

MINUTES

Seaside Heights Planning Board

July 27, 2022

6:00 PM

116 Sherman Ave.

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, Thomas Faragalli, Ted Szejnrok

Absent: Frank M. Santora, Peter Jarkezian, David Witherspoon, Paul Firetto

- Motion to approve minutes of July 5, 2022 by Steve Sanzone, seconded by Robert Triano. All present in favor.

These applications were scheduled to be heard on June 29th. That meeting was canceled since there were not enough Planning Board members attending to vote on D zoning ordinances. The applicants did not have to re-notice for this present meeting.

APPLICATIONS FOR REVIEW

BLOCK 14.01 LOT 29 – 707 131 SUMNER AVE. -BAPU, LLC./O RAKESH PATEL – ZONE: RETAIL BUSINESS (RB)

MINOR SITE PLAN WITH VARIANCES

APPLICATION #2022-05

Currently, this property has a retail store (Babe's Corner Store) and a building with a one unit apartment. The applicant is looking for approval to continue their retail store at 2480 square feet, where 4000 square feet is required and to build 3 residential apartments. They will be asking for approval to have a 9.8 foot front setback where 10 feet are required on the Sumner Ave. side. On Central Ave, they will be requesting a .1 foot front setback where 10 feet are required. A variance for left, side yard setback has also been requested for 0.4 feet where 3 feet are required. The applicant is also requesting a variance for parking where 10 spaces are required, they can provide 6 parking spaces. The Use Variance for this property involves density, where each unit requires 1,200 square feet, the applicant will be asking permission to build each unit at 747 square feet each.

USE VARIANCE: DENSITY/LOT AREA

VARIANCES: PARKING

FRONT YARD SETBACK

SIDE YARD SETBACK

ATTY: MATT HEAGEN, ESQ.

Prior to this application being heard, Vito Ferrone stepped down from the dais, since he cannot vote on D Use Variances.

Matt Heagen, Esq. appeared for the applicants.

Steven Zabarsky, Esq. Planning Board Attorney pointed out that there are only 6 members of the Board present that can vote on this pending matter. He asked Matt Heagen and his client if they still wish to proceed with the hearing. They did want to continue and understood that they needed 5 affirmative votes out of 6 waiving their right to a full voting Board.

Matt Heagen explained that the existing property is mixed use. There is a convenience store and residential units. The applicant is requesting approval to remove the units and add 3, flood compliant units.

A-1 was marked for identification consisting of the application and all attachments from May 2, 20, 2022.

A-2 Engineer review letter by Doug Klee dated June 22, 2022

A-3 Engineer document by East Coast Engineering photographs for the site plan.

Robert Harrington, Licensed Professional Engineer of East Coast Engineering was sworn and qualified. East Coast Engineering address is 508 Main Street, Toms River, NJ.

Mr. Harrington explained that this property is on the corner of Sumner and Central Avenues. There is a deli there which has existed for many years. The 40 feet along Sumner Ave and 100 feet along Central Ave and the building has 2 rows of parking. The applicant proposes to move the ground level apartment. They would like to raise the building, build 3 apartments, with 6 parking spaces underneath the building.

BLOCK 53 LOT 5 – 212 SHERMAN AVE. -SEAN BRADY -ZONE: LOW DENSITY RESIDENTIAL (LDR)

MINOR SITE PLAN WITH VARIANCES

APPLICATION 2022-12

The applicant is requesting approval to build a 3-story, residential home on this currently vacant, 2000 square foot property. Applicant is seeking a variance for the left side yard setback requesting 1 foot, where 2 feet are required. With regard to the height of the building, applicant is asking for a Use Variance, seeking allowance to build at 44.33 feet high where 37 feet high is the required maximum.

VARIANCE: SIDE YARD SETBACK

USE VARIANCE: HEIGHT

BLOCK 51 LOT 28 – 256 HANCOCK AVE. – LINDA RUETSCH – ZONE: LOW DENSITY RESIDENTIAL (LDR)

USE AND BULK VARIANCES

This applicant is requesting approval to construct a shed (accessory structure) on property which does not yet have a principal use structure. In order to build the accessory structure, the applicant will require permission by the board by granting a Use Variance. In addition, applicant is asking for accessory side yard and accessory rear yard setback variances requesting 2 feet, where 3 feet are required.

USE VARIANCE: PRINCIPAL BUILDING REQUIRED FOR ACCESSORY STRUCTURE
VARIANCE: SIDE SETBACK
REAR SETBACK

DISCUSSION ITEM

811 Ocean Terrace- Celco Partnership dba Verizon Wireless

The environmental consulting engineers would like to know if the Seaside Heights Planning Board has any comments to make regarding the potential effect on historic properties, as a result of this project. You will see on the letter, they are referring to the property in question as OCC Water Park. This property is Breakwater Beach Waterpark, not OCC Water Park.

BLOCK 10 LOT 5.01 – ANDERSON PROPERTIES, LLC. (KLEE'S)

Doug Klee would like to discuss the possibility of Klee's adding on garage doors to their outside cabana bar.

EXECUTIVE SESSION

437 Hiering, LLC v. Planning Board of Seaside Heights.

Discuss letter from Eric McCullough Esq, dated July 21, 2022, which was emailed to all Board members. They are attempting, again, to not have to go to trial with this matter.

ERIC McCULLOUGH, ESQ.