

WORKSHOP MINUTES

Seaside Heights Planning Board

Monday, May 2, 2022

6:00 PM

116 Sherman Ave.

Court Room over Fire House

- Open Public Meetings Act Statement-*Read by Chairman Frank C. Gorman approx. 6:10pm*
- Pledge of Allegiance
- Roll Call

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

Absent: Peter Jarkezian, Ted Szejnrok, Paul Firetto

- Approve Minutes from April 27, 2022

Motion: Robert Triano, Seconded by Chris Vaz - all were in favor.

WORKSHOP ITEM

BLOCK 69 LOTS 1, 1.01 & 1.02 – 2 OCEAN TERRACE – SEASIDE OCEAN TERRACE, LLC, ZONE: RESORT RECREATIONAL (RR)

Applicants are requesting "Field Change Modifications" to their previously approved plans.

There are 5 items they would like to modify on their site. The Board will specifically be discussing #3, regarding the location of the garbage containers. This modification has the potential to affect neighboring areas.

This item was not addressed at this meeting. A conflict attorney needs to be available to hear this.

APPLICATIONS FOR REVIEW

The following applications are being heard as a public hearing. Since the original notices did not go out in time, the applicant published and sent certified letters to the 200 foot radius to reflect this date.

After polling the Board whether there should be a Special Meeting at a cost to the applicant or if they would hear it on a "Workshop" date, the decision was unanimous to hear them at this meeting.

BLOCK 71 LOT 1.01 – 1516 BAY BOULEVARD – CAS INTERNATIONAL IMPROVEMENTS, LLC – ZONE: LOW DENSITY RESIDENTIAL (LDR)

MINOR SITE PLAN WITH USE AND BULK VARIANCES

APPLICATION# 22-07

The applicant is requesting approval to construct a 3-story home on a 2,443 square foot property, where there exists a single-family home, which shall be removed. The applicant is proposing to construct the home at 35 feet high, where 35 feet are permitted. They will also be requesting to build the house with a minimum front setback of 5.55 feet where a 10 foot front setback is required.

ATTY: CARLOS A. FERREIRA, ESQ.

VARIANCES:

USE (D)-HEIGHT

FRONT YARD SET BACK

Carlos Ferreira, Esq. appeared for the applicant, CAS International Improvements, LLC.

The owners of interest are Avrihim Idri and Carlos Rodriguez. Mr. Rodriguez is also going to be the general contractor for the project.

Also present was Jason Marciano of East Coast Engineering, Inc., 508 Main Street, Toms River, NJ. Mr. Marciano is a licensed professional engineer and planner who has testified before this Board on several other occasions and was qualified as an expert.

Marked for the record were the following:

A-1 Planning Board Application and all attachments submitted.

A-2 Planning Board Engineer review letter dated March 21, 2022

(Doug Klee will amend this letter to reflect the address of this property as 1516 Bay Boulevard, which is also how it is reflected in tax records)

Mr. Marciano stated that the applicants are asking for a variance for the height and front setback on this property.

Steven Zabarsky, Esq. Planning Board attorney pointed out that the applicants are requesting a D-6 height variance for special reasons. Under these circumstances, Mr. Zabarsky explained that there are 6 Planning Board members eligible to vote. To be approved for this application the applicant needs 5 yes votes. Mr. Zabarsky asked if the applicant would still like to proceed which was answered affirmatively by Mr. Ferreira.

Mr. Ferreira asked Jason Marciano some questions but allowed him to explain the application/project in question. Mr. Marciano stated that this property is on a dead end with a chain link fence around it. The lot shape is triangular and is a conforming lot. The applicants propose to build a single-family house that is 3 stories high on top of a garage. There will be multi-level porches and a roof top deck. Jason Marciano explained that there is minimal parking on the street, however, the project was configured to supply plenty of off-street parking to accommodate this property.

The variances that are being requested are:

A 5.5 foot front setback due to the irregular shape of the property.

A height variance in LDR zone-elevation 8 structure to be 38 feet in height from BFE 8.

Marciano said that the old structures were removed from the property and the lots are totally empty.

Mr. Ferreira asked Mr. Marciano if in his opinion, this house could be considered a luxury home. Jason Marciano stated that yes it would be. There will be 4 bedrooms and 3 bathrooms. One of the bedrooms will be attic-level with a walk out deck. The applicants will be using a stone foundation and cedar shakes on the outside.

Regarding logistical items, Mr. Marciano stated that they will be sure to point the gutters away from neighboring homes and will be using decorative stone for ground cover to catch water run-off. With regard to off-street parking, this house is required to provide two and a half parking spaces. There is the capacity to park 4 cars off the street. For site access to this property there will be an ACCESS EASEMENT, crossing adjoining lot to get to the driveway.

Steve Zabarsky stated that LOT 32 will have to grant an access easement to lot 1.01 which will require a deed restriction, access easement and covenant of restriction.

Ken Roberts, Zoning Officer pointed out that this height variance, if approved would be the highest ever allowed plus two feet.

Doug Klee said the applicants are asking for 46 foot high building with 36 elevations. He asked the applicants if there is any "wiggle" room with the roof to make the height a little lower. Jason Marciano spoke with the applicants. They feel that they could take off one foot of the overall height.

Frank C. Gorman asked to verify if the front of the house is going to be on Hirling Avenue. The front is definitely on Hirling, therefore, Frank Gorman asked that the applicants request the address to change to a Hieirng Ave. address for the sake of safety for mail delivery and garbage pick-up. He stated that this can be done through the tax assessor.

Board members wanted to know why the house needs to be so high. Mr. Marciano stated that they wanted to elevate for the flood zone. The board members pointed out that the first floor is designed to be 1 foot higher than most houses. Mr. Marciano had another discussion with the applicants. It was decided that if they modify the garage floor and the roof, they will be able to construct a house that is 41 feet high with a 44 foot elevation.

Referring to Doug Klee's letter, page 2, part b Jason Marciano made the following points:

The project is consistent with the town master plan- it is a single family and there will be no change to the density.

The structure will be harmonious to its surroundings-many other homes in this area are being built with 2 stories with a small room on top.

The special reasons for the height variance are for the general welfare, health and safety of the area and the people in the home. It will protect from fire and flood. The layout of the house will provide adequate air, light, and open space. It is the appropriate density for this zone. The new construction will provide a desirable visual environment and will pose no detriment to the area.

Planning Board members mentioned that there is a chain link fence on Bay Boulevard. Applicant states that it is conforming to the front yard and that they will update it. Members do not want there to be a fence between the two houses.

There were no questions from the board, 200 foot radius, or general audience.

Carlos Ferreira brought up Carlos Rodriguez to be sworn in. His address is 1065 Waldorf Terrace, Lakewood, NJ. Rodriguez has owner interest in the LLC and owns Carlito Way, LLC construction company. Mr. Rodriguez will be the general contractor on this project. Mr. Ferreira brought Mr. Rodriguez to place on the record that both partners in this application agree to changes to the plans to reduce the height of the building to 41 feet with an elevation of 44 feet. Applicants also agree to installing new fencing on the Bay Boulevard side of the property and will NOT put fencing for the first 35 feet between the houses front to back.

There were no further questions.

A motion to adopt a resolution for this application with conditions was made by Steve Sanzone. Seconded by Robert Triano.

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

Resolution to be memorialized at the next available meeting.

**BLOCK 71 LOT 32 – 323 HIERING AVE. – CAS INTERNATIONAL IMPROVEMENTS, LLC – ZONE: LOW DENSITY RESIDENTIAL (LDR)
MINOR SITE PLAN WITH USE AND BULK VARIANCES
APPLICATION# 22-08**

The applicant is requesting approval to construct a 3-story home on a 3,032 square foot property. The applicant is proposing to construct the home at 37 feet high, where 35 feet are permitted, which calls for a USE variance.

ATTY: CARLOS A. FERREIRA, ESQ.

VARIANCE:

USE (D)-HEIGHT

Carlos A. Ferreira, Esq. appeared on behalf of the applicants. The applicants are the same as in the previous application for 1516 Bay Boulevard. Also present was Jason Marciano of East Coast Engineering, Inc., 508 Main Street, Toms River, NJ. Mr. Marciano is a licensed professional engineer and planner who has testified before this Board on several other occasions and was qualified as an expert.

Marked for the record were the following:

A-1 Planning Board Application and all attachments submitted.

A-2 Planning Board Engineer review letter dated March 22, 2022

Jason Marciano, engineer for this property explained that this property is a 3037 sq. ft., oversized lot where the applicants wish to build a single family home with a garage, 2 full living floors and a small, finished room on the 3rd floor with a roof-top deck.

Per the engineer, they are asking for a height variance to build a 41-foot-tall house with elevations of 44 feet. This property has a very large front setback, which will leave plenty of room for off-street parking up to as many as 5 cars. Their proposed plans will meet all flood requirements.

Mr. Marciano referenced Doug Klee, Planning Board Engineer's letter with the following details.

- Grading and Drainage- applicant will be using decorative stone on property and will ensure that the gutters will be facing away from nearby properties.*
- The width of the driveway is 22 ½ feet. 13.2 feet of that is in the easement area for the driveway.*
- Mr. Marciano agreed with Klee that this is a D use variance for height. They will change their plans to comply to a maximum of 41 feet high for this project.*

Steven Zabarsky, Esq. Planning Board attorney stated that there will need to be a restrictive covenant and easement of access on this property.

- *The board asked about an outdoor shower that is on the plans. Marciano explained that it will be on the first floor behind the house on the deck. This will be above flood elevations.*
- *Another member asked about lighting on the house. Mr. Marciano stated that they will be using recessed lights in the soffit.*
- *A board member mentioned that on sheet A-2 of the plans, there are no stairs shown that go to the garage level of the house. Doug Klee stated that the applicants may want to amend their plans for resolution compliance to detail stairs in the garage that lead up to the first floor and vice versa.*

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

A motion was made to adopt a resolution by Chris Vaz with all stipulations and conditions.

Seconded by Robert Triano

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

Resolution to be memorialized at the next available meeting.

FOR DISCUSSION AND ACTION

BOULEVARD REDEVELOPMENT PLAN

Mayor and Council introduced ordinance 2022-04 at their last meeting which plans to amend the Boulevard Redevelopment Plan by:

1. Permitting a 10-story structure on the site of the former steel structure where 8 stories are originally allowed. The maximum height of this building will be 125 feet.
2. In the remaining areas of the Boulevard Redevelopment Plan, buildings will be limited to five stories or a 60-foot maximum in contrast to 8 stories, which were originally permitted on the plan.

RESOLUTIONS TO MEMORIALIZE

The following resolution by the Planning Board is to approve preliminary investigations of properties as areas in need of redevelopment in response to action taken by the Mayor and Council:

- **PB RESOLUTION NO. 2022-16 - BLOCK 22 LOTS 1, 9, AND 15**
(COUNCIL'S RESOLUTION 22-122, WHICH AMENDS 22-98)

A motion to approve resolution 2022-16, which adds lots 9 & 15 to the original resolution by the Mayor and Council was made by Chris Vaz, Seconded by Robert Triano.

Yes votes: Chris Vaz, Robert Triano, Frank C. Gorman, Steve Sanzone, Frank M. Santora, David Witherspoon, and Tom Faragalli.

Vito Ferrone recused himself as he is a Council member.

- **RESOLUTION NO. 2022-17 – APPROVING THE AMENDED BOULEVARD REDEVELOPMENT PLAN.**

A motion to approve the above resolution was made by Robert Triano, seconded by Tom Faragalli.

Yes Votes: Robert Triano, Tom Faragalli, Frank C. Gorman, Steve Sanzone, Chris Vaz, Frank M. Santora, David Witherspoon.

Vito Ferrone recused himself as he is a Council member.

EXECUTIVE SESSION

MEETING WITH ERIC McCULLOUGH, ESQ.

After an executive session reviewing and discussing a letter written by Eric D. McCullough, Esq, proposing a settlement of Docket No. OCN-L-3322-21 regarding 437 Hirling, LLC v. Planning Board of Seaside Heights at the April 4, 2022 meeting, the Board requested to meet with the applicant's attorney to better understand the proposed terms of his settlement.

Executive Session minutes will be on a separate sheet, since case is still pending litigation and is not open to public inspection at this time.

ADMINISTRATIVE MATTER

BLOCK 52 LOT 3 – 208 SHERIDAN AVE – OAK FOREST DEVELOPMENT, LLC.

By letter, Harvey York, Esq. is requesting that the Board consider an extension of the applicant's approval to subdivide the subject property into 3 conforming lots. The approval was memorialized in Resolution number 2020-13 on October 5, 2020.

The Board agreed to extend the approval of the above project until October 4, 2022.

A motion to adopt a resolution to grant this extension was made by Robert Triano and seconded by Chris Vaz.

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

Resolution to be memorialized at the next available meeting.

After the Executive Session, Chris Vaz handed out the BOROUGH OF SEASIDE HEIGHTS MASTER PLAN REEXAMINATION REPORT dated May 2022, prepared by Paulus, Sokolowski, & Sartor, LLC as well as Jennifer Gorini, PP, AICP to all of the Board members. This report is currently a draft. Jennifer Gorini pulled together the report with information from Doug Klee and Allie, who assisted Doug. He requested that the members read through this report so that at our next meeting, May 25, 2022 members can vote on a tentative adoption of this plan.

Chris Vaz explained the importance of the Master Plan advising that there should be a report done every 10 years. When there is no Master Plan reexamination, zoning ordinances lose their validity. There is also a new law that requires towns to adopt a hazard mitigation plan. This report that the members will be reading is a technical report that goes back to a report from 2005, which looks at

the last 17 years. It is basically a technical report about things which still need to be done. One of those things, which are a Municipal Public Access Plan for the Beach and Bay fronts.

A motion to adjourn the meeting was made by Robert Triano at 7:55 pm. All members were in favor.

These minutes are not verbatim, but detail highlights of the meeting. A recording of the meeting is available with the Planning Board Secretary at 100 Grant Avenue, Seaside Heights, NJ

Submitted by:

Sherri R. Sieling

Sherri R. Sieling
Planning Board Secretary