

MINUTES

Seaside Heights Planning Board

Wednesday, February 10, 2021

6:00 PM

Court Room over Fire House

- Open Public Meetings Act Statement-**6:06 PM**
- Pledge of Allegiance
- Roll Call

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

Absent: David Witherspoon, Ted Szejnrok

**(THESE APPLICATIONS HAVE BEEN MOVED FROM MONDAY, FEBRUARY 1, 2021
SINCE THE MEETING WAS CANCELLED DUE TO INCLEMENT WEATHER. MEETING DATE WAS
PUBLISHED IN THE ASBURY PARK PRESS ON: THURSDAY, FEBRUARY 4, 2021)**

PUBLIC HEARING

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

Applicant is proposing approval for a conforming subdivision of an existing 72x100 lot, into three (3) 24x100 square foot lots.

ATTY: MATT HEAGEN, ESQ.

Matt Heagen, Esq. attended for the applicants. He stated this is a 3 lot subdivision, conforming in every way.

Daniel Paul Wheaton, 714 N. Main St., Manahawkin was sworn in and qualified as an expert in architecture and planning.

Wheaton explained that they are asking approval to subdivide an existing 7200 sq. ft. lot into 3- 24x100 foot lots.

They will need 3 driveway openings for 3 separate houses. This will impact town parking spaces on the street. Wheaton advised that each property will have 3 parking spaces each onsite. He felt that gaining 9 onsite parking spaces is a good compromise for losing 3 on-street parking spaces.

Steven Zabarsky, Planning Board Attorney asked Wheaton if the applicants and professionals have any objection to section D of Doug Klee, Planning Board Engineer's letter dated January 14, 2021 which lists conditions to be followed if approved. The applicants have no objections.

Doug Klee reiterated the fact that on street parking spaces will be lost to the town and they may be required to compensate for that.

There were no questions or comments by the Board, members of the 200 foot radius, or the public.

A motion was made by Tom Faragalli, second by Vito Ferrone to adopt a resolution to approve this application. Yes votes by all in attendance.

WORKSHOP

BLOCK 17.01 LOT 51- 217 BAY TERRACE- JILL MCLOUGHLIN – ZONE: LOW DENSITY RESIDENTIAL

VARIANCES AND POSSIBLE SUBDIVISION

Applicant is requesting approval to build 2 single family homes on this currently vacant property. The application states that they will subdivide if required by the Board.

This property is oddly shaped, as exists the area is 1187.5 sq. feet with lot frontage being 50 feet, width 50 feet and depth 47.5 feet. If subdivided, they are proposing each lot to be 25 feet wide with a depth of 47.5 feet deep.

ATTY: WILLIAM TORRE, ESQ.

VARIANCES:

Lot Area:

Front Yard Setbacks: Proposing 4.5 feet

Side Yard Setbacks: Proposing 3 feet

Height: 35 feet high

William Torre, Esq. appeared for the applicant. They are proposing construction of 2 structures on the lot with a height variance.

It was discussed by the Planning Board Attorney, Engineer and members that in order to build 2 structures they need to subdivide the property. The agenda for the public hearing read minor subdivision with variances.

They are asking for a height variance to build the structures to be 42 feet high. The Board stated that this measurement should be reduced. The Planning Board Engineer, Doug Klee stated that if they were to lower the height to 38.5 feet tall or less, they will not need a use variance. Doug Klee is also requested an architectural rendering of the structures for the public hearing. Klee told the applicant that if they are bringing a Planner, they should be prepared to discuss the height of the other houses in the neighborhood in relation to what they propose to build.

Steve Zabarsky, Esq., Planning Board Attorney stated that the applicant needs to keep in mind that if they ask for the height variance over 10% of what is allowed in that zone, it becomes a use variance or zoning situation and the Board gets reduced from a 9 member board to a 7 member board. For approval, it will require 5 members to vote yes out of total 7 members for these purposes.

There were no further questions by the Board, Professionals or members of the public.

**BLOCK 41 LOT 61- 55 SHERIDAN AVE – JOHN NEWELL & ANTHONY FRONZAGLIA – ZONE:
RESIDENTIAL**

MINOR SUBDIVISION WITH VARIANCE

Applicants are requesting approval to subdivide their 4000 (40X100) square foot property into (2) 20X100 square foot lots. The proposed use of these properties is conforming for future construction of residential units.

VARIANCE: Side setbacks

Where it is required by code that there be 3 foot side setbacks, applicants are asking for approval to have 2 feet on each side of the proposed buildings (1 on each lot).

ATTY: MATT HEAGEN, ESQ.

Matt Heagen, Esq. appeared on behalf of the applicants.

Daniel Paul Wheaton- Architect/Planner sworn in. Wheaton passed out architectural renderings of the proposed structures the applicants would like to construct.

The applicants are asking for a 1 foot side setback variance for each property. Wheaton designed the plans so that the setback variances will be between the two houses, which will leave a 4 foot wide alley way between the two houses. He explained that they are asking for these variances because the interior of each home would be very narrow. The extra foot would add some space to the home.

Chris Vaz asked if a fireman in full turn out gear would be able to get between the houses. Wheaton stated that the space between the 2 houses will be 4 feet wide, which should be enough room. With regard to fire safety, Daniel Wheaton pointed out that the walls in between the two houses (where the variance would be if approved) will NOT have windows.

Planning Board members stated that a condition of any approval will state that the owner of the houses CANNOT build a fence in between the two properties, for fire safety reasons.

Doug Klee asked about off-street parking. Wheaton stated that there will be 3 spaces per property. Each house will have their own 10 foot driveways.

Doug stated that the applicant needs to offer testimony supporting the side set back variances at the public hearing.

There were no further questions by anyone in attendance at the meeting.

RESOLUTIONS TO MEMORIALIZE

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 on which she is seeking approval to expand the balconies on the 2nd and 3rd floors of the home, which will reduce the front setback to 6 feet.

VARIANCE:

Front Setback- currently, the front set back of this property is 13.89 feet. Where 10 feet is required for a front setback, they are asking for it to be 6 feet.

ATTY: MATT HEAGEN, ESQ.

MEMORIALIZE RESOLUTION 2021-05

Motion made by Chris Vaz, Second by Frank Santora

Yes votes: Chris Vaz, Frank Santora, Frank C. Gorman, Steve Sanzone, Peter Jarkezian, Vito Ferrone, Robert Triano, Tom Faragalli

BLOCK 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.

MEMORIALIZE RESOLUTION 2021-06

A motion was made by Chris Vaz to carry the memorialization of this resolution to another meeting date because there is a dispute regarding the signage on the building. All members were in favor of doing so.

**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 GOUGIN, ESQ.

RESOLUTION 2021-7

Motion by Chris Vaz, Second by Robert Triano

Yes votes: Chris Vaz, Robert Triano, Frank C. Gorman Frank Santora, Steve Sanzone, Peter Jarkezian, Vito Ferrone, Lou DiGiulio, Tom Faragalli

MINUTES

Seaside Heights Planning Board

Wednesday, February 24, 2021

6:00 PM

Court Room over Fire House

- Open Public Meetings Act Statement: *approximately 6:11pm*
- Pledge of Allegiance
- Roll Call

PRESENT: FRANK C. GORMAN, CHRIS VAZ, FRANK M. SANTORA, PETER JARKEZIAN, LOU DIGIULIO, VITO FERRONE, ROBERT TRIANO, TED SZEJNROK

ABSENT: STEVE SANZONE, DAVID WITHERSPOON, TOM FARAGALLI

- Motion to Approve Minutes-FEBRUARY 10, 2021

MOTION BY VITO FERRONE, SECOND FRANK M. SANTORA- ALL IN FAVOR

****Brian Wilke, Esq. appeared in absence of Steven Zabarsky, Esq.**

This application was heard at approximately 6:30pm.

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.

PUBLIC HEARING

Chris Reid, Esq appeared on behalf of the applicant. He requested to carry the application to the next public hearing date (March 31, 2021) as the applicant may need a use variance and there were not enough Planning Board Members available if it went to a vote.

*Motion to carry **without additional requirement to notice the meeting date** was made by Frank M. Santora, Second by Robert Triano all in favor.*

**Chairman, Frank C. Gorman stepped off the bench as he is in the 200 foot radius of this application. Standing in his place was Frank M. Santora, since the Vice Chair was absent.*

BLOCK 41 LOT 61- 55 SHERIDAN AVE – JOHN NEWELL & ANTHONY FRONZAGLIA – ZONE: RESIDENTIAL

MINOR SUBDIVISION WITH VARIANCE

Applicants are requesting approval to subdivide their 4000 (40X100) square foot property into (2) 20X100 square foot lots. The proposed use of these properties is conforming for future construction of residential units.

VARIANCE: Side setbacks

Where it is required by code that there be 3 foot side setbacks, applicants are asking for approval to have 2 feet on each side of the proposed buildings (1 on each lot).

ATTY: MATT HEAGEN, ESQ.

PUBLIC HEARING

Matt Heagen appeared on behalf of the applicant. He stated that this application is a minor subdivision of a property, into 2 conforming lots. They are requesting a side yard setback variance on each of the properties so that they can each have 2 foot setbacks instead of 3 feet on the shared line. These setbacks, if approved will be between the two houses so the total space between the 2 houses will be 4 feet.

Daniel P. Wheaton, NJ Registered Planner/Architect was sworn in and qualified as an expert. He reiterated the 2 foot side setbacks and explained that the variance, if approved, will only affect the lots in question and not the neighboring properties.

*The Board members, in response to this information, stated that if this is approved, there will be a stipulation stating that **there is to be NO fence between the two properties**. This is to prevent any obstruction for safety reasons: i.e., police, fire, EMTs.*

Wheaton reported that there are 2 motorcycle parking stalls on the street in front of the property. In order to build the driveways for the sites, they will be taking away one of the parking stalls and leaving one that is larger than the existing one.

Doug Klee, Planning Board Engineer stated that the applicant will be required to compensate the town for the loss of 1 motorcycle parking space.

There were no further questions of the Board.

Questions by the 200 foot radius and members of the public.

Victor DeVito, 33 Sheridan Ave was sworn in. Mr. DeVito wanted to know if both houses are owned by the same owner. Matt Heagen stated that the property is owned by the applicants. They are going to possibly sell one of the houses. Mr. DeVito was also concerned about the placement of the front stairs. Daniel Wheaton told Mr. DeVito that the building is 11 feet 8 inches from the sidewalk and the stairs are allowed to project out, 6 feet. There for they are in compliance with the town ordinances.

Laura Egan, 43 Hancock Ave. was sworn in. She stated that she was relieved to hear that the houses will have 4 feet between them as she is concerned for fire safety issues. Frank Santora stated that the issue of safety and the spacing between the houses was fully addressed. There will be no fence, no windows on the walls between the houses, and internal and external fire rated walls will be used in the construction of these homes.

There were no other questions or comments regarding this application.

A motion was made to adopt a resolution for this application by Robert Triano, Second by Vito Ferrone. Yes votes by Robert Triano, Vito Ferrone, Chris Vaz, Frank M. Santora, Peter Jarkezian, Lou DiGiulio, Ted Szejnrok.

RESOLUTIONS TO MEMORIALIZE

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

Applicant is proposing approval for a conforming subdivision of an existing 72x100 lot, into three (3) 24x100 square foot lots.

ATTY: MATT HEAGEN, ESQ.

RESOLUTION 2021-8

Motion made to approve this resolution by Frank M. Santora, Second by Peter Jarkezian.

Yes Votes: Frank M. Santora, Peter Jarkezian, Frank C. Gorman, Chris Vaz, Lou DiGiulio, Vito Ferrone, Robert Triano.

At approximately 7:00 pm, Vito Ferrone made a motion to adjourn the meeting. All were in favor.

These minutes are not verbatim, however there is a recording in the Borough Hall of Seaside Heights with the Planning Board Secretary.

Submitted by:

Sherri R. Sieling

WORKSHOP MINUTES

Seaside Heights Planning Board

Monday, March 1, 2021

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, Lou DiGuilio, Robert Triano, Vito Ferrone, David Witherspoon, Ted Szejnrok, Thomas Faragalli*
Absent: *Steve Sanzone, Peter Jarkezian*
- Motion to Approve Minutes : February 24, 2021
Motion by Robert Triano, Second by Frank Santora- All in favor for approval.

BLOCK 30 LOTS 3.01 & 3.02 - 508 BAY BOULEVARD – BRIAN HOFFNAGLE – ZONE: LOW DENSITY RESIDENTIAL

Applicant is requesting a height variance for both lots, 3.01 & 3.02, which are vacant, to construct (2) single family houses, one house per lot. Where 27 feet above base flood level plus 1 is allowed, the applicant is requesting to construct at 37 feet above base flood level plus one. All other factors will be conforming.

VARIANCE: HEIGHT

Brian Hoffnagle appeared requesting a height variance for both lots so that construction of new homes can include a roof top deck on both houses.

Board Engineer, Doug Klee and Board Attorney, Steve Zabarsky both stated that the height that applicant is requesting will require a "use variance" because it is 11 feet over the permitted height and is more than 10%. They advised the applicant that under those circumstances the Board is reduced down to a 7 member "zoning" Board and he will need 5 out of 7 members to vote "YES" to approve the application.

Schedule for March 31st meeting for Public Hearing.

BLOCK 22 LOTS 18 & 22 – 220 WEBSTER AVE. – SSHNJ2020, LLC – ZONE: LOW DENSITY RESIDENTIAL

MINOR SUBDIVISION

Applicant is requesting approval for a minor subdivision of the existing 7500 square foot property into: **Lot 18** to measure 2500 square feet, with frontage of 25 feet, width 25 feet, and depth of 100 feet. **Lot 22** to measure 5000 square feet, with frontage of 50 feet, width of 50 feet and depth of 100 feet. These lots would be conforming given the zone in which they are located.

HARVEY YORK, ESQ.

Harvey York, Esq. appeared on behalf of the applicants. He explained that this is a 2 lot minor sub division with both lots conforming. Steve Zabarsky, Esq. stated that the property may need a side yard setback variance, due to a bump out on the property.

Schedule for March 31st meeting for Public Hearing.

**BLOCK 7.01 LOT 72 – 604 BOULEVARD- 604 BLVD. SH, LLC. - ZONE: RETAIL BUSINESS
MINOR SITE PLAN AND SEEKING RELIEF FROM RESOLUTION #04-11, #02-11, AND #01-18
VARIANCE: DENSITY TO ALLOW 22 PEOPLE TO RESIDE IN BUILDING WHERE 16 ARE
CURRENTLY ALLOWED.**

The property currently has 5 residential units and 4 retail units on an existing parcel with a lot are of 6000 sq. feet where 4000 is permitted by code. Lot front is 60 feet where 40 is permitted, width is 60 where 40 is permitted, and the depth is 100 feet. The existing height is 36.44 feet tall where 40 feet is allowed by code. The lot area per unit is 666.67 square feet. The current and proposed use of the building is conforming to code.

Applicant is seeking approval to renovate the retail and residential spaces, while reconfiguring the interior of residential space so to allow occupancy of 22 people, thereby increasing the density allowed. Currently, 16 people are allowed to reside on the property. They intend to continue utilizing the space as was used in the past.

MATTHEW HEAGEN, ESQ.

Matt Heagen, Esq. appeared on behalf of the applicants. This is an application for site plan approval there will be no change to the use of this property. The subject property is in extreme disrepair and the applicant proposes to rehabilitate it. The applicants believe that this property may have been a boarding house in the past.

Frank Mileto, State Registered Planner and Architect was sworn in to speak on behalf of applicant. He advised that they plan to gut the building and rebuild everything up to code and urban renewal standards.

-The applicant would like to increase the maximum amount of residents from 16 people to 22.

-There will be a total of 11 bedrooms throughout the building.

-There will be a total of 5 residential units- 4 situated on the second floor and 1 unit on the third floor.

-Commercial units will be on the first or bottom floor of the building, which is 4000 sq. ft.

Doug Klee, Planning Board Engineer asked Melito about parking, since there is a requirement of 19 parking spaces for this property. Melito stated that the whole building is surrounded by on-street town parking spaces and the applicant intends to use this property for short term stays.

Doug Klee and Steve Zabarsky, Planning Board Attorney both stated that there will need to be a "USE" variance for the density of the property. Frank Melito stated that according to rehabilitation code, existing non-conformities can be grandfathered in.

Chris Vaz asked if the applicant would be going from rooming house to apartments. Matt Heagen stated that is the plan. Matt further stated that there has never been parking for this property and would like the Board to take that into consideration making their decision.

The Board professionals advised Matt that this application will need to include a USE variance for density, a variance for parking, plus any other variances the board feels necessary. Since the density variance is a "D" use variance, the Board goes down to 7 members and the applicant will need 5 out of 7 members to vote yes to approve the application.

Frank C. Gorman stated that the Board should consider making a condition of approval of this application that it is for transient use only.

Doug Klee would like to have the plans with elevations listed on it for the meeting.

**BLOCK 29 LOT 14 – 316 HAMILTON AVE. – JGTH REAL ESTATE, LLC.- ZONE: RETAIL BUSINESS
MINOR SUBDIVISION WITH VARIANCES**

Applicant is requesting approval to subdivide an existing 5000 square foot property into (2) 2500 square foot lots (25x 100 each) to build a single family house on each property. This will be a conforming use of the property.

VARIANCES:

WIDTH: 25 FEET WHERE 40 ARE REQUIRED IN THIS ZONE

AREA: 2500 SQ. FEET WHERE 4000 IS REQUIRED.

MATTHEW HEAGEN, ESQ.

Matt Heagen, Esq. for the applicants stated that this is a minor, conforming, 2 lot subdivision.

There were no comments or questions from the Board.

RESOLUTIONS TO MEMORIALIZE

RESOLUTION 2021-09

**BLOCK 41 LOT 61- 55 SHERIDAN AVE – JOHN NEWELL & ANTHONY FRONZAGLIA – ZONE:
RESIDENTIAL**

MINOR SUBDIVISION WITH VARIANCE

Applicants are requesting approval to subdivide their 4000 (40X100) square foot property into (2) 20X100 square foot lots. The proposed use of these properties is conforming for future construction of residential units.

VARIANCE: Side setbacks

Where it is required by code that there be 3 foot side setbacks, applicants are asking for approval to have 2 feet on each side of the proposed buildings (1 on each lot).

ATTY: MATT HEAGEN, ESQ.

Motion to memorialize Resolution 2021-09 was made by Vito Ferrone, Second by Chris Vaz

Yes votes: Vito Ferrone, Chris Vaz, Frank M. Santora, Lou DiGiulio, Vito Ferrone, Robert Triano, Ted Szejnrok.

Chairman Frank C. Gorman could not vote since he is in the 200' radius of this application.

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, March 31, 2021

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 : March 1, 2021

Motion by: *Tom Faragalli, Second by: Steve Sanzone- All in favor.*

BLOCK 30 LOTS 3.01 & 3.02 - 508 BAY BOULEVARD – BRIAN HOFFNAGLE – ZONE: LOW DENSITY RESIDENTIAL

Applicant is requesting a height variance for both lots, 3.01 & 3.02, which are vacant, to construct (2) single family houses, one house per lot. Where 27 feet above base flood level plus 1 is allowed, the applicant is requesting to construct at 37 feet above base flood level plus one. All other factors will be conforming.

VARIANCE: HEIGHT- D Variance (over 10%)

PUBLIC HEARING

Brian Hoffnagle, 508 Bay Boulevard, Seaside Heights, owner of property sworn in.

Daniel P. Wheaton, Licensed Architect and Planner, 714 No. Main Street Manahawkin, NJ sworn in.

As he has appeared before the Board on many occasions, he was deemed qualified in his area of expertise.

Daniel P. Wheaton stated that this property was approved for subdivision at a prior meeting and now the applicant is requesting a height variance for the two lots.

A-1 marked as evidence: The application and all of its attachments, which include elevations of the building.

Wheaton explained that there will only be a partial covering on the 3rd floor of the proposed construction, therefore the height variance is only for a portion of the building.

A-2 marked as evidence: Letter from Doug Klee, Planning Board Engineer, dated March 4, 2021.

Doug Klee asked about the parking whether or not these properties will affect any town parking.

Wheaton responded that there are no legally striped spots in front of this property and that the curb cuts will not touch any of the town parking spaces. He also added that the property is directly across the street from the free municipal parking lot.

Regarding Paragraph C of Doug Klee's letter, Mr. Wheaton explained that the Use Variance, for height is for the addition of a roof top deck which will be set back so it will not be seen from the street. They are requesting the added height so that the occupants will be able to see over the highway for bay views. Mr. Wheaton stated that this addition is harmonious to the other houses in the area.

With regard to other elements of Doug Klee's letter, Mr. Wheaton stated that the proposed buildings will be fire and flood compliant, there will be no detriment to the public good and they will be in accordance with the Master Plan for that zone.

A member of the Board asked Mr. Wheaton what percentage of the building will require the height variance. Mr. Wheaton said that it will be less than 20% of the building. They are planning to build a small room, basically a "grand landing", to access the deck and store things.

Another member asked about the parking situation. Daniel Wheaton said there will be 2 parking spaces inside the garage and 1 space outside. He also stated that to enable the 2 parking spaces inside, is part of what added to the necessity of making the entire building higher.

There were no further question of the Board and no questions or comments by the public or 200 foot radius.

A motion to adopt a resolution for this application with any conditions was made by Chris Vaz, second by Robert Triano.

Yes votes: Chris Vaz, Robert Triano, Frank C. Gorman, Steve Sanzone, Peter Jarkezian, Vito Ferrone, Ted Szejnrok

All present and qualified to vote, were in favor.

As this was a use variance, Frank M. Santora was unable to vote and David Witherspoon is in the 200 foot radius.

BLOCK 22 LOTS 18 & 22 – 220 WEBSTER AVE. – SSHNJ2020, LLC – ZONE: LOW DENSITY RESIDENTIAL MINOR SUBDIVISION

Applicant is requesting approval for a minor subdivision of the existing 7500 square foot property into: Lot 18 to measure 2500 square feet, with frontage of 25 feet, width 25 feet, and depth of 100 feet. Lot 22 to measure 5000 square feet, with frontage of 50 feet, width of 50 feet and depth of 100 feet. These lots would be conforming given the zone in which they are located.

HARVEY YORK, ESQ.

PUBLIC HEARING

Harvey York, Esq. appeared for the applicant.

He explained that this application is for a minor subdivision, if approved, both lots will be conforming in size. The existing lot with structures have variances due to a garage and is an existing condition.

Regarding side yard setback, currently there is only a 1.5 foot setback where 3 feet are required. The applicant proposes that if approved, the newly constructed house will have a 4 foot side yard setback. The applicant will be moving the stairs on the existing house back off of the property line.

Lot 20 is the one with the existing structure, lot 18 is where the new construction will be built.

Daniel P. Wheaton Licensed Architect and Planner, 714 No. Main Street Manahawkin, NJ sworn in. He described the property as the middle block of Webster Ave, low density residential zone where the applicants plan to maintain the existing residence on the left side of the property, but move the stairs, so they don't interfere with town property. The proposed new house on the lot will be conforming. The variance they are requesting for side setbacks will be between the two homes creating a space that would be 6 inches less than what is required if approved.

The new structure will comply with all the zoning ordinances for that zone. It will have no negative impact on the surrounding neighborhood.

The Board had no questions at this time.

Doug Klee, Planning Board Engineer asked how many units are on the property.

Thomas Barsch, property owner was sworn in. He stated that there are 4 units. All the parking is on the west side of the property. He said they will not be eliminating any parking spaces by doing this project.

Doug Klee stated that 1800 square feet of space is required per unit. For 4 units, the applicant would need 7200 square feet. By what the applicants are proposing to do, Doug Klee said that they are reducing the area (square footage) that supports the 4 units. By subdividing, it will not be affecting lot 20, by creating lot 18.

There were no further questions by members of the Board or the audience and 200 foot radius list.

A-1 was marked as evidence- Application and all its attachments

A-2 marked into evidence- Engineer review letter by Doug Klee, dated March 30, 2021

A motion to adopt a resolution with conditions stating that Lot 20 will maintain 8 parking spaces for the 4 units and Lot 18's side yard setback will not be any closer than 4 feet, was made by Peter Jarkezian, Second by Vito Ferrone.

All were in favor.

BLOCK 17.01 LOT 51- 217 BAY TERRACE- JILL MCLOUGHLIN – ZONE: LOW DENSITY RESIDENTIAL VARIANCES AND POSSIBLE SUBDIVISION

Applicant is requesting approval to build 2 single family homes on this currently vacant property. The application states that they will subdivide if required by the Board.

This property is oddly shaped, as exists the area is 1187.5 sq. feet with lot frontage being 50 feet, width 50 feet and depth 47.5 feet. If subdivided, they are proposing each lot to be 25 feet wide with a depth of 47.5 feet deep.

ATTY: WILLIAM TORRE, ESQ.

VARIANCES:

Lot Area:

Front Yard Setbacks: Proposing 4.5 feet

Side Yard Setbacks: Proposing 3 feet

Height: 35 feet high

PUBLIC HEARING

William Torre, Esq. attended on behalf of the applicant. He explained that this is a minor subdivision with a use variance for height and lot size.

Kamil Halal, professional Engineer, 35 Gould Place, Caldwell, NJ was sworn in.

Frank M. Santora, Mayor's Designee member sat out of this application as it is a "D" height variance.

The following were marked into evidence:

A-1 Planning Board Application and all attachments

A-2 Engineer Review Letter by Doug Klee dated January 15, 2021

A-3 Engineer Review Letter by Doug Klee dated March 17, 2021

A-4 Colorized Tax Map of subject area

Kamil Halal stated that the applicant is requesting approval to subdivide the property into two lots to build a home on each, each one being 3 floors high. A Planning Board member asked how, do you justify the height. The engineer stated that they plan to add a 7 1/2 foot garage so that residents can park their cars underneath the house.

The house is designed so that the first floor is 9 feet tall, the 2nd floor is 8 feet high and the 3rd floor is 7 feet tall.

The applicants are asking for a variance for the side yard setbacks. The houses will be built so that the center line between the two houses will be affected by the variance, but not those which are adjacent. This variance is a necessity for their project due to the narrowness of the lots.

Doug Klee, Planning Board Engineer pointed out that the wrong date is on the plans being shown at the meeting. Halal mentioned that there is no parking, currently, in front of the house and there is a curb cut along the entire property. Doug stated that he would like much more detail on the final plans including the thickness of the crushed stone in front of the house.

In this zone, 1800 square feet is the required lot area to build a home. The engineer stated that if the side yard setback variances are not approved, the bedrooms will be extremely small.

Planner/Engineer, Joseph Kozciuba of KBA Engineering Services was sworn in.

With regard to the interior lot, Mr. Kozciuba said that originally, these lots were undersized and merged together. This particular section of town has the same type, sized lots. Referring to A-4, Kozciuba showed a colored tax map which illustrated all undersized lots. The property of subject is vacant and the applicant proposes to build 2 dwellings once approved for subdivision. Kozciuba further reported that the applicants will need a lot area variance as well as front yard and side yard setback variances in order to complete their project. The applicants are requesting their lots to be 25 feet by 47 ½ feet each. Kozciuba stated that there are 15 lots on this block that have very similar dimensions.

For the front yard setback, Kozciuba stated that the applicants are requesting 4 ½ feet from the sidewalk, where 10 feet are required. The planner feels that this will give continuity in the area and be good for the general welfare in the neighborhood. He further stated that their plans will be compliant with side yard setbacks for their zone on the outside of the future houses, but are

requesting a variance for setbacks on the inside of the two homes. This, he stated will only affect the houses being built and not the neighboring properties. The design of the houses will be in line with the character of the neighboring homes.

After much discussion about the height of the building and the individual heights of the floors, the applicant stated that they agree to amend their application to build each of the homes at 38.5 feet high. The dimensions of each of the houses will be 1500 sq. feet.

Frank M. Santora was able to join back in on discussions and voting for this application since the height is no longer a use variance.

Conditions of this approval are that there can be no fence in between the two houses and must have fire rated walls.

There were no further questions of the Board or members of the public.

Members of the 200 foot radius:

Carla Pilla 220 Porter Ave. Seaside Heights was sworn in. She stated that a lot of her concerns were addressed during the presentation but she feels that it will be very awkward to have 2 very large houses situated between 2 very small garages. Ms. Pilla's backyard will be blocked by these houses and feels that they are much too tall and too close in proximity to her property, which will block her house in. She also stated that view from the applicant's back deck will be right into her house.

Frank Santora responded to Carla Pilla's concerns stating that the applicant's agreement to amend the height of the building, brings the houses into the allowable height for that zone.

There were no further questions or concerns to be addressed.

A motion was made by Robert Triano to adopt a resolution approving this application with conditions. Second by Steve Sanzone. Those conditions are: that there will be no fence in between the new houses, they must use fire rated walls in between the two houses and the height of the houses will not exceed 38.5 feet high.

Yes votes by Robert Triano, Steve Sanzone, Frank C. Gorman, Chris Vaz, Frank M. Santora, Peter Jarkezian, Vito Ferrone, David Witherspoon, Ted Szejnrok.

**BLOCK 7.01 LOT 72 – 604 BOULEVARD- 604 BLVD. SH, LLC. - ZONE: RETAIL BUSINESS
MINOR SITE PLAN AND SEEKING RELIEF FROM RESOLUTION #04-11, #02-11, AND #01-18
VARIANCE: DENSITY TO ALLOW 22 PEOPLE TO RESIDE IN BUILDING WHERE 16 ARE CURRENTLY
ALLOWED.**

The property currently has 5 residential units and 4 retail units on an existing parcel with a lot area of 6000 sq. feet where 4000 is permitted by code. Lot front is 60 feet where 40 is permitted, width is 60 where 40 is permitted, and the depth is 100 feet. The existing height is 36.44 feet tall where 40 feet is allowed by code. The lot area per unit is 666.67 square feet. The current and proposed use of the building is conforming to code.

Applicant is seeking approval to renovate the retail and residential spaces, while reconfiguring the interior of residential space so to allow occupancy of 22 people, thereby increasing the density allowed. Currently, 16 people are allowed to reside on the property. They intend to continue utilizing the space as was used in the past.

MATTHEW HEAGEN, ESQ.

PUBLIC HEARING

Matt Heagen, Esq. appeared on behalf of the applicants.

Frank M. Santora, Mayor's Designee Board Member stepped down since there is a "D" use variance for the density or number of occupants allowed in this property.

Marked as evidence:

A-1 Application and all attachments

A-2 Engineer review letter by Doug Klee, dated March 18, 2021

Frank D. Mileto, Licensed Architect and Planner, Long Valley, NJ was sworn in.

He explained the configuration of the property. On the ground level, there will be commercial usage and upstairs will be residential apartments. The current useage of this property is the same as the proposed use. The applicants have redesigned the upstairs with 11 bedrooms allowing for a maximum of 22 people to reside there. Presently, the maximum capacity is 16 people, the applicants are requesting expansion of use to 22. The density issue, Mileto stated is a D use variance

There will be no change to the footprint of this building and it will be designed for temporary housing for tourists/visitors, like an AirBNB. There will be (1) 1 bedroom unit, (3) 2 bedroom units, and (1) 4 bedroom unit.

Mr. Mileto stated that the bulk variances the applicants are requesting are for conditions that are pre-existing, non-conforming since the building was built: front and side yard setbacks and parking. There will be no change in the height of the building. All relief being sought is from prior conditions placed by the Planning Board.

Frank Mileto expressed that the designation of multi-use property is particularly suited for this zone and is in alignment with the town's Master Plan. He further stated that the building will be harmonious with the neighborhood and have no negative impact on surrounding areas.

Matt Heagen stated that the applicant is concerned about being locked into transient use as was discussed at the workshop. The concern is if we experience another summer like 2020 with all the restrictions imposed by the COVID-19 pandemic. Therefore, the applicants would like to request the Board to consider a hybrid use of the property with some units being transient and some not.

The Board stated that they would be satisfied if the large unit with 4 bedrooms was designated as transient use only. The remaining 4 units can be useable, without restriction, as year round apartments. It was clarified by the ordinance that transient use can be no longer than 90 days and occupant must have a different permanent address.

There were no questions from the public or 200 foot radius list.

A motion to adopt a resolution approving this application was made by, Peter Jarkezian second by Dave Witherspoon.

Yes votes: Peter Jarkezian, Dave Witherspoon, Frank C. Gorman, Steve Sanzone, Chris Vaz, Vito Ferrone, and Robert Triano.

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.

PUBLIC HEARING

Chris Reid, Esq. appeared for the applicant.

Ed Angster, Licensed Engineer and Planner, 29 Central Ave., Toms River, NJ was qualified and sworn in.

Steven Zabarsky, Esq. asked Frank M. Santora to please step down from the podium, since this is a use (D) variance for lot area and Santora is a Class I member.

The applicant is requesting the property to be subdivided into two (2) 3000 square foot lots where 4000 square foot lots are required.

A-1 marked as evidence: The application and all of its attachments.

A-2 marked as evidence: Engineer review letter by Doug Klee dated February 13, 2020.

A-3 marked as evidence: Engineer review letter by Doug Klee dated March 26, 2020 showing minor changes.

A-4 marked as evidence: Revised plans dated 3/20/2020

Ed Angster stated that as a result of these changes on above letter, he revised the plans.

Angster reported that this was an application carried from February 2021 where the applicant was requesting a subdivision of his 6000 square foot property. He also explained that there is a portion of that property, as a requirement of the deed for the motel on subject property, of which 8 parking spaces out of a total of 20 parking spaces, are exclusively for use by the motel. The applicant is looking for approval to make 2- 30x100 foot lots with cross access easements. This is the use variance where they are requesting 3000 square feet, but 4000 square feet if required in this zone.

Steven Zabarsky, Esq. asked if commercial property is conditional in this zone. Doug Klee responded that yes it is conditional and the only condition that is NOT met is the size of the lot for parking spaces.

Chris Reid asked Ed Angster if this site is particularly suited for this purpose. Angster's reply was that this property has been a parking lot since 1982. He also stated that Lot 21.01 is very suitable because that parking lot will still remain, a parking lot. Chris Reid also asked the following questions of Ed Angster to which he responded "yes".

-Does this use promote the Municipal Land Use Law?

-Will there be adequate light, air, and open space?

-Is it true that this use will not be detrimental to the public good or zoning?

-Is it true that there will be no changes to the property?

The applicant stated that is all the information they have regarding this application.

There were no further questions of the Board.

Doug Klee, Engineer wanted to clarify something. He stated that prior Planning Board approval for parking was for the motel, but the remainder is not designated by conditions.

Mark Larsen, owner of subject property was sworn in. He stated that he owns another lot 80x100 on Dupont Avenue, which is also a parking lot. The easterly lot would satisfy the conditions of the Planning Board for motel parking. The 2nd lot, 80x100 and 30x100 are all used for parking with entrances and exits on Lincoln and Dupont Avenues.

Klee asked Mark if the property sold, would he be opposed to the other lot being used for residential purposes. Larsen stated that would be fine.

Steven Zabarsky, Esq. stated that the subdivision, with Glendale Motel on Lincoln Ave, Lot 21 has 20 parking spots 8 specifically for the motel. If the property is subdivided straight down the middle, Lot 21.01 on West will have 10 parking spaces with 8 spots dedicated to the motel. The spaces must be marked "reserved for motel guests only". Zabarsky explained that the covenant runs with the land.

With regard to Lot 21.02, Steven Zabarsky stated that would be fine for a public parking lot as it is not connected to anything and has no restrictions. If there was to be development on that property, that would be fine as well as long as the building is compliant with any restrictions and conforming with land use ordinances. If this property is sold, it MUST be for residential or commercial with a structure on it. Since there is a cross access easement on 21.01 and 21.02 it will be necessary for the new owners to come to the Planning Board if sold.

Board went off the record for 2 minutes to ask a question.

Returned to hearing at 6:48 pm

Peter Jarkezian asked Doug Klee if they put the parking spots on an angle, would that take away the need for an easement. Ed Angster said that the cars would have to back out of their spaces, which would not be practical.

There were no further questions from the Board, Professionals, 200 Foot Radius or the public.

A motion to adopt a resolution for this application to subdivide the property with cross easements and marking out the spaces was made by: Chris Vaz, Second by Robert Triano.

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

All present and qualified to vote, were in favor.

RESOLUTION TO MEMORIALIZE

RESOLUTION 2021-06

BLOCK 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.

Joseph Coronato, Esq. appeared on behalf of the applicant stating that they still have an issue with the signage. He is stating that at the time of the Public Hearing they stated that all the signs on the building would be digital signs; 2 scrolling and 2 fixed. Members of the Planning Board disagree with this assessment and recall there were supposed to be 2 regular "box" signs and 2 digital signs. There would be no scrolling signs on the ocean side of the building.

Joseph Coronato stated that he would like an amendment to the Resolution 2021-06.

Steven Zabarsky, Esq. Planning Board attorney asked if any members of the Board would like to make a motion to memorialize the resolution "AS WRITTEN". A motion was made by Vito Ferrone, Second by Tom Faragalli.

Yes votes: Vito Ferrone, Tom Faragalli, Frank C. Gorman, Chris Vaz, Frank M. Santora, David Witherspoon, Ted Szejnrok. All qualified to vote were in favor.

Joseph Coronato, Esq. stated that he will be asking for copies of a transcript of the hearings.

Steven Zabarsky, Esq. requested to have an Executive Session added to the agenda for the April 5, 2020 workshop to discuss pending litigation of Application submitted by Fresh Cut Fries.

A motion was made by Frank M. Santora to adjourn the meeting at approximately 8:30 pm. All were in favor.

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

Submitted by:

Sherri R. Sieling

WORKSHOP MINUTES

Seaside Heights Planning Board

Monday, April 5, 2021

6:00 PM

Court Room over Fire House

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

Present: Steve Sanzone, Chris Vaz, Frank M. Santora, Robert Triano, Vito Ferrone, David Witherspoon, Ted Szejnrok

Absent: Frank C. Gorman, Peter Jarkezian,

**Vice Chairman, Steve Sanzone presided over the meeting in the absence of Frank C. Gorman.*

RESOLUTIONS TO MEMORIALIZE

RESOLUTION #2021-06

BLOCK 30 LOTS 3.01 & 3.02 - 508 BAY BOULEVARD – BRIAN HOFFNAGLE – ZONE: LOW DENSITY RESIDENTIAL

Motion to approve: Chris Vaz Second: Robert Triano

Yes votes: Chris Vaz, Robert Triano, Steve Sanzone, Vito Ferrone, Ted Szejnrok-All in favor.

RESOLUTION #2021-07

BLOCK 22 LOTS 18 & 22 – 220 WEBSTER AVE. – SSHNJ2020, LLC – ZONE: LOW DENSITY RESIDENTIAL

Motion to approve: Chris Vaz Second: Robert Triano

Yes votes: Chris Vaz, Robert Triano, Steve Sanzone, Vito Ferrone, David Witherspoon, Ted Szejnrok.- All in favor.

RESOLUTION #2021-08

BLOCK 17.01 LOT 51- 217 BAY TERRACE- JILL MCLOUGHLIN – ZONE: LOW DENSITY RESIDENTIAL

VARIANCES AND POSSIBLE SUBDIVISION

Motion to approve: Robert Triano, Second Vito Ferrone

Yes votes: Robert Triano, Vito Ferrone, Steve Sanzone, Chris Vaz, David Witherspoon, Ted Szejnrok- All in favor.

RESOLUTION #2021-09

BLOCK 7.01 LOT 72 – 604 BOULEVARD- 604 BLVD. SH, LLC. - ZONE: RETAIL BUSINESS

Motion to approve:

Motion to approve: Robert Triano, Second Dave Witherspoon

Yes votes: Robert Triano, Dave Witherspoon, Steve Sanzone, Chris Vaz, Vito Ferrone-All in favor.

RESOLUTION #2021-10

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

Motion to approve: Robert Triano, Second Vito Ferrone

Yes votes: Robert Triano, Vito Ferrone, Steve Sanzone, Chris Vaz, Frank M. Santora, David Witherspoon - All in favor.

WORKSHOP ITEM

BLOCK 2.02 LOT 3 – 113 OCEAN TERRACE. – MICHAEL YOUNG - ZONE: RESORT RECREATIONAL-SITE PLAN

This is a vacant piece of property with a lot area of 5400 square feet (60 feet wide, 90 feet deep) where the applicant is requesting to put in a game of chance. The applicant proposes to install 8 pilings to support basketball hoops and a platform to stand on. There are no walls or roof and no necessity for electric or water hook ups to run this business.

Michael Young appeared to speak about his application.

Steven Zabarsky, Esq. advised Mr. Young that we need a mailing address for the owner of the property to be added to the application.

Mr. Young stated that he is looking for approval to put up a game of chance on an empty lot that will be a basketball shot game. One of the challenges will be a short distance shot in a basketball hoop and the other will be from a long distance. He stated that he has already gotten a gaming license and would like to be up and running as soon as possible.

Details explained were as follows:

The "wall" will be a see-through net to stop the balls from bouncing out of the property. There will be a counter built and under the counter will be storage for the balls and prizes, which will be jerseys. He stated that he wants to keep the plan very simple to save money.

Doug Klee, Planning Board Engineer asked Young how many employees he plans to hire. Young responded maybe one or two. Klee stated that there will be an issue of restrooms for use by the workers, as the plans do not include any bathroom facilities.

Doug Klee asked Ken Roberts, Zoning Officer if it is possible to open a business without a bathroom. Roberts stated that the ordinance states that the business must be within 200 feet of a public bathroom. In this scenario, the business would be 600 feet away from the nearest public bathroom.

Due to the fact that this applicant cannot afford the expense of building an ADA compliant permanent bathroom for a project of this scope, Michael Young decided not to continue with this application.

EXECUTIVE SESSION

Discussion of pending litigation and proposal from litigant regarding possible remedies to negotiate a settlement.

A motion was made by Vito Ferrone, second by Frank M. Santora to enter into executive session at 6:30.

These minutes are not verbatim, however, there is a recording of the meeting in its entirety at 901 Boulevard, Borough of Seaside Heights.

EXECUTIVE SESSION

Discussion of pending litigation and proposal from litigant regarding possible remedies to negotiate a settlement.

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.

Formatted: Indent: Left: 0"

The history of this application is that the Board denied the application and the applicant sued us. Their proposal is a modification of their prior request. They have scaled it down and through litigation are asking for the Board to reconsider their changes.

Proposed changes are to reduce the amount of seats throughout the project.

- *There will be 19 bar seats.*
- *Where there were going to be 104 seats for customers, they are reducing it to 82 seats.*
- *Downstairs, there will be 11 bar seats reducing the original plan by 50%.*
- *Upstairs they will add a kitchen and add a roof to close in the area for sound proofing. (Kenny Roberts, Code Enforcement Officer said that they will have to go back 8 feet from the front of the first floor due to CAFRA rules.)*

Chris Vaz

WORKSHOP MINUTES

Seaside Heights Planning Board

Monday, May 3, 2021

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, Robert Triano, Vito Ferrone, David Witherspoon, Ted Szejnrok, Thomas Faragalli

Absent: Frank M. Santora, Peter Jarkezan, Lou DiGiulio

- Motion to Approve Minutes: March 31, 2021 & April 5, 2021

Motion by Vito Ferrone, second by Robert Triano-all in favor.

BLOCK 46 LOTS 26 – 111 HANCOCK AVE – SHIMSHON HERZ – ZONE: RESIDENTIAL

MINOR SUBDIVISION

APPLICATION #21-01

Applicant is requesting a minor subdivision of this property, which is currently 4000 square feet, into two-2000 square foot lots with intention to build 2 homes. Each home will be under 40 feet high. The applicant is asking for a variance to reduce side yard setbacks by 1 foot less on the left side each house, which will leave 4 feet of space between the two new proposed houses instead of the required 6 feet.

VARIANCE: SIDE YARD SETBACK

Matt Heagen, Esq. appeared on behalf of the applicant.

He explained that these applications are simple subdivisions and that both applications are basically the same; asking to divide one property into 2 lots and the other into 3 lots. Matt Heagen also pointed out that a correction will be made to the legend on the bottom of the map for this property. Lot 26.01 and Lot 26.01 each should have 20' not 30'.

Daniel P. Wheaton, Architect, was sworn in.

The applicants are requesting approval to divide this property into (2)-20x100 foot lots. They are also requesting a variance for a 1 foot side yard setback on inner sides of the property.

They are proposing to build houses that are 16 feet wide consisting of 3 bedrooms with an option for a fourth bedroom or an office. They will all be smart homes with controls for the utilities from a distance, which can be maintained remotely. The applicant is looking for a more modern aesthetic, with smaller houses on smaller properties.

A member of the Board asked since these setback variances are being requested and may possibly be approved, what type of eaves are they planning to build and will the overhangs affect the setbacks. Per Daniel Wheaton, the eaves will be flush with the building with no overhang and the heights of the building will be compliant with zoning laws.

The Board stated that if the setbacks are approved there can be NO FENCE between the houses. Mr. Wheaton also added that each house will have 3 off street parking spaces. Doug Klee, Board Engineer asked if any street parking spaces will be lost when this house is constructed. Mr. Wheaton said he is not positive but will be sure to have that information available for the public hearing.

**BLOCK 6.01 LOTS 26 – 26 WEBSTER – SHIMSHON HERZ – ZONE: RESIDENTIAL
MINOR SUBDIVISION
APPLICATION #21-02**

Applicant is requesting a minor subdivision of this property, which is currently 6000 square feet, into three-2000 square foot lots with intention to build 3 homes. Each home will be under 40 feet high. The applicant is asking for a variance to reduce side yard setbacks by 1 foot less on each house's left side, which will leave 4 feet of space between the new proposed houses instead of the required 6 feet.

VARIANCE: SIDE YARD SETBACK

Matt Heagen, Esq. continued to represent this applicant for this property along with Daniel P. Wheaton. The applicant is requesting approval to subdivide this property into (3)-20x100 foot lots. They are requesting variances for 1 foot setbacks on the westerly side yards of the properties. They will be building the same homes on these lots as in the Hancock Ave. application.

Daniel Wheaton stated that he believes there will be 2 parking spaces lost on the street as a result of the development of this property. He will confirm this for the public hearing and stated that there will be 3 on-site parking spaces for each home.

There were no further questions for this applicant.

DISCUSSION ITEMS

ORDINANCE 2021-14 – An ordinance amending an item in "ZONING AND LAND USE" of the Seaside Heights Borough Code, which will amend the definition of "RESTAURANT".

Chris Vaz explained that the Mayor and Council are concerned that there is too much alcohol on the boardwalk. Any pocket liquor licenses will have to go to businesses on the Boulevard. The council decided to take the definition of liquor license from the Borough Code and place it in with Zoning laws. Any new restaurants on the boardwalk will NOT be allowed to have liquor licenses. Businesses that are already existing, prior to this change, will be grandfathered in and can continue to serve alcohol.

One of the members asked about BYOB and used PJ's which just moved to the boardwalk, as an example. They do not have a liquor license and people used to bring their own alcohol to the restaurant when it was on the Boulevard, would this mean that customers are no longer allowed to do that?

Steven Zabarsky stated that in a Resort Recreational Zone, the ordinances state that NO BYOB is allowed.

The Board stated no changes should be made to this ordinance now, but feel at some point, the Council should consider allowing BYOB at food establishments.

Doug Klee to draft a letter from the Board to Mayor and Council stating that this ordinance is consistent with the Master Plan.

ORDINANCE 2021-16 - An ordinance amending and supplementing an item in "ZONING AND LAND USE" of the Seaside Heights Borough Code, which will prohibit all classes of cannabis establishments from operating in Seaside Heights.

This ordinance states that NONE of the 6 classes of marijuana establishments are allowed in town.

Board is in agreement.

Not included on this agenda, but Chris Vaz told the Board that a new application came in from Shore, LLC has been submitted for review regarding the southern portion of Dupont Ave project. They are looking for approval to build a concert venue with a Heliport. Chris told the Board that we are hiring a Planner, an aeronautical expert, and a parking expert as well as a court reporter for these meetings to review this application. This will be the only application to be reviewed at meetings in the month of June. Since Steven Zabarsky, Board attorney is in conflict with this matter, Brian Nelson will be the conflict attorney attending these future meetings.

Motion to adjourn made by Vito Ferrone at approximately 7:15 pm. All were in favor.

Minutes of this meeting are not verbatim, however, there is a recording of the meeting available in the Borough Hall, 901 Boulevard, Seaside Heights, NJ.

Submitted by:

Sherri R. Sieling
Planning Board Secretary

WORKSHOP MINUTES

Seaside Heights Planning Board

Monday, June 7, 2021

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, Robert Triano, Vito Ferrone, David Witherspoon, Ted Szejnrok, Thomas Faragalli
Absent: Steve Sanzone, Peter Jarkesian
- Motion to Approve Minutes: May 26, 2021
Minutes to be approved at the next meeting.

Since the application for review, **BLOCK 69 LOTS 1, 1.01 & 1.02 – DUPONT AVE. PIER – SEASIDE OCEAN TERRACE, LLC., presents a conflict for our Planning Board Attorney, Steven Zabarsky, Mike Floyd, Esq. of Archer & Greiner sat in on the meeting as our conflict attorney. Also in attendance was Keenan Hughes, Planner from Philips, Price, Greigel, William HR White, Engineer from Colliers Engineering and Design and a court reporter from Shore Reporting Services.*

RESOLUTIONS TO MEMORIALIZE

**BLOCK 46 LOTS 26 – 111 HANCOCK AVE – SHIMSHON HERZ – ZONE: RESIDENTIAL
MINOR SUBDIVISION**

APPLICATION #21-01

RESOLUTION # 2021-15

Motion to memorialize resolution made by Tom Faragalli, second by Robert Triano

Yes votes: Tom Faragalli, Robert Triano, Frank C. Gorman, Chris Vaz, Frank M. Santora, Vito Ferrone, Ted Szejnrok- All present in Favor

**BLOCK 6.01 LOTS 26 – 26 WEBSTER – SHIMSHON HERZ – ZONE: RESIDENTIAL
MINOR SUBDIVISION**

APPLICATION #21-02

RESOLUTION #2021-16

Motion to memorialize resolution made by Robert Triano second by Tom Faragalli.

Yes votes: Robert Triano, Tom Faragalli, Frank C. Gorman, Chris Vaz, Frank M. Santora, Vito Ferrone, Ted Szejnrok- All present in Favor

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

RESOLUTION #2021-17

Motion to memorialize resolution made by Chris Vaz, Second by Robert Triano.

Yes votes: Chris Vaz, Robert Triano Frank C. Gorman, Frank M. Santora, Vito Ferrone, David Witherspoon, Ted Szejnrok, Tom Faragalli- All present in favor

APPLICATIONS TO REVIEW

BLOCK 69 LOTS 1, 1.01 & 1.02 -- DUPONT AVE. PIER -- SEASIDE OCEAN TERRACE, LLC. - ZONE: RESORT RECREATIONAL

APPLICATION # 21-03

Site Plan: Major Preliminary (Amended) and Major Final

This applicant is requesting the addition of a concert venue with a lot area of 15,600 square feet to their existing project on the Dupont Ave. Pier. - No Variances requested.

Joseph Coronato, Esq.

Mike Floyd, Esq. pointed out that since this application has issues to be addressed solely by the Zoning Board, which is a portion of our joint Land Use, Planning/Zoning Board, those types of applications do not go to a workshop. In a letter dated 6/3/2021 by Keenan Hughes, this Phase III of the application for a proposed concert venue requires a d(1) use variance, which supports Mike Floyd's comments regarding the workshop.

Joseph Coronato, Esq., on behalf of the applicant stated that they do not want to move forward with the "d(1)" application. He stated that their purpose in being at the meeting is to receive input from the Planning Board and are "not seeking a d(1) variance at this time".

Mike Floyd stated that the concept of this application is a theater that serves food. This potential concert venue is a zoning board issue and it is not proper for the zoning board to discuss it in a workshop setting. Mr. Coronato responded that the applicant is merely looking for feedback without any discussion of variances. He further stated that this would be operating more like a dinner theater. Again, Mike Floyd stated that it is improper for members of the Zoning Board to hear this information prior to a public hearing.

The applicants took a short break to discuss the matter. Upon their return, Mr. Coronato said they would like to carry the matter to July 6, 2021 and to resubmit a new application. They would like to tailor it to a use that is consistent with the ordinances.

Chris Vaz asked if the applicant was withdrawing their application. Joseph Coronato said they would be amending the application. Board members stated that the application MUST be very clear about what the USE is going to be.

Coronato stated that they would like to formally withdraw the application and will resubmit a new application with new plans. They will not be seeking a D variance in this application.

Doug Klee, Planning Board Engineer asked to be sure to include how they will address the parking issue and the trash enclosure problem with their new application.

DISCUSSION ITEM

Board members to discuss what they believe is the "concept" of public restrooms.

Chris Vaz brought up a discussion item regarding bathrooms basically surveying members regarding what they think is the description of a public restroom. This particular applicant has a kiosk with restrooms in it. It has been experienced by members of the Planning Board and others, that in order to utilize the bathroom, one must get a key from the French Fries kiosk and pay \$3.00 to use the bathroom. Frank M. Santora stated that in the last portion of this applicant's Planning Board review, the bathroom was a quid pro quo item to compensate for the lack of parking for their business. All members said that in their estimation, public bathrooms are free or have a nominal fee to cover costs to run the facilities, not as a money maker.

Chris Vaz stated that he will discuss with our Borough Attorney the possibility of a cease and desist order for these "PUBLIC" restrooms.

A motion to adjourn this meeting was made by Tom Faragalli at approximately 6:45 PM.

These minutes are not verbatim, however, there is a recording available at the Seaside Heights Borough Hall.

Submitted by:

Sherri R. Sieling

WORKSHOP MINUTES
Seaside Heights Planning Board
Tuesday, July 6, 2021
6:00 PM
Court Room over Fire House

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

Present: Frank C. Gorman, Steve Sanzone, David Witherspoon, Ted Szejnrok

Absent: Chris Vaz, Frank M. Santora, Peter Jarkezian, Robert Triano, Vito Ferrone, Thomas Faragalli

- Motion to Approve Minutes: June 7, 2021

Motion by Steve Sanzone Second by Ted Szejnrok- all in favor.

BLOCK 28 LOTS 22 – 324 FRANKLIN AVE – THEODORE & LAUREEN SZEJNROK – ZONE: LOW DENSITY RESIDENTIAL (LDR)

MINOR SUBDIVISION & SITE PLAN APPROVAL WITH VARIANCES

APPLICATION #21-04

VARIANCES: - USE VARIANCE FOR HEIGHT GREATER THAN 10% ALLOWED IN ZONE

-CURB CUT

Applicant is requesting approval to subdivide a 5000 square foot lot into (2) two equal lots measuring 25ft x 100ft each. Currently there are (2) single family homes with no heating units on this property. The applicant proposes and requests approval to build (2) new, upgraded single family homes. The variance that they are seeking, is to build the homes at 37 1/2 feet above the BFE, which is over 10% higher than the allowed height in this zone, which would make this a "D" or Use variance. Additionally, the applicants are looking for a variance to add a curb cut to the property.

This application was taken off of the agenda. It was not reviewed in a workshop, since it is requesting a "D" Variance and we are a dual Planning and Zoning Board. The applicant will be coming to the public hearing on July 28, 2021.

BLOCK 79 LOT 1 – 437 HIERING AVE – 437 HIERING AVE., LLC (MATT KIRNAN & ANGELO BAGNARA)- ZONE: SINGLE FAMILY (SF)

MINOR SUBDIVISION WITH VARIANCES FOR LOT SIZES AND SETBACKS

APPLICATION #21-05

VARIANCES: -LOT SIZE

-SETBACKS

ATTY: ANGELO BAGNARA, ESQ.

Applicants are seeking approval to subdivide their existing property, which has an area of 4400 sq. feet. They are proposing one of the lot's area to be 2232.97 sq. feet in size and the other to be 2081.89 sq. feet in size, where 4000 square feet is permitted by code in this zone. Currently, there are 2 homes on 1

lot and is non-conforming. If the subdivision is granted, the property use will be conforming to the zone where the applicant proposes to build one single family home on each lot, total of two homes, two lots. The applicant is requesting a variance for lot sizes. Where 4000 square feet is required, they are requesting one lot to measure 2232.97 sq.ft., and the other lot to measure 2081.89 sq. ft. The second variance they are requesting is for front setbacks. In this zone, it is required to have a 10 foot, front setback. The applicants would like approval for one home to have a 3.6 foot setback and the other to have a 7 foot setback.

Angelo Bagnara, Esq. appeared with Matt Kirnan, both are applicants.

Jason Hanrahan, Architect from Monmouth Ocean Design Experts sworn in to review the application.

Jason stated that the Base Flood Elevation in this zone is 7. The building proposed buildings will be 32.2 feet above the BFE which will make this building 39.2 feet tall. Planning Board Engineer, Doug Klee, stated that the max elevation in this area is 35 feet tall working from the BFE, up. Doug feels this will be more than 10% of the allowed height, which will make this a "D" use variance as well. Klee stated that if they can reconfigure their plans to make the total height of the building to be the maximum of 38.5 feet, it would be a standard height variance. If not, the Board cannot hear this application at a workshop.

The applicants and their architect stated that they will change their plans and ensure that their buildings will NOT EXCEED 38.5 feet, therefore, there will not be a "D" use variance. Doug Klee said he would be happy to coordinate with Jason Hanrahan to facilitate this change.

Jason Hanrahan explained the application further. Currently on the property are 2 homes that have been vacant since Hurricane Sandy. They are each approximately 700 sq.feet, on one lot. The applicants would like to keep both houses, but are requesting to subdivide the property so that each house will be on its own lot. They plan to raise the houses up to flood code, keep the same footprint and the existing first floors, put on additions of a second floor and what is being called an "attic or loft".

All the setbacks are already existing except for newly requested Front Setbacks. The applicant is requesting a variance for a front setback on the lot that, if subdivided will measure 2232.97 sq.ft, to be 3.6 feet. For the lot that potentially will measure 2081.89 sq.ft, they are requesting a variance for the front setback to be 7 feet. The required front setback in this zone is 10 feet.

With regard to parking spaces, this subdivision may take away some spaces that may require compensation to the town. Currently, these are not metered spaces so we need to check the ordinance to see if compensation for non-metered spaces is required.

Steven Zabarsky, Planning Board Attorney, asked if they have done a survey of how many undersized lots exist in this area. Jason Hanrahan stated that he has not done so yet, but will have it for the Public Hearing.

The applicants will be using the existing driveway apron for one of the properties. Frank C. Gorman asked if the existing driveway to the parking lot is safe regarding vision coming out of the driveway

and maneuverability. Jason Hanrahan stated that the application will identify that issue and review this point.

Doug Klee stated to the applicants that it is imperative that they prove the height of the finished buildings.

This application is scheduled for Public Hearing on July 28, 2021.

These minutes are not verbatim, but highlight the most important parts of the hearing. There is a recording of this meeting available with the Planning Board Secretary at 901 Boulevard, Seaside Heights.

Submitted by:

*Sherri R. Sieling
Planning Board Secretary*

MINUTES

Seaside Heights Planning Board

Monday, July 28, 2021

6:00 PM

Court Room over Fire House

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

PRESENT: Frank C. Gorman, Chris Vaz, Peter Jarkezian, Robert Triano, David Witherspoon, Ted Szejnrok

ABSENT: Steve Sanzone, Frank M. Santora, Vito Ferrone, Thomas Faragalli

- Motion to Approve Minutes: June 7, 2021
Motion by Ted Szejnrok, Second by Robert Triano-All in Favor

BLOCK 28 LOTS 22 – 324 FRANKLIN AVE – THEODORE & LAUREEN SZEJNROK – ZONE: LOW DENSITY RESIDENTIAL (LDR)

MINOR SUBDIVISION & SITE PLAN APPROVAL WITH VARIANCES

APPLICATION #21-04

**VARIANCES: - USE VARIANCE FOR HEIGHT GREATER THAN 10% ALLOWED IN ZONE
-CURB CUT**

Applicant is requesting approval to subdivide a 5000 square foot lot into (2) two equal lots measuring 25ft x 100ft each. Currently there are (2) single family homes with no heating units on this property. The applicant proposes and requests approval to build (2) new, upgraded single family homes. The variance that they are seeking, is to build the homes at 37 1/2 feet above the BFE, which is over 10% higher than the allowed height in this zone, which would make this a "D" or Use variance. Additionally, the applicants are looking for a variance to add a curb cut to the property.

PUBLIC HEARING

Steven Zabarsky, Esq. Planning Board attorney started out the hearing by stating that Ted Szejnrok is a member of the Seaside Heights Planning Board. His application is a Use Variance, class D. As such, the Mayor's Designee, Frank M. Santora and Member of the Mayor's Council, Vito Ferrone were excused since they could not vote on this application. Zabarsky explained that the joint Board must act as a Zoning Board, which there needed to be a majority vote, translated to, all 5 members of the Board must vote affirmatively to approve this application. Steve Zabarsky, Esq. asked the applicant, Ted Szejnrok if he still wanted to proceed with the application and Mr. Szejnrok stated that he did.

Daniel P. Wheaton, Architect and Planner was sworn in to review the plans. Since he has been before this Board numerous times, he was qualified by the members.

Daniel Wheaton explained that the applicant is requesting "D" use variance for height. They are requesting to build 2- 44' tall buildings in an area where 35 feet are allowed. They will be subdividing the property so that there will be 2500 square feet per lot.

Steve Zabarsky, Esq, requested to mark the application and the architectural plans as A-1.

Daniel Wheaton utilized the architectural plans to illustrate that the rear portions of the buildings will be where the extra height will be. 50% of the building is 35' or less. The middle of the building will be the staircase, which will be compliant, and the rear section, approximately 35% of rear structure is where the 44' roof will be.

The following portion of the presentation by Mr. Wheaton utilized the Engineer report by Doug Klee dated July 7, 2021.

Daniel Wheaton stated that the property use is consistent with the Master Plan since it is remaining that same as the current use. It was Mr. Wheaton's belief that this lot is well suited for the extra height. The buildings will abut to a 40 foot tall building and it will go down in height as it goes toward the street. This structure will blend in with their northern neighbors. The applicant will be shrinking the foot print of the houses by starting the houses at 14 feet back from the curb.

Using the subdivision plans by Blue Marsh, Daniel Wheaton stated that the westerly property has a continuous, existing curb cut, which the applicants would like to keep. There is also a free parking space on the street, which they would like to use as a curb cut. The applicant will be elevating the land in the rear of the building in order to assist with drainage.

The applicants will comply with all recommendations within Doug Klee's letter.

In the "Special Reasons" section of the Engineer review letter, Section B- Secure from Fire & Flood:

1. existing building does not comply. This new construction/plan will make the structure flood compliant. 2. Modify the grading to help the rain flow.

E. Density- the new structures will meet the density requirements by not maxing out the footprint of the property.

Daniel Wheaton stated that the applicant is proposing the construction of good looking buildings that will coexist well with the neighboring properties.

Chris Vaz mentioned that there is a parking on the street in front of 324 Franklin Ave.

Doug Klee asked if the lot is empty. Daniel Wheaton stated that one of the lots is empty and the other lot has 2 houses on it. The applicant is proposing to move the 2 houses and build brand new.

Chairman Frank C. Gorman opened up the meeting to questions/comments by the 200 foot radius.

Stephen Lotesta, 314 Franklin Ave. was sworn in.

Mr. Lotesta stated that he has the Senior Apartments to the North of his home and has lost that view. As it stands now, he can see the sunset from his master bedroom. He knows that if the applicant builds that high, he will not have any view whatsoever. He feels that 4 stories are too high and asked if the applicant could set the house back on the property somehow to allow him to keep his view.

Yan Levshits, 326 Franklin Ave. was sworn in.

Yan Levshits is the son of the owner of the property to the left of this applicant.

Their concern is that if this development is approved, it directly affects their property. Levshits feels that if this is allowed to be built as high as they are proposing, there will be no airflow, no ocean breeze, and no sunshine which will promote conditions for the growth of mold on their property.

Oleg Levshits, 326 Franklin Ave. was sworn in.

Oleg Levshits said that the proposed houses will be right next to his house and he will be completely boxed in. Levshits said that he has 5 windows on the side of his home, where the new house is proposed to be built. He said there will be absolutely no natural light, which will cause mold to grow, and he does not want his grandchild to play in those conditions, inside or outside of the house.

Steve Zabarsky, Esq. posed a rhetorical question wondering what the difference would be in the amount of sunshine if the applicant built a 35 foot high conforming home as opposed to the proposed 44 foot high nonconforming home. Doug Klee pointed out that the house will be 3 stories and a garage.

Chris Vaz had a question for Daniel Wheaton about the setbacks and parking. Daniel Wheaton stated that the rear yard setback will be 20 feet and the front is going to be 14 feet. There will be one space in the front for parking as well as within the garage. Daniel Wheaton explained that given the dimensions previously explained, if they do not get approval for the height variance, they can build the house to be much longer than what is proposed in the application before the Board. They designed the homes the way they did, being mindful of the neighbors' yards.

Daniel Wheaton illustrated this point with the plans by marking them in red pen, showing that they could start the buildings at approximately 4 feet from the rear property line, however, they are proposing to start at 20 feet. They took this option to leave open space and to take into consideration the 2 sets of windows on the neighboring house, so that they will be clear of the new house.

Frank C. Gorman, Chairman, stated that as he is hearing this, he understands that if the applicant builds the house at 35 feet high, they would go all the way back into the back yard and completely block out the neighbors' views and space.

MARKED AS EVIDENCE:

A-2 Doug Klee's review letter dated July 7, 2021

A-3 Plans ZB1 marked up in red pen.

Frank C. Gorman asked if there were any more questions from the 200 foot radius.

Mr. Letesta asked Ted Szejnrok if the exact same structures are going to be built on each of the lots. Szejnrok stated that, yes they will be the same.

Frank C. Gorman opened the meeting to public comments.

Yan Levshits stated that according to the plans, ZB-2, even at 20 feet back from the rear, the new house will block 2 sets out of the 3 sets of windows on their home.

There were no other questions of the 200 foot radius, the public or the Planning Board members.

Because the applicant is a member of the Planning Board, Steve Zabarsky asked the members to take an oath that they can perform their duties without bias and in an ethical manner. All members in attendance were polled and stated in the affirmative that they could do so.

Steve Zabarsky asked if there is a motion to approve this application with the following conditions:

- *Side setbacks will be 3.5 feet*
- *Use variance for height will only be for the back portion of the building as shown on the plans.*
- *All existing buildings on the property will be demolished.*
- *Rear setback will be 20 feet*
- *Front setback will be 14 feet to the start of the deck and 22 feet to the building.*

A motion to adopt a resolution for this application with the above conditions was made by Peter Jarkezian, Second by Robert Triano.

Yes votes by all: Peter Jarkezian, Robert Triano, Frank C. Gorman, Chris Vaz, David Witherapoon

**BLOCK 79 LOT 1 – 437 HIERING AVE – 437 HIERING AVE., LLC (MATT KIRNAN & ANGELO BAGNARA)-
ZONE: SINGLE FAMILY (SF)**

MINOR SUBDIVISION WITH VARIANCES FOR LOT SIZES AND SETBACKS

APPLICATION #21-05

VARIANCES: -LOT SIZE

-SETBACKS

ATTY: ANGELO BAGNARA, ESQ.

Applicants are seeking approval to subdivide their existing property, which has an area of 4400 sq. feet. They are proposing one of the lot's area to be 2232.97 sq. feet in size and the other to be 2081.89 sq. feet in size, where 4000 square feet is permitted by code in this zone. Currently, there are 2 homes on 1 lot and is non-conforming. If the subdivision is granted, the property use will be conforming to the zone where the applicant proposes to build one single family home on each lot, total of two homes, two lots. The applicant is requesting a variance for lot sizes. Where 4000 square feet is required, they are requesting one lot to measure 2232.97 sq. ft., and the other lot to measure 2081.89 sq. ft.

The second variance they are requesting is for front setbacks. In this zone, it is required to have a 10 foot, front setback. The applicants would like approval for one home to have a 3.6 foot setback and the other to have a 7 foot setback.

PUBLIC HEARING

Steven Zabarsky, Esq., Planning Board Attorney reported that there were two emails, one from Kevin & Laura Gilroy and one from Karen Zelle, who are in the 200 foot radius of this property. Kevin Gilroy is on active duty with the Department of Defense and Karen Zelle's husband is having surgery and will not be able to attend the Public Hearing. Since it is law that the Planning Board cannot accept letters regarding opinions or concerns from members of the public regarding applications, there is also case law that states that interested parties are to be given priority, which is why the 200' radius of the property in question receives certified notification of hearings. The aforementioned neighbors of this

property would like to place their comments and concerns on record. In order to do so, Steven Zabarsky, Esq. made a recommendation to adjourn this matter, without the requirement of additional formal notice. A motion was made by Robert Triano, second by David Witherspoon to adjourn this application to be heard at Public Hearing on August 25, 2021. Additional votes in favor by: Frank C. Gorman, Chris Vaz, and Peter Jarkezian.

Application to be heard on August 25, 2021.

A motion to adjourn the meeting was made by Peter Jarkezian at approximately 6:05 pm. All members were in favor.

These minutes are not verbatim, but highlight the main events of the meeting. A recording to the meeting is available from the Planning Board Secretary in the Seaside Heights Borough Hall at 901 Boulevard, Seaside Heights, NJ.

Submitted by:

*Sherri R. Sieling
Planning Board Secretary*

WORKSHOP MINUTES

Seaside Heights Planning Board

Monday, August 2, 2021

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, Robert Triano, Vito Ferrone, Ted Szejnrok, Thomas Faragalli

ABSENT: Steve Sanzone, David Witherspoon

RESOLUTIONS TO MEMORIALIZE

BLOCK 28 LOTS 22 – 324 FRANKLIN AVE – THEODORE & LAUREEN SZEJNROK – ZONE: LOW DENSITY RESIDENTIAL (LDR)

MINOR SUBDIVISION & SITE PLAN APPROVAL WITH VARIANCES

APPLICATION # 21-04

RESOLUTION # 2021-13

Motion to approve made by Robert Triano, Second by Chris Vaz

Yes votes: Robert Triano, Chris Vaz, Frank C. Gorman, and Peter Jarkezian

APPLICATIONS TO REVIEW

BLOCK 24 LOT 36 – 236 BLAINE AVE. – CAROL NOONAN – ZONE: LOW DENSITY RESIDENTIAL (LDR) SITE PLAN APPROVAL WITH VARIANCES.

APPLICATION #21-06

ATTY: CHRIS REID, ESQ.

This is a 2500 square foot, corner property. Currently there is a single, 2- family residential home on this property. The applicant is seeking approval to elevate and build a one story addition with a roof top deck on the existing home bringing this to 23.5 feet high. Applicant will also be seeking approval for variances for the front and side setbacks on the property. These conditions are pre-existing.

Variances:

Front Set Back- where 10 feet are permitted by code, they are asking for .73 feet.

Right Side Set Back- where 3 feet are required by code, they are requesting .73 feet.

Left Side Set Back- where 3 feet are required by code, they are requesting 1.6 feet.

Chris Reid, Esq. appeared on behalf of the applicant, Carol Noonan also with Jason Hanrehan, Architect and Andrew Stockton, Engineer, Surveyor, Planner.

Jason Hanrehan explained the property and application. He stated that this is a corner lot and is a unique piece of property. The applicant wants to keep the building on the property, raise it up, and add a new deck on the side of the house.

There is a portion of the house, on Barnegat Ave, northern side (kitchen), which is in disrepair. The applicant proposes to demolish that portion of the house that will square off the house in appearance. There is a curb cut on the Blaine Ave. side of the house. Applicant will be keeping the existing entrance and will have stairs up to the new first level.

Doug Klee stated that they may need to rethink where the stairs will be located because they cannot go on the public right away, even if they are pre-existing.

Jason further explained that there will be 2 bedrooms upstairs and they propose to build a roof top deck on the flat roof in their plans.

They would like to raise the house 26 feet off of the ground so they could have a garage underneath the house.

Regarding parking, they are required to have 2 parking spaces, which they will have.

The house is very old and has pre-existing non-conformities.

Steve Zabarsky, Esq. mentioned that the agenda and the application says that this is a two family house. Chris Reid stated that this was a mistake on his part and the application is for a one family house, which currently exists and will be the same in these proposed plans for approval. The agenda and the application must be amended to reflect that this is a ONE-FAMILY Home.

Andrew Stockton added to the information that the front stoop will become a landing. The applicant does not want to overbuild so they could have a nice sized, fenced in yard.

As the house stands, the lower level is in a flood hazard area. The garage will be 8-9 feet high.

All members and professionals said that this application seems fine with the exception of the stairs. They need to be moved to a different location.

This application can be scheduled for August 25, 2021 for Public Hearing.

BLOCK 35 LOT 63- 1520 BOULEVARD UNIT C – RICHARD CLINE T/A OFFSHORE BBQ- ZONE: RETAIL BUSINESS (RB).

VARIANCE- CHANGE OF USE

APPLICATION # 21-07

Applicant is requesting a variance to utilize the space which formerly operated as a nursery school, to distribute pre-cooked BBQ items cooked in their other premises, Off Shore BBQ located in Point Pleasant, NJ for pick up/take out.

Richard Cline, owner of Off Shore BBQ explained that he would like to open up an extension of his existing BBQ business that is presently in Point Pleasant, to a building that was previously a Nursery School. He plans to cook in his restaurant in Pt. Pleasant, then transfer, warm up, and distribute food in the Seaside Heights location. There will be a couple of tables and seating inside, just to sit and eat the food, but there will be no wait staff.

There will be no cooking facilities. They plan to use electric heat warmers and will have dishwashing facilities. They plan to get most of their orders online or by telephone.

The Board felt that this sounded fine. Doug Klee stated he would like a survey of this property and a drawing of the proposed business set up.

DISCUSSION ITEMS

Ordinance 21-22- regarding side setbacks, that residential properties have a width of twenty five feet or less, side setback lines are fixed and no building or structure shall be constructed closer than two feet from the side property lines. No windows or other openings may be located on the side of the structure. No fences will be built on the side of the property having a side set back of less than 3 feet.

Ordinance 21-20- regarding Heliports and Helipads which shall be prohibited in all land use zones.

Ordinance 21-18- regarding "Resort Recreational Zone B" "Permitted Uses" adding number 8 - Body Piercing Establishments.

The Board discussed each of these ordinances as requested by Mayor and Council. The Board Attorney, Steve Zabarsky requested that the Board Secretary draft a memorandum to the Mayor and Council with details of the discussion. See memorandum below:

MEMORANDUM

TO: Borough of Seaside Heights Mayor Anthony Vaz & Council Members

FROM: Seaside Heights Planning/Zoning Board

RE: Review of Ordinances 21-22, 21-20 and 21-18

DATE: August 3, 2021

At the request of Mayor and Council, the Seaside Heights Planning/Zoning Board reviewed the above ordinances during a meeting on Monday, August 2, 2021 for comments, recommendations, and consistency with the town Master Plan. The following will detail those discussions.

- Ordinance 21-22 regarding "Setback requirements".

The members of the Planning/Zoning Board decided that in section (c) Side setback lines: 1, on the 3rd line, it would be better if it said "in addition, no windows or **doors** may be located on the side of the structure. The Board members feel that "**other openings**" can be deleted so as to take into account openings for utility vents and the like.

- Ordinance 2021-20 regarding Heliports and Helipads.

Planning Board members felt that this ordinance was perfect as-is.

- Ordinance 2021-18 regarding body piercing establishments as a permitted use in "Resort Recreational Zone B".

There was much discussion on this issue between the Board members, since it was brought to their attention that although body piercing establishments exist on the boardwalk, it is actually **not a permitted use, in any zone in the municipality**. Currently, the existing establishments are on the south side of the boardwalk, which are preexisting, non-conforming uses. The ordinance before the Board for review, would establish these businesses as a permitted use in Resort Recreational Zone B, which is the north side of the boardwalk. The Board struggled with the concept of allowing body piercing only on the north end of the boardwalk and would like to have the Mayor and Council clarify their intent and purpose for the issuance of this ordinance or to consider a different ordinance. Based upon the foregoing, the Board would not be favorable to allow body piercing only on the north side.

Respectfully submitted:

Sherri R. Sieling, Planning Board Secretary

A motion to adjourn the meeting at approximately 7:20 pm was made by Robert Triano, all were in favor.

The minutes of this meeting are not verbatim, but detail the important elements of the meeting. A recording is available with the Planning Board Secretary at 901 Boulevard, Seaside Heights, NJ.

Submitted by:

*Sherri R. Sieling
Planning Board Secretary*

MINUTES

Seaside Heights Planning Board

Wednesday, August 25, 2021

6:00 PM

Court Room over Fire House

- Open Public Meetings Act Statement-*meeting officially started at 6:07pm*
- Pledge of Allegiance
- Roll Call

PRESENT: *Frank C. Gorman, Steve Sanzone, Chris Vaz, Frank M. Santora, Robert Triano, Vito Ferrone, David Witherspoon, Ted Szejnrok, Paul Firetto*

ABSENT: *Peter Jarkezian, Thomas Faragalli*

- Motion to Approve Minutes: July 28, 2021 and August 2, 2021

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

- Swearing in of new Planning Board Member, Paul Firetto Alternate #2

Paul Firetto sworn in by Steven Zabarsky, Esq.

BLOCK 79 LOT 1 – 437 HIERING AVE – 437 HIERING AVE., LLC (MATT KIRNAN & ANGELO BAGNARA) -

ZONE: SINGLE FAMILY (SF)

MINOR SUBDIVISION WITH VARIANCES FOR LOT SIZES AND SETBACKS

APPLICATION #21-05

VARIANCES: -LOT SIZE

-FRONTSETBACKS

ATTY: ANGELO BAGNARA, ESQ.

Applicants are seeking approval to subdivide their existing property, which has an area of 4400 sq. feet. They are proposing one of the lot's area to be 2232.97 sq. feet in size and the other to be 2081.89 sq. feet in size, where 4000 square feet is permitted by code in this zone. Currently, there are 2 homes on 1 lot and is non-conforming. If the subdivision is granted, the property use will be conforming to the zone where the applicant proposes to build one single family home on each lot, total of two homes, two lots. The applicant is requesting a variance for lot sizes. Where 4000 square feet is required, they are requesting one lot to measure 2232.97 sq. ft., and the other lot to measure 2081.89 sq. ft. The second variance they are requesting is for front setbacks. In this zone, it is required to have a 10 foot, front setback. The applicants would like approval for one home to have a 3.6 foot setback and the other to have a 7 foot setback.

Angelo Bagnara, Esq. appeared on behalf of and as one of the applicants.

He stated that there are 2 homes on one lot, which is not conforming in that zone. The houses have been vacant since Superstorm Sandy. They want to subdivide the property and build 1 new home on each new lot. Bagnara had two witnesses to present the application: Jason Hanrahan of Mode Architects and Mathew Wilder from Morgan Engineering.

Jason Hanrahan, Mode Architecture, 621 Lake Ave., Asbury Park, NJ.

Owner of this business for 6 years, graduated with an Architectural degree in 2002, but not licensed. Has qualified before this and numerous other Boards on many occasions.

Steve Zabarsky, Esq. pointed out that this board is a 9 member, joint Planning and Zoning Board. There are 8 members present who can vote. The applicant was told that they will need 5 out of 8 votes in the affirmative to approve this application. Zabarsky asked if they still wanted to proceed with this hearing. The applicant's stated yes they did. Frank S. Santora, Mayor's Designee member stepped down since he is in the 200 foot radius list of the property being addressed.

Hanrahan stated that they are going to take the existing buildings raise them for flood zone compliance, add a level on the top of each structure and partially move one of the houses. On the eastern building, they will be adding a mezzanine to the rooftop deck. They plan to match the aesthetics of the rest of the neighborhood.

Steve Zabarsky entered the following into the record at this time:

A-1 Application and all exhibits including black and white photos of the houses on site at this present time.

A-2 Architectural renderings.

Jason Hanrahan further explained that the house on the western lot will have the same foot print as the existing house. The Eastern house will have a portion of the "L" shaped area removed, which will create a smaller foot print for the proposed house on that proposed lot. Both homes will be 2 stories plus a garage. On the eastern home there will be a roof top deck and on the western house there will be an elevated 2nd floor deck.

With regard to parking, Hanrahan said that there will be 2 parking spots for each house; one in the garage and one in the driveway. Although they will be removing one parking spot on the street for a curb cut on the eastern portion of the property, they will be providing 4 spaces.

For the eastern proposed house, the applicants are requesting a height variance so the total height of the house can be 37 feet 6 inches, which is a C variance (less than 10% of the total height). That was all the information provided by Jason Hanrahan.

The meeting was opened up to members of the Board to as Hanrahan questions.

Chris Vaz asked what is the feature on the top of the house to be built in lot 1.02? Hanrahan stated that it is access to the roof top deck and a habitable space.

Paul Firetto inquired about the stairs outside the houses and wondered if there will be secondary exits in case of fire/emergency.

There were no further questions from the Board, so questions were opened to members of the 200' radius list.

Kevin Gilroy, 436 Hirling Ave, Seaside Heights was sworn in. He stated that he looked at the plans and saw 3 different heights documented for the buildings. Hanrahan said that the height is based from the ground up and will be maximum 37.6 feet high.

Karen Zelley, 440 Hiering Ave, Seaside Heights was sworn in. She also had questions about the height of the buildings. On the building which is proposed lot 1.02, they are asking for a height variance to add a "mezzanine". Zelley said that she heard the architect say this is going to be a 3rd bedroom. She feels that it's too high. She also wanted to know what the distance will be between the two houses. She was told that is a question for the engineer who will be presenting his information next.

Matt Wilder of Morgan Engineering, 130 Central Ave., Island Heights, NJ was sworn in. He is a licensed professional engineer, planner, and certified flood plain manager in NJ, NY, and PA. Qualified as an expert.

A-3 Doug Klee's Engineer review letter dated July 26, 2021 marked for the record.

Matt Wilder stated that he has a different letter from Klee dated July 13, 2021. Doug Klee clarified that the difference in the July 26th letter is that it details the reduction in height that the applicant made from their first plans, which would have required a "D" height variance.

Matt Wilder stated that he agrees with most of Doug's letter. With regard to parking on page 2, #3 on street parking proposed for Lot 1.02. Originally, the applicant was taking one on-street parking space to provide for enhanced off street parking with a driveway. The driveway was originally designed as a serpentine driveway, but the applicant changed it to a straight shot driveway in to the garage. Since they will be using the existing curb cut, they will not be taking an on-street parking space to accomplish this. Utilizing C1 of Morgan Engineering's plans, Matt Wilder showed that any fencing and obstructions to the right-of-way will be removed. Wilder will be updating the plans to show the removal of those items.

Doug Klee asked regarding Lot 1.01 what is the length of the driveway space? Wilder said it is approximately 18 feet and it will have a very slight angle. Doug asked if a car is parked in the driveway, will it obstruct travellers' views? Matt Wilder that it could a tiny bit, but not as much as the when the cars are parked on the street. Klee also asked if the car parked in the driveway will inhibit the flow of pedestrians. Matt Wilder said it will not.

Regarding potential lot 1.02, Matt Wilder stated that they can offset the garage, amending the architectural plans to allow for 2 conforming parking spaces. Doug Klee stated that if they are amending the architectural plans, they will also need to amend the subdivision. On proposed lot 1.01 they need to illustrate the change in location of the apron for the driveway on the plans.

Regarding the Minor Subdivision- Matt Wilder showed that there is 4400 square feet lot area. They are requesting to subdivide into two lots, which will not be equally sized because of the unique shape of this property. For proposed lot 1.01, the lot area will be 2232.97 for lot 1.02 the area will be 2081.89. The proposed front yard setback for lot 1.01 will be 3.6 feet, which already exists; for front yard lot 1.02, 7 feet, which already exists. The applicants are requesting a height variance so they can build a house on lot 1.02 at the height of 37.6 feet, where 35 feet are permitted. The highest portion of the elevation will be 1/3 of the back portion on the roof top deck.

Matt said that his research showed that two houses existed on this property for at least the last 40 years. Those houses are non-conforming and if the subdivision is approved and the homes are built,

the existing, non-conforming homes will be replaced with conforming uses. Wilder mentioned that the homes are there currently a blight on the neighborhood.

Matt Wilder proposed that if this application is not approved it would be a hardship for the applicants and a detriment to their property. If approved they will be building on the same foot prints and reducing the square footage of the houses. Elevating the homes will flood proof them and compliment the area. The development of this property will enhance the neighborhood aesthetically and not create any detriment to the surrounding area.

A-4 Colorized Tax Map-showing undersized single family lots and multi-family lots was entered into the record.

Matt Wilder utilized A-4 to show that this property and these potential homes fall in line with the density in other lots in this neighborhood. He also stated that the development of this property accomplishes goals of zoning: establishing clearer zones with new lots, flood proofing, and beautification.

If the variances for front setbacks are not approved, Wilder stated that it would cause a hardship because the houses will not be able to be built elsewhere, that would provide a good, inhabitable space. For that reason, Wilder feels that the variances are appropriate.

Chris Vaz stated that he has concerns about the height of the building with the living space on top. Is that really necessary?

The meeting was opened to member of the 200 foot radius list and the public.

Kevin Gilroy returned with questions. He asked Matt Wilder if there are flooding issues on this property. Matt said that this property is below the flood level now, but since the applicant is raising the house to be built, that will mitigate the problem. Matt Wilder also stated that if the neighbors think they are going to raise the land, that, they will not be doing.

Karen Zelle was back to ask what is the distance between the houses going to be? Matt Wilder stated that it will be 8.8 feet apart in total, so 4.4 foot side yard setbacks on each house.

Angelo Bagnara, Esq. asked if there were any further questions of Matt Wilder. There were none.

Meeting was then opened to Public Comment.

June Kiss 440 Hering Ave, Seaside Heights was sworn. She stated that she has lived on this block for a very long time and that the east house has been there since 1950. She believes that the second house was moved to this property in 1972. She objects to the subdivision of this property. Ms. Kiss feels that this is a small lot suitable for 1 nice sized home. If this applicant is allowed to develop, Kiss stated that it will change the character of the neighborhood, put a stress on services, further compound the parking situation and further affect the storm water drainage, since additional homes will reduce the impervious surfaces in the area. For this reason, she feels that they should be allowed to build one, single family home only.

Kevin Gilroy of 436 Hiering Ave. was back for comments. He stated that he believes this is not a minor subdivision but a major one. He also stated that he thinks the 2 houses that are currently there was a mistake. He is against the buildings being that high and does not think that there should be two houses on that property. He feels that it is not beneficial for the neighborhood, there is a strain on parking currently and this will just add to the problem. Gilroy said that the Board should not allow for this subdivision or other property owners in that zone will follow suit.

Linda Ferraro, 451 Bayside Terrace was sworn in. She is very concerned about the effect on parking. She stated that on the weekends, in the summer, parking is at a premium. She feels that the driveway should be on the Hiering Ave. side and not the Bayside Terrace side. She also feels that this construction will cause increased flooding in their area, which is why she believes they should only be allowed to build one house on this property.

There were no further comments from the 200 foot radius or the public.

Chris Vaz had a question for Doug Klee. Chris stated that this area is notoriously bad for flooding and asked Doug if he takes that into consideration when he looks at plans. Doug said he absolutely does look at that and stated that this construction will not make this situation worse in any way. Chris Vaz also mentioned that Ms. Kiss stated that she was unsure how the second house got on the property. He asked Steve Zabarsky, Esq. is there a way for us to know how this happened? Would it be recorded somewhere?

Ken Roberts, Zoning Officer was sworn. He stated that in 1986 the town did a survey of homes to see how many units are on each property and whether or not they have heating. He said that this property at the time had 2 units, each having heating elements.

Angelo Bagnara, Esq. stated that he would like Matt Wilder to come back up again to address some issues raised in comments and questions. Matt basically said that regarding parking, there will be 4 off-street parking spaces gained and 1 off street spot lost. The houses will have a bit smaller foot print in some sections which will give more land area for drainage.

Baganara asked the Board to approve their application with any conditions they deem appropriate.

Chairman Frank C. Gorman said after hearing all that was presented, he would feel more comfortable having the revised plans to review prior to voting for any action on this application.

A motion to carry this application to the September 29th meeting was made by Chris Vaz, second by Steve Sanzone and all members present were in favor.

Hearing to be carried to September 29, 2021 to wait for new plans, without the need for additional public notices.

**BLOCK 24 LOT 36 – 236 BLAINE AVE. – CAROL NOONAN – ZONE: LOW DENSITY RESIDENTIAL (LDR)
SITE PLAN APPROVAL WITH VARIANCES.**

APPLICATION #21-06

ATTY: CHRIS REID, ESQ.

This is a 2500 square foot, corner property. Currently there is a single, 1- family residential home on this property. The applicant is seeking approval to elevate and build a one story addition with a roof top deck on the existing home bringing this to 23.5 feet high. Applicant will also be seeking approval for variances for the front and side setbacks on the property. These conditions are pre-existing.

Variances:

Front Set Back- where 10 feet are permitted by code, they are asking for .73 feet.

Right Side Set Back- where 3 feet are required by code, they are requesting .73 feet.

Left Side Set Back- where 3 feet are required by code, they are requesting 1.6 feet.

Chris Reid, Esq. appeared on behalf of Carol Noonan. He stated that he has experts to go over the application submitted for approval that has pre-existing conditions which made this a unique application.

Andrew Stockton, Licensed Engineer, Surveyor, and Planner of Eastern Civil Engineering, 31 Grand Tour, Highlands, NJ was qualified and sworn in.

The following were marked for the record:

A-1 Application and all attachments

A-2 Engineer Review Letter by Doug Klee, dated August 16, 2021.

Stockton stated this property is 2500 square feet, 25x100 in dimension. There is an existing 1 ½ story, single family dwelling. The front porch (entrance) extends into the right of way on Barnegat Ave.

The purpose of this application according to Stockton is to elevate the building, make renovations/improvements with an addition to match the existing lines of the building and continue the same setbacks. The front porch will be moved so there is no encroachment on the town's property. On the Barnegat Ave. side there will be a 10 foot front yard setback. On the rear of the building, there will be a 49 foot setback. The height of the building will be within the maximum height allowed and does not require a variance. They plan to elevate the home to be above the base flood elevation.

Regarding Doug Klee's letter, Mr. Stockton highlighted that Klee's review stated that there are no environmental concerns for this property as well as no concerns with the grading and drainage. Klee had no recommendations to improve on the plans as he was satisfied with them as-is.

Jason Hanrahan, Owner of MODE Architects, 621 Lake Ave. Asbury Park, NJ was qualified and sworn in.

Hanrahan stated that the existing home is dilapidated and run down because of Superstorm Sandy. They will be raising the home to meet flood codes and add a small addition on the side of the house. The existing entrance is right at the property. In the new plans, they moved the entrance to the side of the house so there will be no entrance on the property line. They will be building an elevated deck to tie in with the elevated house. The main entrance into the home will be under the deck, on the side of

the house. They plan to design with updated coastal details. The new deck and addition will be consistent with what is already existing. The new addition will be parallel to Barnegat Ave.

A Board member asked about fencing. Stockton stated that there is existing fence on the lot line and they plan to continue the fencing around the whole yard. There will be a gate on the fence on the Barnegat Ave. side for emergency purposes. The fencing will conform with zoning ordinances.

A Board member asked if there will be any other entrances to the house. There will be a second floor living room that is going to have stairs down to the deck.

In total, there will be 3 bedrooms. Klee verified that 2 parking spots are required. Hanrahan stated that there will be 2 parking spaces in the garage.

Mr. Stockton came back up to state that he feels the applicant has fulfilled the positive criteria necessary to approve this application. The pre-existing, non-conformities will become C-1 variances with no detriment to the public good. Stockton also explained that positive criteria B, C, and I will be advanced for the goals of Seaside Heights with this approval of this application. It will advance the purpose of the Municipal Land Use Law by not over building and making good aesthetics for the neighborhood. It is Stockton's opinion that the benefits of this application outweigh and detriment.

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

A motion was made by Vito Ferrone, second by Robert Triano to adopt a resolution approving this application. All present were in favor.

A motion to adjourn the meeting at approximately 7:50 pm was made by Robert Triano, all were in favor.

The minutes of this meeting are not verbatim, but detail the important elements of the meeting. A recording is available with the Planning Board Secretary at 901 Boulevard, Seaside Heights, NJ.

Submitted by:

*Sherri R. Sieling
Planning Board Secretary*

MINUTES

Seaside Heights Planning Board
Wednesday, September 29, 2021
6:00 PM
Court Room over Fire House

- Open Public Meetings Act Statement

Opened approx. 6:15 pm

- Pledge of Allegiance
- Roll Call

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

Absent: Peter Jarkezian

- Motion to Approve Minutes from meeting on August 25, 2021

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

RESOLUTION TO BE MEMORIALIZED

**BLOCK 24 LOT 36 – 236 BLAINE AVE. – CAROL NOONAN – ZONE : LOW DENSITY RESIDENTIAL (LDR)
SITE PLAN APPROVAL WITH VARIANCES.**

APPLICATION #21-06

ATTY: CHRIS REID, ESQ.

PB RESOLUTION #2021-14

Motion by: Frank C. Gorman, Second by Robert Triano

Yes votes: Frank C. Gorman, Robert Triano, Steve Sanzone, Chris Vaz, Dave Witherspoon, Ted Szejnrok, Paul Firetto- all available to vote were in favor.

APPLICATIONS FOR REVIEW (PUBLIC HEARINGS)

**BLOCK 79 LOT 1 – 437 HIERING AVE – 437 HIERING AVE., LLC (MATT KIRNAN & ANGELO BAGNARA) -
ZONE: SINGLE FAMILY (SF)**

MINOR SUBDIVISION WITH VARIANCES FOR LOT SIZES AND SETBACKS

APPLICATION #21-05

VARIANCES: -LOT SIZE

-FRONT SETBACKS

CONTINUED FROM MEETING, AUGUST 25, 2021

Applicants are seeking approval to subdivide their existing property, which has an area of 4400 sq. feet. They are proposing one of the lot's area to be 2232.97 sq. feet in size and the other to be 2081.89 sq. feet in size, where 4000 square feet is permitted by code in this zone. Currently, there are 2 homes on 1 lot and is non-conforming. If the subdivision is granted, the property use will be conforming to the zone where the applicant proposes to build one single family home on each lot, total of two homes, two lots. The applicant is requesting a variance for lot sizes. Where 4000 square feet is required, they are requesting one lot to measure 2232.97 sq. ft., and the other lot to measure 2081.89 sq. ft.

The second variance they are requesting is for front setbacks. In this zone, it is required to have a 10 foot, front setback. The applicants would like approval for one home to have a 3.6 foot setback and the other to have a 7 foot setback.

ATTY: ANGELO BAGNARA, ESQ.

This is the continuation of the hearing from August 25, 2021.

Angelo Bagnara, Esq. appeared on behalf of the applicants. Steve Zabarsky, Esq., Planning Board attorney stated to the applicants that since 2 members of the Board are in the 200 foot radius of this property (Santora and Faragalli) and one person is absent, the Board will be reduced to an 8 member voting Board.

Bagnara stated that he will attempt to address questions about parking and the driveway by the members of the 200 foot radius. At the last meeting, attachments were marked up to A-4. Now marked is A-5 is an updated letter from Morgan Engineering stating there is a new plot plan map. The letter and new map have been marked.

Jason Hanrahan-owner of Mode Architects was sworn in. He stated that although he does not have his architect's license, his employee, Daniel Conditore is a licensed architect who drew up the plans.

A-6 were marked and are the 9/13/2021 updated architectural plans.

With regard to the parking issues, Mr. Bagnara asked Hanrahan how did they modify the plans to accommodate the parking concerns. Mr. Hanran referred to Sheet A-2 of the site plan. On the Western lot (1.01) they rearranged parking so there is adequate parking. There will be 1 car in the garage and 2 cars can park outside, on site. So there will be a total of 3 on-site parking spaces, no where near the right of way for drivers on the street. Doug Klee asked for verification as to how many bedrooms will be in the house. Per Hanrahan, there are 3. The parking complies.

On the Eastern portion of the property (lot 1.02) according to Hanrahan, they made drastic changes to the space. Since Bayside Terrace has historically had congested parking, they flipped the garage entrance to be on the Hierung Ave. side responding to the requests of the neighbors from the last meeting. They will be providing 3 on-site parking spaces for this lot as well.

There was only one question from Frank C. Gorman asking if the curb cut will be closer to Bayside Terrace. Hanrahan verified that it will.

Matt Wilder, Engineer, Planner, Flood Plain Mgr. from Morgan Engineering, Island Heights, NJ. A-7 marked as new exhibit. This exhibit is a proposed, color coded parking plan dated 9/29/2021. Lot 1.01 Western lot- there will be a recessed garage door back 8 feet to allow for 3 on-site parking spaces. Wilder explained that they established a formal sight triangle on the property that will be restricted by deed.

Deed restrictions include: no structures in the sight triangle area and no bushes above 30 inches. According to Matt Wilder, this exceeds the conditions of traffic rules (AASTO) This will provide enhanced safety for this area.

A Planning Board member asked if this is the existing driveway. Wilder stated that they are relocating the driveway to make it a straight shot through to the garage, so there will be no need for parking on the street.

Lot 1.02 East, Wilder stated that they flipped the garage to Hering Ave. There will be a double-wide driveway providing 3 on-site parking spaces. In order to do this plan, the town will be losing one parking space on the street, but Wilder believes that they are meeting and exceeding the parking requirements.

With regard to impervious coverage, Matt Wilder stated that this is not required BUT they are reducing it by 40% to take into account and improve some to the historical, nuisance flooding conditions in this area. With regard to Doug Klee's letter of 9/22/21, Wilder stated that the applicant has addressed all the recommendations in this letter.

Lot 1.02 Matt Wilder corrected an issue that came up at prior meeting because he misspoke. They are requesting a 5.1 foot set back and not 7 feet that was asked for at the prior meeting.

A-8 marked- Doug Klee's 3rd review letter.

Doug Klee asked Wilder what will become of the sheds and fences on the property. Wilder stated that they will be removed.

A Board member asked for clarification about the impervious surfaces. Matt Wilder referred to A-7 stating that the grey areas are impervious, everything else will be covered in stones on both lots and the curb cut is within the ordinance. Another member of the Board asked what about the existing concrete patio? Matt Wilder said that it will be gone and applicants will be building a wooden deck/patio.

There were no more questions or comments from the Board and opened up the questions from members of the 200 foot radius.

-Kevin Gilroy, 436 Hering Ave was sworn in. He had a question of the zoning officer so Ken Roberts, Zoning Officer, Flood Plain Manager, and Code Enforcement was sworn in as well. Gilroy wanted to know when the properties were set up down in their area. Ken Roberts stated that in 1986 there was revaluation of all the town properties and they determined how many homes, are they single or multi family, etc.

Gilroy asked Matt Wilder a question with reference to A-7. He asked if a large vehicle comes around the corner, will it block the sight triangle? Matt Wilder stated the way they configured this, the sight triangle will address parking issues and safety issues such a visibility.

Steven Zabarsky, Esq., stated that in the deed restriction it should say that the sight triangle is delineated somehow, whether by fencing, a concrete driveway, something to show where the sight triangle exists. Matt Wilder said that they took into account 9x18 is the standard size for a car and there will be a 15 foot curb cut.

-Laura Gilroy, 436 Hering Ave. was sworn in. Her question was regarding the height variance. She wanted to know what the correct, finished height will be of their houses. According to Matt Wilder, 37.6 feet tall. This is a C height variance for lot 1.02; Lot 1.01 is conforming height.

Mrs. Gilroy also asked about the Boundary and Topographic Survey (already marked) she said that it does not include the right of way. So she looked up the information on the county website about the property and said that the county has the measurements smaller than what the applicant is saying. Wilder stated that they are going on the most recent survey that the applicants had done on the property and he cannot comment on what the County has for information.

The meeting was opened up to public comment.

-Samuel Catariniccia, 430 Hirling Ave. was sworn in. He wanted to know if this application, if approved, will set precedence for other properties and applications in the future. Steven Zabarsky, Esq. responded to this question stating that every decision made by the Board is based on facts and stands on its own merit for each particular application.

-Karen Zelley, 440 Hirling Ave. was sworn. Ms. Zelley stated that she did some research regarding variances and one of the criteria is that the variance cannot present a detriment to the surrounding neighborhood. She stated that she objects to the application and that it should not be allowed to be subdivided. She said that the 2 houses that are currently there are a previously flawed decision. Also noted that the parking in that area is overtaxed. Passing the application would create more noise, traffic, and change the environment of the neighborhood. Zelley is also particularly opposed to the 3rd floor living space.

Kevin Gilroy, 436 Hirling, came up again to state that he objects to this application.

Laura Gilroy, sworn and commented again. She is concerned about the occupancy of these homes if they are to be rented. The applicants responded that they plan to sell the houses as single family homes. She is opposed to building the 2 houses.

Angelo Bagnara, Esq. stated that he has no additional information to present.

Dave Witherspoon stated that the Planning Board is very concerned about if an application is going to have a negative impact on any part of the town since their decision ultimately affects the whole town. He stressed that the Planning Board does care.

A motion was made by Chris Vaz to DENY this application. In this zone, there needs to be a minimum of 4000 square feet and it does not conform with the zoning in this area. The Board should not be separating non-conforming properties. Vito Ferrone seconded the motion.

Votes taken: YES votes to deny: Chris Vaz, Vito Ferrone, Frank C. Gorman, Steve Sanzone, David Witherspoon.

NO votes to deny: Robert Triano, Ted Szejnrock, and Paul Firetto

Application was denied.

**BLOCK 14 LOT 23 - 214 SUMNER AVE., - MARIO CRUZ – ZONE: LOW-DENSITY RESIDENTIAL (LDR)
MINOR SUBDIVISION WITH "D" USE VARIANCES
APPLICATION #21-08**

VARIANCE: "D" BUILDING HEIGHT

This applicant is proposing to subdivide the existing 5000 square foot lot into 2 new lots each measuring 2500 square feet (25 x 100). If approved, this would create lots 14.01 and 14.02. Additionally, the applicant is looking for approval to build one home, on each of these lots, which would require use variances. They are proposing to build the houses each at 36.5 feet high (3 stories), where 27 feet high is permitted.

ATTY: CHRISTOPHER REID, ESQ.

Christopher Reid, Esq appeared on behalf of the applicants.

Reid stated that this application is a subdivision of the property to establish 2 conforming lots, each at 2500 square feet in size. Additionally, he stated that this is a D-6 height variance since the height of the potential homes to be built exceeds 10% of the allowable height in this zone.

Steven Zabarsky, Esq. pointed out that as D variance, the Board, having nine members, must reduce down to a 7-person Zoning Board and only Alternate member #1 can vote for this application.

Daniel Wheaton of 10 Architecture, Architect and Planner was sworn and qualified.

Wheaton described the types of development on this portion of Sumner Ave on the Northern side is basically mixed-use. There are apartments and single family homes. The subject property is currently a vacant lot. It is 5000 square feet and they are requesting to subdivide it into 2-2500 sq. ft. lots, which conform in this zone. The only variance the applicant is requesting will be for the height of their buildings.

The following items were marked into the record:

A-1- the Planning Board Application and all its attachments

A-2- Review letter by Doug Klee

**Chris Reid noted that a survey was submitted.*

Daniel Wheaton, referred to ZB1 sheet with exterior elevations on the architectural plans. A portion on these houses is to be stepped back off of the street to allow for 3rd floor living space. The applicant chose to do this to decrease the impact of the height of the building on the neighbors' homes. There will be a 22 foot setback from the rear of the property; there will be 16 feet from the rear of the property to the start of the rear deck. The façade of the building will be located here. Daniel Wheaton stated that the dimensions of the home were specifically chosen so not to overbuild in the space. Wheaton stated that this could be part of the conditions of any approval of this property: 12 foot front yard setback to the deck and 20 feet from the sidewalk to the garage door. This will give extra on-site parking. With regard to curb cuts, there is an existing one on the Western side. On the Eastern side, they will need to put in a new curb cut, which will take away one on-street parking space.

Daniel Wheaton feels that the design of these homes will mitigate any negative impact on the neighborhood.

With regard to the D height variance- Wheaton feels the design with this height takes away from the depth of the house and that making it taller will make it more aesthetically more pleasing for the neighbors. These houses will be flood and fire compliant.

According to Daniel Wheaton this application and project satisfies all the positive criteria necessary for the Board to approve their development and this project is particularly suited for this area. He also stated that criteria is satisfied for D variances to be passed.

Per Daniel Wheaton, there will be 7 feet between the two buildings which is a foot more than required.

There were no further questions of the Board and none from the 200 foot radius or public.

A motion was made to adopt a resolution for this application by Robert Triano and second by Ted Szejnrok.

Yes votes by: Robert Triano, Ted Szejnrok, Frank C. Gorman, Steve Sanzone, Chris Vaz, David Witherspoon, Tom Faragalli.

Frank M. Santora and Vito Ferrone could not vote since this is a D variance.

BLOCK 35 LOT 63- 1520 BOULEVARD UNIT C – RICHARD CLINE T/A OFFSHORE BBQ- ZONE: RETAIL BUSINESS (RB).

VARIANCE- CHANGE OF USE

APPLICATION # 21-07

Applicant is requesting a variance to utilize the space which, formerly operated as a nursery school, to distribute pre-cooked BBQ items cooked in their other premises, Off Shore BBQ located in Point Pleasant, NJ for pick up/take out. Since the workshop on August 2, 2021, Matt Heagen, Esq. is representing the applicant and has added an addendum to the original application by way of letter. That letter added that the applicant will also request approval to place a smoker/smokers either adjacent to the building or in the fenced in area that exists on that property.

ATTY: MATT HEAGEN, ESQ.

Matt Heagen, Esq. appeared for the applicant. To summarize the application, Heagen explained that this potential business will occupy a space in a strip mall that currently has a brewery at the north end, a laundrymat in the middle and a nursery school on the southern end of the mall.

They will be asking for a change of use variance so that they can essentially act as a restaurant for take out service only. There will be no waitress/waiter service.

Although the applicant would not be "cooking" in this location, he would like to use the exterior of the property to put smokers outside.

A-1 Application and attachments was marked into the record.

Steven Zabarsky, Esq. stated that he recalled at the workshop, there was no mention of cooking on-site. This application was for take-out food only and warm up of the food, only.

He further stated that if this is what the applicant intended then there must be a site plan submitted for a change of use variance. The Board and Engineer will need to know where smokers, tables, etc. will be. Also Zabarsky stated that even though this may not need a use variance, it will definitely need site plan approval.

Per Zabarsky, the applicants need to file and amended application. The affidavit of publication is fine and the applicant does NOT have to re-notice. There also needs to be a floor plan for the interior of the establishment.

This application will be continued on the October 27, 2021 Public Hearing Date.

*Motion to adjourn the meeting made by Robert Triano at approximately 8:00 pm
All were in favor.*

The minutes of this meeting are not verbatim, but detail the important elements of the meeting. A recording is available with the Planning Board Secretary at 901 Boulevard, Seaside Heights, NJ.

Submitted by:

*Sherri R. Sieling
Planning Board Secretary*

MINUTES

Seaside Heights Planning Board

November 22, 2021

6:00 PM

Court Room over Fire House

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

Present: Frank C. Gorman, Chris Vaz, Robert Triano, David Witherspoon, Thomas Faragalli, Ted Szejnrok

Absent: Steve Sanzone, Frank Santora, Peter Jarkezian, Vito Ferrone, Paul Firetto

- Approve minutes from October 27, 2021 meeting- **All in favor**
***Chris Vaz stood in as secretary for this meeting in the absence of Sherri Sieling.**

APPLICATION TO REVIEW

BLOCK 29 LOT 1 – 301 WEBSTER AVE. -301 WEBSTER AVENUE ASSOCIATES, LLC – ZONE: LOW DENSITY RESIDENTIAL (LDR)

MINOR SUBDIVISION USE AND BULK VARIANCES

APPLICATION 21-09

Applicant is seeking approval to subdivide this property into three (3), buildable lots. The total size of this property is currently 5,610 square feet. If a subdivision is approved, the lots will each measure 1, 870 sq. feet in size. They are proposing the lots as 1.01, 1.02 and 1.03. The homes will all be conforming in height

- On proposed lot 1.01, there exists a single- family house fronting Webster Ave, which they will raise to provide parking spaces and to remove heating and water elements out of the flood zone.
- On proposed lot 1.02, there exists a duplex home that fronts Barnegat Ave. with existing non-conformities including front yard and side yard setbacks.
- Proposed lot 1.03 will be making way for the construction of a new single family home.

VARIANCES – “D” USE VARIANCE FOR DENSITY AREA

FRONT SETBACKS FOR LOT 1.01 ON BAREGAT AVE SIDE

FRONT SETBACK FOR LOT 1.02 FOR STAIR PLACEMENT

SIDE SETBACKS FOR LOT 1.02

ATTY: MICHELE R. DONATO, ESQ.

Michele Donato, Esq. appeared with the applicant. She pointed out that there are 6 Planning Board members present. This application is a “D” variance. Donato said that she would like to present this application, to place it on record, although the applicant is entitled to 7 voting members. She said that if she felt there was going to be any type of problematic issues, she would like to carry the meeting to the next date when there will be 7 members available to vote. Steve Zabarsky, Esq. Planning Board Attorney, stated that would not be possible because the 7th member would not have had the benefit of asking questions during the presentation at the current meeting.

Michele Donato asked for a moment to speak to her client. During that time, the Board memorialized the resolutions listed below.

Upon her return, Donato advised that her client wanted to continue with the presentation.

Steve Zabarsky, Esq. marked the following items into evidence:

A-1 Planning Board Application and all attachments

A-2 Engineer Review Letter written by Doug Klee, Planning Board Engineer on October 11, 2021

A-3 Daniel Wheaton's photo and report dated November 22, 2021

Keith Campanella, 7336 Amboy Staten Island, NY partner/ owner/applicant was sworn in. Mr. Campanella is a Civil Engineer, contractor, and developer. He will be deferring to Daniel Wheaton, Architect, principal owner of 10 Architecture, Manahawkin, NJ for the details of this application.

Daniel Wheaton – there are 3 habitable units on the subject property; a single family home that fronts Webster Ave. , a duplex (2 units) fronting Barnegat ave. and a vacant portion of the property on Webster Ave.

- Applicant is requesting to subdivide the property into 3 conforming lots so that each house will have its own lot.
- Applicant is requesting a use variance for density to keep the 2 existing structures and add a third structure to this lot.
- They propose to renovate and elevate the single family home to meet FEMA requirements.
- They propose to renovate the duplex by adding an additional floor to provide more living space to the existing units. Currently, these units are 1 bedroom in each unit. The renovation will allow for 930 sq. ft. for each unit.
- He states that the renovation will allow for 4 on-site parking spaces at the duplex.

The applicants are asking for the following variances:

- For the house on proposed lot 1.01- front yard setback of 0 feet where 10 is required.
- Also on this lot they are asking for an encroachment for the stairs of 9 feet where 4 feet is the maximum allowed.
- For proposed lot 1.02 a variance for front yard setback encroachment into the right-of-way of .060 feet on Barnegat Ave for the duplex has been requested.
- Side yard setbacks to the south of property line of 2.15 feet where 3 feet are required for the duplex.
- For the new construction they are asking approval for stair encroachment to be 5 feet where 4 feet is the maximum.
- The new roof for the duplex will be constructed so that there is no overhang.
- Proposed lots 1.01 and 1.03 will have at least 2 parking spaces on each lot.

Frank C. Gorman asked a question regarding the air conditioning condensers to verify where they will be located. Per Daniel Wheaton, their placement complies with and actually exceeds the code and will be set inside the building footprint. Lot 1.02 will have (2) A/C condensers at the rear of the property. Lot 1.01 will have the condenser next to a deck.

Daniel Wheaton explained that there is an existing curb cut, but they will be adding more of a cut because there is no parking allowed on the street on Barnegat Ave.

Planning Board Members wanted to know how close the houses will be to one another. Wheaton said that the new construction will have 3.5 foot side setbacks and 3.25 setback to the stairs. It will be 6 feet 9 inches between.

Doug Klee, Planning Board Engineer wanted to know if there is a need for the existing bay window on the house? Wheaton felt it is a nice decorative effect to the house, but not necessary.

Chris Vaz asked if the duplex was going to remain with two habitable units. Wheaton said yes they will stay that way.

Daniel Wheaton did an analysis of the area with many homes on lots that exceeded the density in order to feel comfortable to request the density variance. He feels that the size of their lot and the parking they will be able to provide on this property will allow them to accommodate the houses they want to build/keep in this property. There will be no crowding the neighbors and they will be able to keep the light and space consistent. Wheaton feels that this project will be a positive change for the community that it is in and is particularly suited for this area in that it will be filling a vacant lot.

There were questions about the landscaping for lot 1.03. Ms. Donato stated that her client, the applicant would be amenable to any suggestions that are in line with the town's redevelopment picture. The board said they would like concrete driveway, or stone element, not dirt or sand.

There were no further questions or comments from the Board. There were no questions from the 200 foot radius or the audience. Public portion was closed.

Ms. Donato stated that she feels the project will be great for the community and do a wonderful job making it look aesthetically pleasing for the neighborhood.

There was a motion made to adopt a resolution to approve this application with conditions which will be outlined in the resolution by Robert Triano, second by Chris Vaz. Yes votes by Robert Triano, Chris Vaz, Frank C. Gorman, David Witherspoon, Tom Faragalli, Ted Szejnrok.

Motion to adjourn by Tom Faragalli all in favor at approximately 7:10 pm.

These minutes are not verbatim. There is a recording of the meeting located with the Planning Board Secretary at 901 Boulevard, Seaside Heights.

RESOLUTIONS TO MEMORIALIZE

BLOCK 35 LOT 63- 1520 BOULEVARD UNIT C – RICHARD CLINE T/A OFFSHORE BBQ- ZONE: RETAIL BUSINESS (RB).

VARIANCE- CHANGE OF USE

APPLICATION # 21-07

Applicant is requesting a variance to utilize the space which, formerly operated as a nursery school, to distribute pre-cooked BBQ items cooked from their other premises, Off Shore BBQ located in Point Pleasant, as well as smoked items made on the premises for pick up/take out.

The applicant will also request approval to place a smoker/smokers either adjacent to the building or in the fenced in area that exists on that property.

ATTY: MATT HEAGEN, ESQ.

RESOLUTION #21-17

Motion to approve this application was made by Thomas Faragalli, second by Robert Triano.

*Yes votes: Thomas Faragalli, Robert Triano, Frank C. Gorman, Chris Vaz, David Witherspoon, Ted Szejnrok
All in favor.*

BLOCK 27 LOT 33 – 206 BAY BOULEVARD – 1500 RICHMOND AVE, LLC – ZONE: LOW DENSITY RESIDENTIAL

MINOR SUBDIVISION WITH VARIANCE

VARIANCE- "D" HEIGHT

APPLICATION #21-11

This applicant is seeking approval to subdivide their property which is 7250 square feet into (3) three lots each measuring 2416.66 square feet in dimension and propose to be a single-family home on each of the lots.

The applicant is requesting a variance for height, as they would like approval to build each of the homes at 37 feet from the base flood elevation plus one foot. This will require a D variance, since the height is over 10% of the allowed 27 from BFE plus one.

RESOLUTION #21-18

Motion to approve this application was made by Robert Triano, second by Thomas Faragalli.

*Yes votes: Thomas Faragalli, Robert Triano, Frank C. Gorman, Chris Vaz, David Witherspoon, Ted Szejnrok
All in favor.*