

WORKSHOP MINUTES
Seaside Heights Planning Board
Monday, April 4, 2022
6:00 PM
116 Sherman Ave.
Court Room over Fire House

- Open Public Meetings Act Statement-**FRANK C. GORMAN**
 - Pledge of Allegiance
 - Roll Call
- PRESENT:** Frank C. Gorman, Chis Vaz, Frank M. Santora, Peter Jarkezian, Robert Triano, Vito Ferrone, David Witherspoon (late), Ted Szejnrok
- ABSENT:** Steve Sanzone, Tom Faragalli, Paul Firetto
- Approve Minutes from March 30, 2022 meeting
- Motion by Robert Triano, Second by Frank Santora – All in favor.**

RESOLUTIONS TO MEMORIALIZE

RESOLUTION #2022-10

**BLOCK 35 LOT 1 – 1502 BOULEVARD – SHREE AG HOSPITALITY – ZONE: RETAIL BUSINESS (RB)
MINOR SUBDIVISION WITH VARIANCES
APPLICATION# 22-02**

*A motion to approve this resolution was made by Vito Ferrone, seconded by Robert Triano.
Yes votes: Vito, Ferrone, Robert Triano, Frank C. Gorman, Chris Vaz, Frank M. Santora, Peter Jarkezian,
Ted Szejnrok
All able to vote in favor.*

RESOLUTION #2022-11

**BLOCK 4.01 LOTS 33 & 37 – 33 HAMILTON AVE. – MILA HOMES – ZONE: RESIDENTIAL (R)
PRELIMINARY AND FINAL MAJOR SITE PLAN WITH VARIANCES
APPLICATION #2022-03**

*A motion to approve this resolution was made by Robert Triano seconded by Peter Jarkezian.
Yes votes: Robert Triano, Peter Jarkezian, Frank C. Gorman, Chris Vaz, Ted Szejnrok
All able to vote were in favor.*

RESOLUTION #2022-08

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

****THIS IS A CORRECTIVE MEMORIALIZING RESOLUTION****

The original resolution was memorialized on March 7, 2022. Steven Zabarsky received a letter from the applicant's attorney, Matt Heagen, Esq. which pointed out that the description of the units on the lots were incorrect. This corrective memorializing resolution is the response to that letter to document the amendments made which accurately document the subject property and project.

A motion to approve the corrective resolution, which will correct and supersede the original, was made by Peter Jarkezian, seconded by Robert Triano.

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

ITEMS FOR DISCUSSION

At the March 16, 2022 meeting of the Borough of Seaside Heights Mayor and Council, they passed 5 resolutions, which direct the Planning Board to undertake a preliminary investigation to determine if identified parcels qualify as Condemnation Areas in Need of Redevelopment and take the action necessary after such investigation is completed.

Chris Vaz led the discussion regarding the resolutions below. Chris explained that there are 2 areas in need of redevelopment : the property between Franklin and Hamilton Ave. and the former steel structure. Vaz stated that there have been talks about possible projects for those areas in the near future.

Mr. Vaz pointed out that the agenda has a mistake on it, in that not all the addresses sent to the Board by Mayor and Council, are areas for condemnation studies. The one that is NOT is the former Karma and properties west of that.

Regarding 201 Sumner Ave., White Pearl Motel, there should be a condemnation study for this property. Board members all felt that the White Pearl should be demolished. There has been no climate control in the building for years, which alone has put the building into disrepair. In addition to that, they took out the indoor swimming pool. The only way to replace the pool would be to take the roof off and drop it in with a crane. According to Kenny Roberts, Zoning Officer, they gutted many of the rooms in the building and it has been leaking water for years. The Board agreed that this building is unsalvageable. According to Chris Vaz, the town, in the past sent prospective buyers for this property. The owners of the White Pearl did everything to dissuade a sale.

Kenny Roberts, Zoning Officer stated that he would like to also recommend to council the addition of 213 and 215 Sumner Aves to the condemnation study. He stated that there are many problems with these properties including it being unkempt. These addresses are the 2 directly to the west of the White Pearl Hotel.

The Sand Castle Motel if studied alone, could possibly be an area of condemnation.

On Lincoln Ave, the Off Shore Motel, according to Chris, would also be an area to do a condemnation study.

The Board agreed that the properties sent by Mayor and Council are all warranted areas to do redevelopment studies. On each of the following resolutions passed by Council, except for 201 Sumner Ave. Motions were made authorizing the Planner to do investigation studies regarding redevelopment. The motions and votes follow below.

RESOLUTION NO. 22-98: BLOCK 22 LOT 1 – 201 SUMNER AVE. WHITE PEARL HOTEL

No vote was taken on this, since the Board is sending additional information for this area.

RESOLUTION NO. 22-99: BLOCK 2.01 LOTS 51, 55, & 56 – 51 & 55 LINCOLN AVE. 106 BOULEVARD

Motion by: Peter Jarkezian Second by: Chris Vaz

Yes votes: Peter Jarkezian, Chris Vaz, Frank C. Gorman, Frank Santora, Robert Triano, Ted Szejnrok

David Witherspoon did not vote since he was late to the meeting and missed a portion of the discussion.

Vito Ferrone did not vote since he is a Councilman.

RESOLUTION NO. 22-100: BLOCK 13 LOTS 1 & 15 – 419 BOULEVARD, 117 WEBSTER AVE.

Motion by: Peter Jarkezian Second by: Robert Triano

Yes votes: Peter Jarkezian, Robert Triano, Chris Vaz, Frank C. Gorman, Frank Santora, Ted Szejnrok

David Witherspoon did not vote, since he was late to the meeting and missed a portion of the discussion.

Vito Ferrone did not vote, since he is a Councilman.

RESOLUTION NO. 22-101: BLOCK 13 LOT 12 – 112-114 HAMILTON AVE. SAND CASTLE INN

Motion by: Robert Triano Second by: Peter Jarkezian

Yes votes: Robert Triano, Peter Jarkezian, Chris Vaz, Frank C. Gorman, Frank Santora, Ted Szejnrok

David Witherspoon did not vote since he was late to the meeting and missed a portion of the discussion.

Vito Ferrone did not vote since he is a Councilman.

**RESOLUTION NO. 22-102: BLOCK 13 LOTS 21, 25, 26, 27, 28, & 31 – 121, 125, 129, 131 WEBSTER AVE.
126 & 128 HAMILTON AVE.**

Motion by: Peter Jarkezian Second by: Robert Triano

Yes votes: Peter Jarkezian, Robert Triano, Chris Vaz, Frank C. Gorman, Frank Santora, Ted Szejnrok

David Witherspoon did not vote since he was late to the meeting and missed a portion of the discussion.

Vito Ferrone did not vote since he is a Councilman.

Steven Zabarsky, Esq., Planning Board Attorney will prepare the formal motions documenting the decisions of the Board.

EXECUTIVE SESSION

Review and discussion of letter written by Eric D. McCullough, Esq, proposing a settlement of Docket No. OCN-L-3322-21 regarding 437 Hiering, LLC v. Planning Board of Seaside Heights.

A motion to end the public portion of the meeting to go into executive session was made by Peter Jarkezian, seconded by Robert Triano. All were in favor.

Frank Santora excused himself from the executive session of the meeting, since he is in the 200 foot radius of the subject property.

Steven Zabarsky summarized the application, which was denied by the Board and is now the subject of litigation. 437 Hirling Ave was requesting a subdivision of the property, a height variance to raise the homes and add second stories to each home. A lot of neighbors of this property objected to this application for various reasons including the loss of their views of the bay and parking issues. This application needed multiple variances to perform this project.

Eric McCullough, Esq. the applicant's attorney for this litigation sent a letter to Steven Zabarsky stating that they have an idea for a settlement. The applicant proposes to eliminate the addition of second stories on the houses. Steve Zabarsky explained that there was prior case law, Wispering Woods that would allow the applicant to turn in new plans. If they stay in the existing foot print and raise the houses to comply with FEMA flood regulations, this could be a good option to resolve this matter.

After Superstorm Sandy, Zabarsky explained that there was a statute, by the name of the Sandy Statute that allows homeowners to raise their homes to comply with FEMA flood standard. In 2017, the statute was amended stating that you do not have to be a Sandy damaged house as a prerequisite to raise your home so that all homes can comply with FEMA regulations.

Steven Zabarsky explained that if the applicant wants to go higher than the Base Flood Elevation (BFE), to be able to park a car underneath the house, they will have to come before the Planning Board again with their plans. They cannot, however, add additional space that will be inhabited.

Mr. Zabarsky's opinion was that the applicant should send in new plans for this project. The Board agreed with this opinion.

It was unanimously decided that Mr. McCullough should come in for the May 2, 2022 meeting to enter in to executive session with the Board. At that time it is possible there may be a tentative settlement, pending public notice and a public hearing.

A motion to adjourn the meeting was made by Peter Jarkezian, seconded by Robert Triano at approximately 7:10 pm. All were in favor.

These minutes are not verbatim. There is a recording available at the Borough of Seaside Heights, 100 Grant Ave, Seaside Heights with the Planning Board Secretary.

Submitted by:

Sherri R. Sieling

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