

MINUTES

Seaside Heights Planning Board

January 26, 2022

6:00 PM

Court Room over Fire House

- Open Public Meetings Act Statement

Frank C. Gorman opened the meeting at 6:10 pm.

- Pledge of Allegiance
- Roll Call

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

Absent: Steve Sanzone, Frank Santora, Thomas Faragalli

- Motion to approve minutes of January 10, 2021 reorganization meeting **by Chris Vaz, Second by Robert Triano – All in favor.**

RESOLUTIONS TO MEMORIALIZE

BLOCK 40 LOT 9 – 1004 Boulevard – Hephaestus Enterprises

A preliminary and final site plan with bulk variances was approved on July 25, 2018 (Resolution #2018-18) for this property. On June 26, 2019, the applicant came before the Board and was granted a one - year extension from that date keeping Resolution 2018-18 in full force. The applicants are now asking for consideration for another one-year extension explaining that they did not ask for an extension last year because their office was closed due to Covid-19 for an extended period of time.

RESOLUTION #2022-05

Motion to approve the above resolution by Chris Vaz, Second by Robert Triano

Yes votes: Chris Vaz, Robert Triano, Vito Ferrone, David Witherspoon, Ted Szejnrok, and Paul Firetto. Frank C. Gorman was unable to vote, since he is in the 200 foot radius list. This was approved.

After this vote, Vito Ferrone left the meeting since he is a Class III member and cannot vote on "D" Variances.

APPLICATIONS FOR REVIEW

BLOCK 27 LOT 25 – 327 FRANKLIN AVE. -MORDECHAI FINKLESTEIN – ZONE: LOW DENSITY RESIDENTIAL (LDR)

MINOR SUBDIVISION USE AND BULK VARIANCES

APPLICATION 21-13

Applicant is seeking approval to subdivide this property into two (2), buildable lots. The total size of this property is currently 3750 square feet. If a subdivision is approved, the lots will each measure 1, 875 sq. feet in size. They are proposing the lots as 25.01 and 25.02. The applicant is proposing to build 1 single family home on each lot.

- On each proposed lot, they are requesting a variance for side yard setbacks. Where a minimum of 3 feet is required, they are asking for side yard setbacks of 1.42 feet.

- On each proposed lot the applicant is asking for approval for the lot frontage to measure 18.75 feet where 40 feet is required.
- For each proposed newly constructed home, the applicant is asking for a use variance ("D" variance) so to build each home at the completed height of 44 feet high where 35 feet is the maximum allowable height.

VARIANCES – -"D" USE VARIANCE FOR HEIGHT

-SIDE YARD SETBACKS

- LOT FRONTAGE

ATTY: MATTHEW HEAGEN

Matt Heagen, Esq appeared on behalf of the applicant with Daniel Wheaton.

Steven Zabarsky pointed out that there are only 6 Board members remaining, after the members who had to recuse themselves, left the meeting. To approve this application, it will be necessary to get 5 "yes" votes. It is the applicant's right to have a full Board present for his hearing. Mr. Zabarsky asked Mr. Heagen if his client would still like to proceed. After an approximately a five-minute conversation with the applicant, Mr. Heagen came back to report that his client requests an adjournment until February 23, 2022, hopeful that there will be a full Board to review his application.

BLOCK 50 LOT 40 – 201 KEARNEY AVE. -MORDECHAI FINKLESTEIN – ZONE: LOW DENSITY RESIDENTIAL (LDR) & RETAIL BUSINESS (RB)

MAJOR PRELIMINARY AND FINAL SUBDIVISION, USE AND BULK VARIANCES

APPLICATION 22-01

Applicant is seeking approval to subdivide this property into eight (8), buildable lots to build eight (8) single family homes. Currently, there is a motel, pool, and parking lot on this property, which will be removed in order to develop this property with the project requesting approval. As this property is in two different zones, the proposed lots are designated as follows: Retail Business Zone (RB) Lots 40.01-40.06/Low Density Residential Zone (LDR) Lots 40.07 & 40.08.

In the RB Zone, the minimum lot area required for building is 2000 sq. feet.

- The applicants will request variances for minimum lot area for lots 40.02-40.06 making them each 1500 square feet.
- Regarding side setbacks, 3 feet are required. The applicants are requesting variances for lots 40.03-40.06 for approval to have 1 foot side setbacks.

In the LDR Zone, the applicants are requesting variances for minimum side setbacks whereas 3 feet are required.

- they are asking for 1 foot for lots 40.07 and 40.08.
- the applicants will be asking for height variances (D use variance) so that the homes can be built at 43.2 feet high, where 35 feet is allowed.

VARIANCES: - DENSITY FOR LOT AREA

-SIDE YARD SETBACKS

-"D" USE FOR HEIGHT

ATTY: MATTHEW HEAGEN

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

Steven Zabarsky, Esq. Planning Board Attorney marked the following as exhibits for the meeting:

Application, Survey, Final Plat, Architectural drawings dated 11/3/2021, Title Sheet, Preliminary and Final dated 12/13/2021 by Brian Murphy, and engineer review letter by Doug Klee dated 1/18/2022.

Brian Murphy, NJ licensed professional engineer and planner-1856 Rt 9, Toms River was sworn as an expert for this application.

Mr. Murphy explained that the current use of this property is a motel, specifically the Aquarius Arms Motel. There are 16 rooms and 1 efficiency apartment as well as 19 stalls for a parking lot.

Exhibits A-1 Google Maps aerial view and A-2 Color rendering of site plan.

Referring to the exhibits, A-2 Murphy showed that the property being discussed for this application is colored in red in the photo.

The applicants are looking for approval to build 8 single family homes in this space. 7 of those homes will front on Kearney Ave and the 8th one will be facing with the front on Central Avenue. Some of the on-street parking will be removed and off-street parking will be provided for each of the houses. The black line on this exhibit shows at what point the zones of this property change.

The applicants are asking for side yard setbacks of 3 feet on one side and 1 foot on the other so to leave a 4-foot-wide space between houses. All the perimeters of these homes/property will have 3 feet setbacks. This will allow the houses to be away from the neighboring houses to this property.

Regarding the subdivision, the applicants would follow the low density residential guidelines, but request a variance so that the minimum lot size will be 1500 square feet.

Height variances were requested for the homes to be built at 43.2 feet high, were 35 feet is allowed. The applicants are requesting this so that they can secure the homes from fire and flood.

Brian Murphy stated that he believes that project will create a desirable, visual, and harmonious environment. It is a compatible use for the surrounding area and will definitely have less movement and noise than a motel. He also stated that this project will support the Master Plan of the town.

Doug Klee, Planning Board Engineer, commented that there is a new town ordinance that allows for a 2 foot set in the Low Density Residential zone for any lot 20 feet or less. In the Retail Business zone, 3 foot side yard setbacks are required.

Doug also stated that this entire site is to be demolished before construction on the site can take place. Also it is very important to note that there is a sewer lateral between proposed lots 40.02 and 40.03, which will provide service to proposed lot 40.01. There is an easement shown that will be PRIVATELY OWNED AND MAINTAINED-this should be a separately recorded easement.

There were no further questions by the Board, no further witnesses, and no questions from the 200 foot radius or the public.

A motion to approve this application and adopt a resolution with a condition that the easement must be recorded prior to any approvals for construction was made by Ted Szejnrok, seconded by Chris Vaz.

Yes votes: Ted Szejnrok, Chris Vaz, Frank C. Gorman, Peter Jarkezian, Robert Triano, David Witherspoon, Paul Firetto.

All allowed to vote were in favor.

**BLOCK 16 LOT 1 – 717 BOULEVARD AVE –BOULEVARD EDGE, LLC. - ZONE: RETAIL BUSINESS (RB)
MINOR SUBDIVISION, USE AND BULK VARIANCES
APPLICATION 21-14**

Applicant seeking approval to subdivide the current property to create 3 lots; Lot 1.01, 1.02, and 1.03. They propose to build a multi-family building on Lot 1.01 with 4 units and on lots 1.02 and 1.03, a single- family home on each lot.

Lot 1.01

- The applicant will be requesting a use variance for density. In this zone, 1200 square feet are required for each unit. If the variance is approved, the proposed project will construct each of the four units at 945 sq.ft.
- Applicant is seeking approval to build at 45 feet tall where 40 feet is allowed.
- Where a 10 foot front yard setback is required, the applicant will be asking approval for 1.5 feet on the Grant Ave. side and 2.5 feet on the Boulevard side.

Lot 1.02 & 1.03

- Applicant will be seeking approval for a 1 foot side setback on the eastern side, where 3 feet are required.

VARIANCES: - DENSITY FOR LOT AREA

-SIDE YARD SETBACKS

-"D" USE FOR HEIGHT

ATTY: MATTHEW HEAGEN

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

Steven Zabarsky stated that the Board Secretary received 4 letters from citizens in the 200 foot radius who are requesting a postponement of this hearing. He stated that there is clear case law that states if there are interested parties that cannot attend the hearing, the Board should take those parties into consideration. Mr. Zabarsky further stated that this is the first time this applicant has come to the board for this application and that there are 120 days to act on this matter. Mr. Zabarsky asked the Board if anyone would like to make a motion to postpone the hearing for this application till the next regular meeting date, which would be February 23, 2022. This application will given priority and placed first on the agenda.

A motion was made by Robert Triano, and a second by Chris Vaz.

Yes votes: Robert Triano, Chris Vaz, Frank C. Gorman, Peter Jarkezian, David Witherspoon, Ted Szejnrok, and Paul Firetto.

The following are letters marked for the record from the residents that requested postponement of this meeting:

A-1 Rosario Calanni, 127 Grant Ave. Seaside Heights

B-2 John Scudiero, 123 Grant Ave. Seaside Heights

B-3 Stacy Schechter & Art Pastore, 115 Grant Ave. Seaside Heights

B-4 Sandra Lazzaro, 119 Grant Ave. Seaside Heights

It was also addressed that Stacy Schechter & Art Pastore purchased their home very recently, so they were not on the 200 foot radius list for the certified mailings. To rectify this, Steven Zabarsky requested that the Planning Board Secretary send emails to each of the four people to advise them of the postponement, the new date, and to tell them this is the only notice they will receive.

A motion to adjourn the meeting was made by Peter Jarkezian at 6:55 pm. All were in favor.

These minutes are not verbatim. There is a recording available at the Borough of Seaside Heights with the Planning Board Secretary.

Submitted by:

Sherri R. Sieling

Sherri R. Sieling