

MINUTES

Seaside Heights Planning Board

September 28, 2022

6:00 PM

116 Sherman Ave.

Court Room over Fire House

- Open Public Meetings Act Statement-**Frank C. Gorman opened meeting at 6:15pm**
- Pledge of Allegiance
- Roll Call

Present: Frank C. Gorman, Chris Vaz, Frank M. Santora, Peter Jarkejian, Robert Triano, Vito Ferrone, David Witherspoon, Ted Szejnrok, Paul Firetto

Absent: Steve Sanzone, Tom Faragalli

- Motion to approve minutes of September 6, 2022

A motion to approve the minutes was made by Robert Triano, seconded by David Witherspoon. All were in favor.

***In the absence of Steven Zabarsky, Esq., Planning Board Attorney, Brian Wilkie, Esq. sat in on this meeting.**

APPLICATIONS TO REVIEW

BLOCK 16 LOTS 6 & 9 – 701 BOULEVARD – PKH LIQUORS DBA DRIFTERS OF SEASIDE – ZONE: RETAIL BUSINESS (RB)

MINOR SITE PLAN WITH VARIANCES

APPLICATION # 2022-17

Applicant is requesting approval to provide outdoor seating for the existing restaurant with 16 picnic tables. If approved the applicant proposes to fence in the area with a 4-foot-high screening fence across the front of the property with a 6-foot screening fence across the rear of the property. There will be the addition of restrooms added to the rear of the site by installing an 8x20 foot bathroom trailer within the conforming setbacks. They propose to add a service bar which will be located under an awning that will be constructed/installed. There will be string lights on the site to illuminate the property. Since there is no parking available on this site, the applicant will be requesting a variance for no parking.

VARIANCE: PARKING

ATTY: MATT HEAGEN, ESQ.

Matt Heagen, Esq. appeared for the applicant.

This hearing was continued from August 31, 2022 since the applicants requested time to do some research regarding applications and ordinances regarding the hours of operation for this establishment. The applicants are requesting their hours of business to be from 8:00 am to 2:00 am with music ending at 12:00 am. The only items they found detailing the operation of the business was a resolution that allowed for outdoor eating. Chris Vaz said that there is a liquor license resolution that addresses entertainment stating that there can be entertainment from the hours of 12:00pm to 12:00am.

Ken Roberts, Zoning/Code enforcement Officer was sworn in to verify that the town's ordinance for entertainment is 12pm-12am.

Other issues on the application included the addition of an awning and outdoor lighting. The applicants advised that the awning will be free standing. With regard to the lighting, there will need to be a cross access easement in place since each lot has its own owner.

There were no further questions by the Board, 200 foot radius neighbors, or anyone in the audience.

A motion to adopt a resolution was made by Vito Ferrone, seconded by David Witherspoon. All were in favor: Frank C. Gorman, Chris Vaz, Peter Jarkezian, Vito Ferrone, Robert Triano, David Witherspoon, Ted Szejnrok, and Paul Firetto.

**BLOCK 40 LOT 9 -1010 BOULEVARD – PANTAI LLC. – ZONE: RETAIL BUSINESS (RB)
MINOR SUBDIVISION WITH VARIANCES AND USE VARIANCES
APPLICATION #2022-14**

This property is a 60x20 foot parcel for which the applicants are requesting a "subdivision" that if approved, will be incorporated into the site plan application for Block 40 Lot 4 (application #2022-15). The lot area where this 1200 square foot parcel will be coming from is currently 5800 square feet. If the subdivision/merge of this property into Lot 4 is approved, the remaining area for lot 9 will be 4600 square feet. If the merge is approved, the applicant is proposing to build a condominium building on this space.

In addition, the applicant will be requesting a variance for this undersized lot, which if approved will be attached to a conforming lot. Applicant is also seeking a use variance for density since the current lot is 5800 square feet, that will be reduced to 4600 square feet (if the 20x60 portion is incorporated Lot 4) where 4800 square feet is required. If these requests are approved, the addition of this lot into Lot 4 will be documented by way of a deed.

VARIANCE: UNDERSIZED LOT

USE VARIANCE: DENSITY

ATTY: MATT HEAGEN, ESQ.

Matt Heagen, Esq. appeared for the applicant.

This application was heard last out of the three. Prior to the start of this hearing, Vito Ferrone and Frank Santora left the meeting since there is a D or USE variance. Frank C. Gorman also left the meeting as he is within the 200 foot radius of this property.

This application also encompasses information and items from the application below. In the interest of time and making it more understandable, the two applications were discussed simultaneously.

Matt Heagen explained that Mr. Stone has an L shaped property, where townhouses are currently being constructed. He was going to build a pool behind the townhouses, but he decided against it. The applicants would like to subdivide the property, which is currently 5800 square feet by taking off 1200 square feet and providing it to the Coral Sands property which is right next door. As this subdivision will decrease the square footage of the property with townhouses currently under construction, this creates a density issue, which will need a variance.

Matt Wilder, Licensed Engineer and planner was sworn and qualifications accepted, since he has testified before this Board on numerous occasions. He explained that this minor subdivision on the Sheridan Ave. and the Boulevard side of this property will be absorbed into the Coral Sands property. Wilder stated that the property being subdivided is awkwardly shaped between two properties. There is no benefit of that portion of property to the townhouses and could safely be added to the Coral Sands property, which will help with parking on that property.

A-1 was marked for identification. It is a photo of the townhouse project on Sheridan and the Boulevard by East Coast Engineering. Reducing the 5800 square foot property down to 4600 will need a density variance, but according to Wilder will not cause any issues for the area. The goal is to benefit the community and be aware of the general welfare of the residents and the community. Wilder stated that this will be a de-minimus density variance.

Jason Hanrahan, licensed architect was sworn in. He stated that the Coral Sands as it stands needs major work. The applicants want to demolish it and build luxury condominiums. The building, if approved will be 3 stories over a parking garage. Each floor will have 5 condo units with 2 or 3 bedrooms. The ceilings will be 9 feet high to give a luxurious look and feel to the units. That will be a total of 15 units. The design is going "coastal modern".

A-2 was marked. It is an architectural rendering of the proposed building. The garage will be fully enclosed and secure. They will be using thin brick, composite wood screening and glass as decorative elements. There will be a courtyard feature in the center of the complex and on the upper floors there will be walkways over the courtyard.

Matt Wilder stated that the 20x60 foot space which is the subject of the subdivision is very important to this project. That extra space will leave room for tenant storage and give more space to the units themselves. Without the subdivision/addition to the property they will have to compromise parking spaces and storage.

Matt Wilder showed A-3, which is a regional, aerial exhibit taken on 8/22/22.

A-4 is a zoomed in aerial exhibit showing the area between Hancock and Sheridan Avenues. As the property stands now, there are 17 hotel rooms providing only 11 parking spaces. If this is approved there will be 15 residential units in total; 6 units with 3 bedrooms and 9 units with 2 bedrooms. There will be room for 27 parking spaces, some will be in tandem and will be conforming to code.

For lighting on the building, there is existing lighting on the Boulevard, but they will be putting lighting inside the garage. There will be a single driveway to pull into the garage under the units.

Matt Wilder said the this is not a major development in terms of effects from storm water. He also said that this development will be ADDING 2 metered on street parking spaces.

For the variances, Matt stated that they are asking for:

- a building height of 42 feet where 40 feet is allowed.*
- a 5 foot front setback where 10 is required.*

The USE or D variance is for density, they are asking for each unit to be allowed to be built at 713 square feet per unit.

Matt Wilder mentioned that they could comply with the building height, but constructing the condominium units with 9 foot ceilings elevates the design of the units.

Wilder said that if you look north of Hancock Ave. and south of Sheridan Ave, there is a "hodge podge" of setbacks. They feel that the front setback they are requesting will be harmonious for the community. It will create uniformity with neighboring properties and promote the general health, safety, and welfare of the neighbors. They also feel that the design of this project will secure it from fire, flood and panic and will be 8 feet about the flood zone, which is in line with Goal I, desirable aesthetics.

Since this building will accommodate the parking spaces for all the units the density is not a detriment to the community. They have also designed the building so that the roof drains are pointing toward the Boulevard; water will not run off into neighboring properties.

Alluding to the vision plan of 2009, Matt Wilder said a lot of time was spent on addressing the Boulevard. Stating that it needs mixed use properties and an upgrade in streetscapes. It is Matt Wilder's belief that this project will fulfill that goal.

The meeting was opened to questions from the Board.

Paul Firetto asked if there will be an on-site office at the complex. The applicants responded that there would not be an office because the condos are for sale not for rent.

Doug Klee, Planning Board Engineer wanted to reiterate that the applicants are asking for their units to be 713 square feet in size, where 1200 square feet is required. The applicant responded that they are matching the footprint of the current building and believe it will look much better as planned. They also feel that the layout, as planned will definitely support the density.

There were no questions from the public.

A Board member asked if the wood vents, covering the front of the building could be thinner/smaller so not to look so industrial. They applicants said they would look into it but feel that it adds to the safety of the building.

Doug Klee stated that he does have concerns about the density and asked if they could build only 10 units. Matt Heagan, Esq. stated that they are trying to distinguish between the Boulevard and side streets. The building needs elevators and other elements that are costly. Complying with flood requirements and ensuring there are enough parking spaces takes away space to build units without the third floor.

Chris Vaz stated that some of the importance of considering density is to question what is the impact of the infrastructure for utilities. In years to come, will our utility department be able to supply water, sewer, and electricity to all the properties.

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

Votes were taken in two parts after motions were made to adopt resolutions to approve these applications. A motion was made for the subdivision portion of the application by Robert Triano

Seconded by Chris Vaz. Yes votes: Robert Triano, Chris Vaz, Peter Jarkezian, David Witherspoon, Ted Szejnrok, and Paul Firetto.

A motion to adopt a resolution to approve the condominium project was made by Robert Triano, seconded by Paul Firetto. Yes votes: Robert Triano, Paul Firetto, Chris Vaz, Peter Jarkezian, David Witherspoon, Ted Szejnrok.

BLOCK 40 LOT 9 -1010 BOULEVARD – PANTAI LLC. – ZONE: RETAIL BUSINESS (RB)

MINOR SUBDIVISION WITH VARIANCES AND USE VARIANCES

APPLICATION #2022-14

This applicant is seeking approval to build a 15-unit, 4-story condominium complex with conforming 27 spaces of off-street parking. Currently there is a motel and swimming pool on this property. The applicant has another application regarding a parcel of property on Block 40 Lot 9, which if approved will incorporate that parcel into Lot 4, making the property's lot area 10,700 square feet. Since the applicant is planning on adding the 1200 sq. ft. parcel from lot 9 to this lot, they are seeking subdivision approval.

To build this project the applicant is requesting a variance for a Front Yard setback of 5 feet, where 10 feet are required. They are also seeking approval to build the condo complex at 42 feet high, where 40 feet is permitted.

This applicant is also asking for a Use Variance for Density. Where it is required in that zone that each unit measure 1200 square feet, the applicant seeks approval to build each unit in the condominium complex at 713 square feet.

VARIANCE: FRONT YARD SETBACK

HEIGHT

USE VARIANCE: DENSITY

ATTY: MATT HEAGEN, ESQ.

See above comments.

BLOCK 49 LOT 4 -210 KEARNEY AVE. – PHILLIP GIUNTA – ZONE: RETAIL BUSINESS (RB) & LOW DENSITY RESIDENTIAL (LDR)

APPLICATION #2022-21

MINOR SUBDIVISION WITH VARIANCES

The applicant is seeking approval to subdivide a 6000 square foot, vacant lot, into (3) 20x100 square foot lots. If approved, the applicant proposes to build 1 home on each of the lots which will require variances. The variances the applicant is requesting are for proposed new lots 4.01 and 4.02 where an elevation of 43.6 feet is allowed, they are asking for 44 feet. For proposed new lot 4.03 they are seeking to build at a height of 36 feet high where 34 feet are required. Additionally, the applicants are requesting side yard setbacks of 3 feet and 1 foot on each side of the houses.

VARIANCES: HEIGHT

SIDE YARD SETBACKS

ATTY: MATT HEAGEN, ESQ.

Matt Heagen appeared on behalf of the applicant. This application is in two zones, the Retail Business Zone and the Low Density Residential Zone. The applicant is requesting to subdivide the lot

into 3 equal 20 X 100-foot lots. Matt Heagen asked for clarification of the new side yard setback ordinance since depending on when the ordinance was passed, he may not need to ask for the variance for side yards. Chris Vaz stated that the ordinance was passed on August 3, the application was filed on August 10th. Also, the ordinance was passed regarding height, that homes can be constructed 41 feet from the top of the curb.

Daniel Wheaton of TenTen Architecture, licensed architect and planner was sworn in. He agreed that this plan, under the new ordinances, does not need variances for setbacks or height.

The applicant according to Wheaton, is proposing to remove the existing triplex and to build 3 single-family homes, each with 4 bedrooms. In order to construct these homes and provide parking, they will need to remove 2 on-street parking spaces for the driveways to the houses. The applicant is also asking for a waiver of RSIS. Ted Szejnrok wanted to know if the parking spaces they are removing are paid spaces. They are not according to Wheaton. Doug Klee stated that 4 bedrooms require 3 parking spaces-the applicant is asking for approval for 2 spaces.

Doug Klee, Board Engineer asked about fences. He said that the plans show that the house will be 1 foot from the neighbor's fences. Ken Roberts, zoning officer said that there is no fence in that space. Dan Wheaton said that on the west, the fence meanders; the fence on the east side is straighter. Should this project be approved, Doug told Dan Wheaton that he should not put the positions of the potential houses on the site plan for the subdivision until they go to construction/code office in town first, to lay out the houses in the most beneficial/considerate placing to the neighbors' houses.

The Board had no further questions and opened up the meeting to questions from the 200' radius/

Kathy Cacicedo was sworn in. She lives at 216 Kearney Ave to the west of the property in question. Kathy is concerned that her fences and trees on her side of the property will cause a problem for the sider to put the siding on the new homes and may damage her property. She also questioned if the position of these houses are safe in terms of fire and access for firemen in cases of emergency. She also stated that there is a project going up on the other side of her street which is taking away parking spaces on this street and now this new project will take even more, when parking spaces on this portion of her block are at a premium as it stands.

Rich Sasso, 245 Kearney Ave. was sworn in. He said that this used to be his second home but is now using it as his primary residence. He stated that when he went to get insurance for his home, the insurance company was uncomfortable about insuring a home that is only 4 feet from the neighboring home as it is a safety liability.

Kathy Cacicedo came back up for the comments portion of the hearing. She handed out photos of her property marked C-1 for identification. Her family built this house in 1948 and they still live there. She stated that this is going to affect the quality of their lives. Her dad is 93 years old and loves the outdoor living space of their home. A home built 1 foot from theirs impinges on their light, air and open space. She is concerned that the house will be so close to her's that if she opens her car door, it will hit the building. She said that she is against the 3 lot subdivision, but if it is approved Kathy hopes that they can shift the placement of the buildings so the 3 foot side setback will be on the side of her home.

Matt Heagen stated that while they are working with the construction department it may be possible to shift the lots, but he also did say that there are always going to be neighbors.

Rich Sasso said that there are all old vehicles parked in the lot that is an eyesore. He is looking forward for that to be gone.

Kathy Cacicedo asked if she would have to take her fence down that is currently there? That answer was no by the Code Enforcement Officer, Ken Roberts.

Joanne Richardson, 66 Kearney Ave was sworn in. Her comment was in the form of a question asking why is the town letting people come in, make money, and not care about the town-the neighborhood? Why aren't we building for the future?

Chris Vaz stated that he felt like Kathy Cacicedo is confused about what is happening here today. So he explained that all they are asking for in this application is a subdivision of the lot so that they can build 3 homes. A 14 foot wide house is very awkward to build and has very limited space. The side yard setbacks of 1 foot on one side and 3 feet on the other allows to build a 16 foot wide house with windows on 1 side of the house.

Matt Heagen added to this that there can NOT be a fence in between the 4 feet of space in between the houses.

In order to vote on this Brian Wilkie stated that this will be treated as a straight subdivision with a waiver for parking. The location of the house placement can be changed by either shifting all the houses over or by making one of the houses smaller.

A motion to adopt a resolution approving a 3 lot subdivision and waiver for parking was made by Ted Szejnrok, seconded by Robert Triano. Yes votes: Robert Triano, Ted Szejnrok, Frank C. Gorman, Chris Vaz, Frank Santora, Peter Jarkezian, Vito Ferrone, David Witherspoon, and Paul Firetto.

A motion to adjourn the meeting at 8:37 pm was made by Robert Triano. All were in favor.

Minutes are not verbatim, but a recording is available in the Borough Hall located at 100 Grant Ave., Seaside Heights.

Minutes submitted by Sherri R. Sieling, Planning Board Secretary