architect, Dan Divinelli explained the concept of the building. He stated that they are going to utilize the same footprint of the building but plan to eliminate the atrium space and create a glass vestibule. In the back of the "house" will be fire stairs and for use for the kitchen to upstairs dining area. The applicant will be proposing an outdoor dining area and the upstairs will be an open floor plan for banquets & meetings. Upstairs will have (3) 2 bedroom apartments.

Divinelli stated that the building will have a classical, shore look with cedar shake siding, board and batten.

William Morrissey Sr., Engineer was available for questions.

Bill Morrissey, Jr.-contract owner of the business and property stated that they will be buying both of the lots and will use the lot which is currently used for parking in the same manner for this new business.

Steven Zabarsky suggested a cross easement on the property to rectify the parking situation.

Doug Klee stated that the parking situation is going to be a major hurdle for this application.

Board members pointed out that the restaurant MUST be the primary focus of this property.

Applicant, Morrissey stated that is why they shrunk the size of the bar down upstairs so the focus will be food.

Applicants would like the construction to be done in stages and they will be closing the sale on the property when the appeal time is over after the possible approval of their application.

The applicant explained that the construction will be done in 2 phases.

He stated that this is going to be primarily because once they tear off the roof, they have to keep on going.

Frank Santora stated that he is worried about the execution of the plan and feels as though there should be a time schedule to guarantee that the project gets completed.

The applicant said that they do not want to sink 2 million dollars into a project right now with the COVID-19 situation. They plan to do improvements to the first floor at the very least, so they could get some part of the project done. Morrissey is prepared for this to be a 12 month,

year round business. He has a restaurant background and has built other banquet facilities. He owns the Crosby in Montclair, NJ.

The Board would like more details on logistics of the building with parking information.

BLOCK 73 LOT 21 – 201 HIERING AVE. – SHREE PROPERTIES LLC – ZONE RETAIL BUSINESS- MAJOR PRELIMINARY AND MAJOR FINAL SUBDIVISION WITH VARIANCES.

This applicant is requesting approval to subdivide the property where a motel, parking lot and associated amenities currently exist into 10 separate lots. If approved, the lots will be varying sizes as detailed in the preliminary and final subdivision drawings provided by the applicant.

Upon approval of subdivision, the applicant proposes to build 10 single family houses.

VARIANCES:

Lot area- where 4000 feet is required, applicant is requesting 2000 square feet.

Lot frontage- where 40 feet is required, the applicant will be requesting approval for 20 feet.

ATTY: Stephen Gouin, Esq.

Adam Garcia, Esq. appeared on behalf of the applicant with Brian Murphy, Engineer/Planner.

The applicants are requesting to demolish the Days Inn Motel, subdivide the property into 10 lots and build 10 single family homes.

Applicant thought that they needed 4000 square feet of space, but Doug Klee, Planning Board Engineer rectified the information stating that 2000 is needed and not 4000. The lot frontage must be 20 feet wide. The entire lot is 16,120 square feet. Curbs and sidewalks already exist.

According to Doug Klee, no variances will be necessary.

The Board thought this would be a very good use of this space.

MEMORIALIZE THE FOLLOWING RESOLUTIONS:

2020-12

BLOCK 80 LOT 1 – 450 HIERING AVE.-DOUGLAS MCDOWELL & LARUEN MOLINARI- ZONE: LOW DENSITY RESIDENTIAL – MINOR SITE PLAN APPROVAL WITH VARIANCES.

2020-13

BLOCK 52 LOT 3 - 208 SHERIDAN AVE. – OAK FOREST DEVELOPMENT, LLC. (THOMAS BILOTTI) – ZONE: LOW DENSITY RESIDENTIAL/RETAIL BUSINESS – MINOR SUBDIVISION

2020-14

BLOCK 14 LOT 18 – 214 DUPONT AVE. – 230-242 S 11TH STREET, LLC. – ZONE: LOW DENSITY RESIDENTIAL

2020-15

**BLOCK 80 LOT 4 – 446 HIERING AVE. – STEPHEN A. FRISCIA, JR. -- ZONE: LOW DENSITY
RESIDENTIAL – MINOR SITE PLAN APPROVAL WITH VARIANCES.**

All of the above resolutions were approved. The Planning Board Secretary has copies of the resolutions available in the Borough of Seaside Heights, 901 Boulevard.

**A MOTION TO ADJOURN THE MEETING WAS MADE AT 6:50 PM SECOND BY ROBERT TRIANO.
ALL WERE IN FAVOR.**

These minutes are not verbatim, but highlight major elements of the meeting. A recording of the meeting is available at the Borough of Seaside Heights, 901 Boulevard.

Submitted by:

Sherri R. Sieling

Planning Board Secretary

MINUTES
Seaside Heights Planning Board
Wednesday, October 28, 2020
6:00 PM
Court Room over Fire House

- Open Public Meetings Act Statement
- Pledge of Allegiance
- Roll Call

Present: Frank C. Gorman, Steve Sanzone, Chris Vaz, Frank M. Santora, Peter Jarkezian, Robert Triano, Vito Ferrone, David Witherspoon, Ted Szejnrok, Thomas Faragalli

Absent: Lou DiGuilio

- Motion to approve minutes from meeting held on October 5, 2020
- Motion by Steve Sanzone, Second by Peter Jarkezian-all in favor.*

BLOCK 25 LOTS 28- 330 PORTER AVE. – THOMAS BOYD –ZONE: LOW DENSITY RESIDENTIAL MINOR SUBDIVISION & HEIGHT VARIANCES.

The applicant is requesting approval to subdivide a currently vacant lot, which is 5500 square feet into two (2) separate lots at 2750 square feet each. The applicant if approved, proposes to build 2 single family houses. The variance being sought is for the height of the two buildings. The applicant would like to construct the house to 40 feet in height, where 35 foot structures are permitted by code in this zone.

ATTY: MATT HEAGEN, ESQ.

PUBLIC HEARING

Matt Heagen appeared with applicant. Heagen stated that there is a small discrepancy with the height calculation. As such, Stephen Zabarsky, Planning Board Attorney, advised that since the height variance being sought is more than 10% over the maximum, allowed height, Frank Santora, Mayor's designee is unable to vote. This decreases the Board to 7 members. The applicant agreed to continue the hearing.

Architect/Planner, Daniel Paul Wheaton, 714 N. Main St., Manahawkin, NJ was sworn in. Items marked into evidence: A-1 Application with all attachments A-2 Letter from Doug Klee, Planning Board Engineer.

With regard to Klee's letter the calculations and plans bring the height of the structure to 43 feet tall, confirming this a USE variance.

Chairman Frank Gorman asked if there were any questions by the Board. There were none. Matt Heagen stated that there will be positive qualities to this home and it will be completely flood zone compliant. It is a unique corner property that is compliant in all other regards to

zoning. With reference to Doug Klee's letter, page 2, requirements states that the use of this property is consistent with the Master Plan, it is harmonious with other surrounding buildings, well suited for the proposed use. Doug Klee stated that the height works well because the property is adjacent to Route 35 and specified that the height variance is only for the rear of the building.

There were no further questions from the Board.

Questions from 200 foot radius List. Sworn in: Brenda Oakes, 326 Porter Ave.

Ms. Oakes stated that she heard that the new Master Plan is raising height maximums around the town and wanted to know if this application is approved, will it set a precedent. She was inquiring because she wanted to know if she will be able to build her house at this height. Stephen Zabarsky explained that each application stands on its own merit and that she will need a variance and would have to request it through the Planning Board.

There were no further questions by the Board, 200 foot radius residents, or the public.

*A motion to adopt a resolution was made by David Witherspoon, second by Steve Sanzone. All were in favor. *Frank Santora recused himself from the vote.*

BLOCK 45 LOT 15 – 126 HANCOCK AVE. – 1500 RICHMOND AVENUE, LLC –ZONE: RESIDENTIAL MINOR SUBDIVISION.

The applicant is proposing the subdivision of this 12,000 square foot property into 3 separate lots creating Lots 15.01, 15.02, & 15.03. If approved, lot 15.01 will be 7200 square feet and lots 15.02 and 15.03 will each measure 2400 square feet. Currently there is a vacant, residential house on this property. The applicants propose to build a residential, single family home with no variances.

ATTY: MATT HEAGEN, ESQ.

PUBLIC HEARING

Matt Heagen, Esq. appearing with applicant stating that this application is a straight subdivision.

Architect/Planner, Daniel Paul Wheaton was sworn in. Items marked into evidence: A-1 Application with all attachments A-2 Letter from Doug Klee, Planning Board Engineer, dated October 19,2020.

Going through the Engineer review letter, it stated that the request for the property to be subdivided into 3 lots will be fully conforming. Proposed lots 15.01 and 15.02 will be 2400 sq. ft. where 2000 is required and lot 15.03 will be 7200 sq. feet in size.

Comments from Doug Klee :

- No issues with curb and/or sidewalk.*
- Applicant will be hooking up to town water and sewer.*
- Off-street parking will be on-site.*
- There are no grading issues.*

A Board member asked if any parking will be impacted on the street. Matt Heagen stated yes, but the applicants will install more curb cuts. Doug Klee stated that if the applicant takes away a parking space on the street they will need to pay for that space.

Matt Heagen stated that the applicant will be complying with all items in Doug's letter.

There were no questions from the Board, 200 Foot Radius, or the audience.

Motion to adopt a resolution was made by Vito Ferrone Second by Peter Jarkezian. All in favor.

**BLOCK 59 LOTS 5 & 8 - 1101 OCEAN TERRACE – BLUE WHALE, LLC & SEVEN AMIGOS, LLC –
ZONE: RESORT RECREATIONAL- MINOR SUBDIVISION & MAJOR FINAL SITE PLAN APPROVAL
WITH VARIANCES.**

****THE HEARING TONIGHT WILL ONLY ADDRESS THE SUBDIVISION OF THE PROPERTY****

Applicants are requesting approval to subdivide the property into 3 lots. The proposed lots sizes would be 7,200 sq. ft. for new lots 5.01 and 5.02 and 3,600 square feet for new lot 5.03. 4,000 square feet is required by code in this zone. This would create lots 5.01, 5.02, and 5.03.

The lot frontage for new lots 5.01 and 5.02, if approved, will be 60 feet and new lot 5.03 will be 30 feet where 40 feet is permitted. The width of each lot will be 60 feet for lots 5.01 & 5.02 and 30 feet for lot 5.03. The depth of each of the 3 lots will be 120 feet if approved. Front setbacks for proposed lots 5.01 & 5.02 will be 10 feet and for lot 5.03 there will be no front setback as it is on the boardwalk side. On the right and left sides of the property for all 3 lots the setbacks will be 3 feet.

ATTY: CHRISTOPHER DASTI, ESQ.

PUBLIC HEARING

***SITE PLAN TO BE ADDRESSED AT ANOTHER DATE.**

Chris Dasti, Esq. appeared for the applicant with Ken Schlatman, Engineer.

Items marked into evidence: A-1 Application with all attachments A-2 Letter from Doug Klee, Planning Board Engineer, dated October 19, 2020.

The Engineer review letter by Doug Klee solely addresses the subdivision portion of this application. However, since the future portion of this application will address Height and Use

variances, Frank Santoro, Mayor's designee Board member will have to recuse himself from voting on this application. For the subdivision the board remains as a regular 9 member board when addressing the whole application, it goes down to a 7 member board for voting purposes.

Doug Klee does not recommend to the Board to review the site plan portion of this application. In his review, he found some discrepancies including the number of retail units the applicants plan to have in the building. He feels that there is not enough site plan information.

Chris Dasti, Esq stated that the Board could move for the subdivision only, Stephen Zabarsky stated that the use vaiances tie in because of the density and height requirements.

Frank C. Gorman, Chairman reported that he has to recuse himself due to personal involvement. Steve Zabarsky said that the applicants have the right to bifurcate the application, but he does not recommend it.

Frank Santora has to recuse himself from the entire application, due to the variances and his Mayor's designee postion.

Chris Dasti said that the applicants would like to proceed with the subdivision only.

Steve Sanzone, Vice Chairman, stood in for Frank C. Gorman for the rest of this application.

Ken Schlatman, Engineer/Professional Planner sworn in. He designed the plans and the subdivision plat. The proposed lots will be 5.01, 5.02, and 5.03.

Ken Schlatman explained some of the history of this property. There are structures on the boardwalk, 2 rectangular lots extending from the boardwalk to Ocean Terrace, and a paved parking lot. Lots 5.01 and 5.02 are to be developed into residential structures. Lot 5.03 on the boardwalk side has a sizing issue. The size of the property is less than what is required in the resort recreational zone. 5.01 and 5.02 will each be 4000 sq. ft. and lot 5.03 will be undersized at 3600 sq.ft. The minimum lot frontage will be 40', the two lots on Ocean Terrace will exceed that amount. The front yard setback on Hancock Ave side overlaps by 1.5 feet.

Mr. Schlatman stated that the surrounding area of this property is Resort Recreational and this would be a typical building for this zone. He also stated that the site plan and architectural plans were changed and tailored to the conversations during the workshop session of this application. The overall height of the building has been reduced down to 50 feet high and the units have been reduced from 17 apartments to 15 total units.

With regard to the history of this property, Ken Schlatman told the Board that there have been approvals by the Planning Board in the past and in 2017 it was approved for the exact same subdivision, but it was not filed in the County as is the procedure.

Steve Zabarsky pointed out that the setbacks on the property are pre-existing and non-conforming.

Schlatman gave an overview of the positive criteria for this project:

- Subdivision of the property will continue the use of the boardwalk property and makes better use of the parking lot.*
- The subdivision will not cause any detriment to the Master Plan.*

They are asking for a variance for parking because there is existing on-street parking. The parking situation for lots 5.01 and 5.02 can remain the same. Mr. Schlatman said that there could be an easement for the parking in between the business area and the residential area.

Board members are concerned there will be a parking issue. Applicant is stating that there is a variance for the existing commercial property. Members also want to know if the amount of units will be too much. The units will be smaller than the required 1200 sq. ft., each one will be more like 950 sq. ft. in size.

Board asked if there were any members of the 200 foot radius that would like to ask the Engineer questions. Mr. Robert Stone, Esq. of Stone Mandia law firm stated that he represents the Casino Pier and is the attorney of record. He was sworn in to testify. Mr. Stone stated that the property in question is 2 to 3 blocks northwest of the Casino Pier. Schlatman stated that he is familiar with the area. Mr. Stone asked if Schlatman understands that the Casino Pier can be utilized year round. He also stated that there are lights and noise that come from the Casino Pier on a regular basis. Mr. Stone advised that there should be an inclusion in the contract for purchasers/renters in the proposed complex to be sure that they understand the nature of their surrounding area, so that there are no complaints about the light and noise after a purchase of a unit.

There were no questions from the audience.

A motion was made to adopt a resolution by Peter Jarkezian, Second by Robert Triano approving the following:

- Subdivision of the property into 3 separate lots, 5.01, 5.02, and 5.03.*
- A variance for lot area of approximately 3,600.60 sq. ft with lot frontage of 30 feet, a front yard set back of -.15 feet and a rear yard setback of -.31 feet for new lot 5.03.*

-A variance for no parking spaces provided for new lot 5.03 contingent upon providing 5 parking spaces on the two residential lots when developed. This can be provided by cross access easements.

All Board members were in favor.

BLOCK 37 LOT 1 – 1320 BOULEVARD – HOOK’S HOSPITALITY GROUP LLC – ZONE: RETAIL BUSINESS – MINOR SITE PLAN WITH VARIANCES.

Applicant is proposing to expand on a currently existing commercial restaurant, Hook’s. They are requesting approval to make this a mixed use property with a restaurant, a banquet room, and 3 residential apartments on this 20,400 square foot property.

VARIANCES:

-Front Yard Setback- where a 10 foot setback is permitted by code, the applicant is requesting 7 feet. *The applicant states that the front yard setback is for the main entrance to the building which is planned to have an elevator, located in a glass vestibule that will go to all 3 floors of the building. This will be a safety and aesthetic feature of the building. The way in which this feature must be constructed, will require a de Minimis encroachment into the front yard of the Boulevard.*

-Parking - where 6 parking spots are required, applicant is requesting 5 off street parking spaces.

ATTY: MATT HEAGEN, Esq.

Matt Heagen, Esq appeared with applicants.

Items marked into evidence: A-1 Application with all attachments A-2 Letter from Doug Klee, Planning Board Engineer, dated October 19, 2020.

Planning Board Member, Ted Szejnrok had to recuse himself as he is within the 200 foot radius of this property.

William Morrissey, 73 E. Bradford Ave., Cedar Grove, NJ of Hook’s Hospitality group and applicant of this project was present. The property is still under contract.

The Board wanted to know what is the future of this property.

Morrissey stated that they plan to greatly improve the food program and have a sit-down menu. They will clear out the games and add tables with servers. In the off season, they plan on having banquet venues. The goal is to make it a year-round business.

First floor: removing 1 bar, expanding the kitchen/increasing the size, increasing the size of the bathrooms and bring it up to ADA compliance.

Parking: There are 2 separate lots; one where Hook's is currently located and the parking lot. They plan on purchasing both lots and would like to enter into an easement for parking. Board members say that even if they were to do that, they are still short on parking for that size of a restaurant.

They are requesting a variance for front setback so that they can add an elevator and expand the vestibule, entrance area.

Trash removal: Plan to add a stairway coming from the kitchen on the north side of dry storage area. They plan to add an indoor, climate controlled garbage area.

Doug Klee, Planning Board Engineer stated that there should be technical revisions to the plans. They should address all issues in his review letter including landscaping, decorative fencing, lighting outside, and a grading plan should be part of the final version. Klee also stated that a cross access easement or parking agreement needs to be shown on their plans.

Regarding parking, Morrissey stated that with the adjacent lot, there are roughly 35 parking spaces and there will be 5 new ones from the Carteret Ave. side. There will be 6 regular spaces for the apartments on the third floor. This is not the optimum parking situation but feasible. Klee pointed out that parking is going to be tight in spots.

A Board member wanted to know about the phases the applicant plans on building the project in. Morrissey explained that with the occurrence of Covid-19 they are having issues borrowing money. They want to update the first floor, get some business going and then next year at this time do the 2nd and 3rd floors. The goal this year is to fix the bathrooms, kitchen, build cage eating area outside and fix parking lot.

Chris Vaz stated that he feels that we are hearing something very different than at the workshop. In terms of food items at the workshop, Morrissey advised that this was to be a fine dining establishment, today it sounds like 3 steps above boardwalk food. With regard to parking, Chris feels that they should consolidate the two lots (Hook's & the parking lot). Morrissey stated that there will be a facelift to Hook's and would like to have a year to be able to advance their restaurant concept. Vaz stated that Hook's with minor renovations was not what Board members are expecting. Since parking is a very big issue with this application, the Board felt it might forgive some of the parking issues with the promise of a great NEW place. Matt Heagan responded to this that Hook's is Hook's. It can be purchased and used in the exact same way with no restriction. He further stated that if the Board doesn't grant a cross easement for parking, then it will not be worth is for them to do the business. Another area that seemed different to the Board were the apartments. At the workshop, they were led to believe that the apartments would be for the banquet venues. For example a place for a bride and groom to stay and their wedding party after their banquet is over. Frank Santora, Planning Board

member said "fish or cut bait". He feels this application made a big change since the workshop as well.

Chairman Frank C. Gorman is concerned in that the applicant is saying "if we build" not when we build. Morrissey responded that due to Covid restrictions, if they are only allowed to serve @ 25% of capacity it will not work for them financially. If he runs it like Hooks is currently, it will not support his vision.

Stephen Zabarsky, Esq., Planning Board attorney stated that Doug Klee's review later stated that Hook's needs a total of 77 parking spaces with all items built. Without the banquet facility, it will still need 60 spaces.

No further questions by the Board, questions opened up to the 200' radius list.

-Joanne Richardson, 66 Kearney Ave., sworn in stated that she never knew until tonight that the parking lot was a separate parcel or lot from Hook's.

_Arlene D'Amico, 48 Kearney Ave, asked how the parking will work when there is already a problem on Kearney Ave. Morrissey responded that they have what they have and will try to work with it.

Architect, Daniel Gobernali, 92 Mantoloking Rd. Brick was sworn in as another of their professionals. He explained that the first floor fronts the Boulevard and Carteret Ave. They will be removing the bar to add more tables and chairs. There will be an open banquet area with bathrooms, stairs, coat check and secondary stairs with egress for fire code. There will be 3 apartments with 2 bedrooms in each. Gobernali addressed the issues that Doug Klee brought up in his letter regarding lighting and landscaping. He stated that the lights will not be super bright not to disturb neighbors and the tower will be lit up as well.

Questions from the 200' list:

George Bayliss sworn, he lives in the condominiums directly across the Boulevard from Hook's. He wanted to know if there will be speakers outside. Gobernali said he has not heard that as part of the plan but if so, they will be compliant with all of the town noise ordinances. He also added that there will be fencing around the outdoor seating area, which would cut down on the noise.

Matt Heagan asked the Board if they would carry this matter so that he can better prepare with the applicant. He requested that it be moved to November 23, 2020 without having to re-notice about the new date. A motion was made by Steve Sanzone, Second by Robert Triano. All members were in favor except Ted Szejnrok, who is in the 200' radius of the property.

Some Board members felt that the parking was not that big of an issue, while others were extremely concerned about the parking stating that taxpayers should not have to subsidize a

business plus at the workshop, there was mention that Hook's may consider building houses on the lot where the parking lot is. That lot is technically NOT part of this application. Other members stated that there is a parking lot at their disposal and that they should use it as such. Chairman Gorman asked the Planning Board Attorney if this application could go through a workshop again. Zabarsky stated that it could not, since the hearing has already been started. The application is for a variance to provide 5 parking spaces where 77 spaces are required. The application was not amended therefore, the applicant must make a proposal to satisfy the burden for the parking. If adjourned, the changes must be in by November 13th at the latest for the November 23rd meeting.

**BL. 69 LOT 35 & 35.01 – BOARDWALK-OCEANSIDE- SHORE, LLC. – ZONE RESORT
RECREATIONAL – SITE PLAN WITH VARIANCES**

Applicant is seeking preliminary and final major site plan to construct a beach front restaurant and bar on the currently vacant, decked, existing pier. There is a cross easement with the municipality on this property and the development proposes to utilize that area. The applicant will be asking for the following variances:

FRONT SETBACK: Where a 10 foot setback is required applicant is proposing a 0 foot setback on Dupont Ave street end.

SIDE SETBACK: On the left side of the property, the applicant is asking for a 0 foot setback.

OFF STREET PARKING: The applicant is not proposing any parking spaces for this project where 60 spaces are required.

HEIGHT VARIANCE: The applicant is requesting a variance to allow the maximum elevation of their building to be 54.38 feet where 52.82 feet are permitted by code.

ATTY: JOSEPH CORONATO, ESQ.

PUBLIC HEARING

Joseph Coronato, Esq. and Matt Wilder appeared for the applicants.

Mr. Coronato stated that the applicants would like to construct a restaurant on the boardwalk to enhance the Borough.

Marked as evidence:

A-1 Application and attachments

A-2 November 18, 2020 letter from Doug Klee

A-3 Aerial Exhibit

A-4 Parking Exhibit

A-5 Architectural Rendering

Lots 35 and 35.01- pier was approved in 1963 and remained there until Hurricane Sandy. It is the applicant's request to be able to build a 3-story restaurant with Fine Dining menu.

They will be requesting 3 variances for this project.

1. While showing A-1, sheet 2 Matt Wilder explained that the required minimum front yard setback is 10 feet. The applicant is asking for a 0 foot setback to keep a continuous wall line with the rest of the property.
2. Height variance- the maximum height for this zone is 40 feet. The applicants are proposing a variance for 42.1 feet, through measurements starting at the top of the curb nearest to the property. The height is not going to be the entire roof, but where the elevator shaft will be.
3. Parking variance- There is no way to get parking on this site. It is an impossibility to do so, and there will be additional demand for parking for this destination. The applicants feel that this will increase money to be made by parking businesses in the area. Utilizing A-4, parking exhibit, Wilder showed that there are a total of 649 parking spaces 2 blocks south of the site and 1 block west of the site. These are totaled in both public and private parking lots in the area.

The applicants believe that the parking variance is a C-1 variance causing a hardship on the project. The other variances are C-2 and are flexible. For the height of the building the perception of the building will be from the boardwalk side and that increased height will only be where the elevator will be housed.

The applicants are not proposing any additional lighting on the site, since there is ample lighting on the boardwalk.

Doug Klee asked what the purpose of the stairs down to the beach. Applicants stated that it is just for access to the beach.

There were questions about the occupancy of the structure. They will have to calculate the maximum capacity.

It was previously decided by the members of the Planning Board that the meeting would end at 9:00 pm. The hearing was not complete, but a motion was made by Chris Vaz to adjourn the meeting since it was after 9:00 pm. This hearing will continue at our next meeting on November 23, 2020.

The minutes of this meeting are not verbatim, however there is a recording available with the Planning Board Secretary in the Borough Hall at 901 Boulevard, Seaside Heights.

Submitted by:

Sherri R. Sieling

BLOCK 2.01 LOT 21 – 21-23 LINCOLN AVE. – MARK LARSEN ET AL – ZONE: RESIDENTIAL AND RETAIL BUSINESS – MINOR SUBDIVISION WITH BULK VARIANCES

Applicant is requesting approval for a minor subdivision. Where there is currently a 6000 square foot lot, the applicant would like to divide it into two 3000 square foot lots. If approved, each lot would have 30' frontage, it would be 30' wide and a depth of 100'. They are proposing that each lot would have the capability of 20 parking spaces and will be asking for a conditional use variance for the parking lots.

ATTY: CHRISTOPHER REID, ESQ.

****APPLICANT REQUESTED HEARING TO BE CARRIED –DATE TO BE DETERMINED****

**THE MEETING OF THE
SEASIDE HEIGHTS PLANNING
BOARD**

**MONDAY, NOVEMBER 2, 2020
HAS BEEN CANCELLED
WE COULD NOT REACH A QUORUM.**

PLANNING BOARD MEETING 11/23/2020

We regret to inform you that it is necessary that we cancel tonight's Planning Board meeting and reschedule same. One of the Board's professionals is self-isolating and awaiting his COVID-19 test result after being advised that he was exposed.

We are planning to schedule Zoom meetings for the pending hearings.

Also, I am informed by the Borough Administrator that it is likely Borough of Seaside Heights will be implementing a restructuring of non-essential business commencing Monday next week and continuing through mid-January. Information will be posted on the official website. www.seaside-heightsnj.org.

MINUTES

Seaside Heights Planning Board

Tuesday, December 1, 2020

6:00 PM

Court Room over Fire House

- Open Public Meetings Act Statement
- Pledge of Allegiance
- Roll Call

Present: Frank C. Gorman, Steve Sanzone, Chris Vaz, Frank M. Santora, Peter Jarkezian, Lou DiGuilio, Robert Triano, Vito Ferrone, David Witherspoon, Ted Szejnrok, Thomas Faragalli

Absent: None

- Motion to approve minutes from meeting held on October 28, 2020
Approval held over till this meeting, since 11/2 meeting was cancelled;
we did not reach a quorum and 11/23 meeting also cancelled due to a member being exposed to COVID-19.

Motion by Steve Sanzone, Second by Frank Sanzone-all in favor.

BLOCK 37 LOT 1 – 1320 BOULEVARD – HOOK’S HOSPITALITY GROUP LLC – ZONE: RETAIL BUSINESS – MINOR SITE PLAN WITH VARIANCES.

Applicant is proposing to expand on a currently existing commercial restaurant, Hook’s. They are requesting approval to make this a mixed use property with a restaurant, a banquet room, and 3 residential apartments on this 20,400 square foot property.

VARIANCES:

-Front Yard Setback- where a 10 foot setback is permitted by code, the applicant is requesting 7 feet. *The applicant states that the front yard setback is for the main entrance to the building which is planned to have an elevator, located in a glass vestibule that will go to all 3 floors of the building. This will be a safety and aesthetic feature of the building. The way in which this feature must be constructed, will require a de minimis encroachment into the front yard of the Boulevard.*

-Parking - where 6 parking spots are required, applicant is requesting 5 off street parking spaces.

ATTY: MATT HEAGEN, Esq.

PUBLIC HEARING CONTINUED FROM OCTOBER 28, 2020 AT THE REQUEST OF APPLICANT

Matt Heagen, Esq. appeared for the applicant. The application, the engineer review letter by Doug Klee (dated 11/20/20), and updated plans dated 11/11/20 were marked as evidence. The updated plans were brought in to the Planning Board Secretary on November 13, 2020.

Matt Heagen explained that the changes made to the plans for this project were done to make the application more palatable based on the feedback from the Planning Board in the previous meeting. Those changes will be:

Parking-an agreement will be put in place (parties do not own the property yet) to allow the business to use the parking lot that is already in place.

Lot 1 is under contract. Lot 7 is also under contract, but is not part of this application. The Board wanted to know if the principals are the same for both lots. The answer was no. The applicants plan to move a transformer and will be converting a garage. There will be a total of 8 more parking spaces on the property named in the application. There will be 35 parking spaces. There will also be additional landscaping and building maintained lighting.

Matt Heagen presented Christine Nazarro- Caffone as a witness. She was sworn as a licensed, professional planner and qualified as an expert witness. Matt Heagan led her through questions relating to Doug Klee, Planning Board Engineer's letter of review. Ms. Nazarro-Caffone stated that she is familiar with the location, has reviewed the site and the application. She said that this application is substantially conforming with this zone.

-Regarding variances Ms. Nazarro-Caffone reports the following:

Front yard setback- approval will help activate the Boulevard.

-Parking Variance will allow the applicant to have 46 spaces where 77 parking spaces are needed. The addition of the Garage/meeting room will increase parking spaces. All requests are in line with the town Master Plan and the garage is consistent with the setbacks.

Ms. Nazzaro-Caffone stated that this applicant's proposal complies with 3 of the criteria of land use statues, where they only need to comply with 1 and the benefits outweigh the detriments of passing this application.

Chairman Gorman asked if there were any questions of the Board or the public. There were none at this time.

Doug Klee's letter of 11/20/20 asked to see a new parking lot layout to show where the 30 spaces will be. Ms. Nazarro-Caffone used an exhibit marked A-1 showing the subject property with the southern lot attached. That photo exhibit shows the existing parking lot with the 38 spaces. There is ingress and egress off of the Boulevard and the entire side of the parking lot on Kearney Ave. is an apron for access to the parking lot.

William Morrissey was sworn in and qualified as an engineer and planner. He stated that the curb is across the entire lot on the Kearney Ave. side. He also explained that there are curb cuts on Lot 1 off of the Boulevard and on Lot 7 off of the Boulevard. He feels that leaving it this way will allow for the most amount of parking spaces.

Doug Klee, Planning Board Engineer asked what happens if the parking lot goes away in 5 years. The applicant responded that they have spoken to other properties in the area to see if they would go into a parking arrangement with them.

Steven Zabarsky, Planning Board Attorney said that there can be a cross access easement in place. If something should happen and there is no parking the applicants will have to go back to the Planning Board.

The Board has concerns about the parking situation. Matt Heagan stated that there will be an agreement with the purchaser of Lot 7 to allow Hook's to lease the property for parking or there will be a cross access easement. He added that the patio is only on lot 1, so it will not take away from the parking spaces.

Frank Santora felt that if there is a 5 year plan, the conditions must be "set in stone" about the parking. Steve Zabarsky, Esq. stated that the resolution will be written requiring that the entities MUST provide 38 parking spaces as a condition, no matter who owns the building.

Board members asked if the front setback for the elevator and the indoor climate controlled garbage storage area are still a part of the application. Matt Heagen stated that they are. Doug Klee mentioned that he is still waiting for a grading plan.

Chairman Frank C. Gorman asked if there were any questions or comments for Ms. Nazarro-Caffone.

Sworn: Joanne Richardson, 66 Kearney Ave. Seaside Heights, NJ. She is concerned about the noise and sound buffering for the outside patio. She also stated that it is a hazard when cars back out onto Kearney Ave.

Sworn: Nicole Campbell, 65 Carteret Ave., Seaside Heights, NJ. She wanted to know how the tandem parking spot in the driveway off of Carteret Ave will work. Ms. Nazarro-Caffone stated that the town has an ordinance that allows tandem parking. Campbell stated that she is directly affected by this and referred to A-1 showing how they would use that driveway to access their back yard, which they use for parking. They actually have no parking, but because of a friendly agreement with the current owners of Hook's they have been able to get in and out of their back yard for parking purposes. She stated that their quality of life will be changed.

Sworn: Vincent Campbell, 65 Carteret Ave., Seaside Heights, NJ. He told the Board that their tenant, Josephine is a 94 year old woman and her bedroom window will be right next to the patio. They are concerned about the noise and that they will be losing their parking if this project gets approved.

Sworn: Mike Redpath, works for the Seaside Heights Business Improvement District. Mike Redpath said that it is very nice to have someone wanting to invest on the Boulevard. He said that even if the new owners only improve the existing portion of Hook's, it will be a win for the town. Parking is an issue no matter what and Redpath said that if the town doesn't think of creative ways to address parking, no businesses will want to come into the town.

The public portion of the meeting was closed at 7:33 pm

Ken Roberts, Zoning Officer had questions regarding the patio dining and how late do they plan to serve food.

Bill Morrissey stated that they plan to follow all the ordinances of the town for noise and everything else that applies to their business. For patio dining, which will be seasonal, on weekdays they will close at 11:00pm. Fridays, Saturday, Sundays and Holidays they will close at 12:00 am

There were no further questions of anyone. Public Portion was completely closed at 7:45 pm.

A motion was made by Robert Triano and Second by Steve Sanzone to adopt a resolution to approve this application with conditions.

Yes votes: Robert Triano, Steve Sanzone, Frank C. Gorman, Chris Vaz, Peter Jarkezian, Vito Ferrone, David Witherspoon, Thomas Faragalli

No votes: Frank M. Santora

MEMORIALIZE RESOLUTIONS

- 1. BLOCK 45 LOT 15 – 126 HANCOCK AVE. – 1500 RICHMOND AVENUE, LLC –ZONE:
RESIDENTIAL
MINOR SUBDIVISION**

***RESOLUTION # 2020-16**

The applicant is proposing the subdivision of this 12,000 square foot property into 3 separate lots creating Lots 15.01, 15.02, & 15.03. If approved, lot 15.01 will be 7200 square feet and lots 15.02 and 15.03 will each measure 2400 square feet. Currently there is a vacant, residential house on this property. The applicants propose to build a residential, single family home with no variances.

ATTY: MATT HEAGEN, ESQ.

Motion by Peter Jarkezian Second by Vito Ferrone

Lou DiGiulio recused as he was not at the public hearing for this application.

All in favor

**2. BLOCK 25 LOTS 28- 330 PORTER AVE. – THOMAS BOYD –ZONE: LOW DENSITY
RESIDENTIAL
MINOR SUBDIVISION & HEIGHT VARIANCES.**

***RESOLUTION 2020-17**

The applicant is requesting approval to subdivide a currently vacant lot, which is 5500 square feet into two (2) separate lots at 2750 square feet each. The applicant if approved, proposes to build 2 single family houses. The variance being sought is for the height of the two buildings. The applicant would like to construct the house to 40 feet in height, where 35 foot structures are permitted by code in this zone.

ATTY: MATT HEAGEN, ESQ.

Motion by Peter Jarkezian Second by Robert Triano

All in favor except Frank M. Santora had to recuse himself as this is a D variance and he is the Mayor's Designee Board Member and Lou DiGiulio is within the 200 foot radius.

**3. BLOCK 59 LOTS 5 & 8 - 1101 OCEAN TERRACE – BLUE WHALE, LLC & SEVEN AMIGOS,
LLC –ZONE: RESORT RECREATIONAL
MINOR SUBDIVISION**

***RESOLUTION 2020-18**

Applicants are requesting approval to subdivide the property into 3 lots. The proposed lots sizes would be 7,200 sq. ft. for new lots 5.01 and 5.02 and 3,600 square feet for new lot 5.03. 4,000 square feet is required by code in this zone. This would create lots 5.01, 5.02, and 5.03.

Motion by Peter Jarkezian Second by Steve Sanzone

Lou DiGiulio was not at the public hearing so he recused himself.

Frank C. Gorman recused himself due to personal conflict.

All in favor

The lot frontage for new lots 5.01 and 5.02, if approved, will be 60 feet and new lot 5.03 will be 30 feet where 40 feet is permitted. The width of each lot will be 60 feet for lots 5.01 & 5.02 and 30 feet for lot 5.03. The depth of each of the 3 lots will be 120 feet if approved. Front setbacks for proposed lots 5.01 & 5.02 will be 10 feet and for lot 5.03 there will be no front setback as it is on the boardwalk side. On the right and left sides of the property for all 3 lots the setbacks will be 3 feet.

ATTY: CHRISTOPHER DASTI, ESQ.

These minutes are not verbatim. A recording of this meeting is available in the Borough Hall of Seaside Heights.

Submitted by:

Sherri R. Sieling

Planning Board Secretary