

SEASIDE HEIGHTS PLANNING BOARD APPLICATION
BOROUGH OF SEASIDE HEIGHTS
MUNICIPAL BUILDING
901 BOULEVARD
SEASIDE HEIGHTS, NJ 08751

PROPERTY IDENTIFICATION: BLOCK: 69 LOT 1, 101 & 102

STREET ADDRESS: Dupont Ave Pier; ZONE: RR

PROJECT TITLE (IF APPLICABLE):

SECTION ONE: APPLICANT/OWNER INFORMATION

1. Applicant

Name: Seaside Ocean Terrace LLC.

Address: 789 Rt 9

Phone #: Bayville N.J. 08721

Fax #: 609-242-9337, 609-242-9366

Email: Atty mark schneider @ gmail.com

2. Owner* Is the Applicant the owner of the property? YES (NO)

If Applicant is NOT the owner of the property, please provide the following:

Owner's Name: Belle Freeman Properties LLC

Address: Po Box 220, Seaside Heights NJ. 08751

Phone #: c/o Peter J. Ascarella, Jr 1-732-830-2300

Fax #: 1732-830-3440

Email: ACGPJP @ AOL.Com

If the applicant is not the owner of the property, state the applicant's interest in the property:

Contract Purchaser

3. Disclosure

(A) Is the Applicant a corporation or partnership? L.L.C.

(B) If the Applicant is either a corporation or a partnership, pursuant to N.J.S.A. 40:55D-48.2, please list the names of all individuals with a 10% or greater interest in the entity which is making application.

<u>NAME</u>	<u>ADDRESS</u>	<u>INTEREST</u>
1. <u>DEAN W. Mabir</u>	<u>789 Rt 9, Bayville N.J.</u>	<u>100%</u>
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

4a. Applicant's Attorney (Corporate applicants must be represented by an attorney)

Name: MARK A. SCHNEIDER, Esq.

Address: 55 Manchester Ave. Forked River, NJ 08731

Phone #: 609 - 242- 9337

Fax #: 609- 242- 9366 Email: attymarkschneider @
GMail.com

4b. Applicant's Architect

Name: Daniel M. Condatore, RA.

Address: Mode Architects
619 LAKE Ave, 3rd Floor Asbury Park NJ
07712

Phone #: 732- 800- 1958

Fax #: 732-965- 2688 Email: info @ mode-arch.com

4c. Applicant's Surveyor

Name: Morgan Engineering & Surveying

Address: Po Box 5232, Toms River 08754

Phone #: 732-270-9690

Fax #: 732-270-9691 Email: _____

4d. Applicant's Engineer

Name: Morgan Engineering & Surveying

Address: _____

Phone #: _____

Fax #: _____ Email: _____

4e. Applicant's Planner/Landscape Architect/Other

Name: Daniel M. Condatore, RA.

Address: _____

Phone #: _____

Fax #: _____ Email: _____

11. Describe the present use of the property:

Boardwalk

12. Describe the proposed use of the property:

Boardwalk Kiosks, Restaurant, Pool, Cabanas
& a Banquet space oceanside of existing Boardwalk

SECTION THREE: DEVELOPMENT RELIEF REQUESTED

1. NATURE OF THE APPLICATION:

A. Subdivision Approval: Yes ☒ No

- 1. Minor ☒
- 2. Major Preliminary
- 3. Major Final
- 4. Number of Lots Created

B. Site Plan: Yes ☒ No

- 1. Minor ☒
- 2. Major Preliminary
- 3. Major Final
- 4. Revision to Approved Plan

C. Variance Relief: Yes No ☒

- 1. "C" Variance (bulk)

2. Set forth all sections of the Ordinance from which a variance is requested and set forth the nature of the proposed violation

Variance #1 _____

Variance #2 _____

Variance #3 _____

Variance #4 _____

- A. Interpretation of Map/Ordinance or special question:

Yes _____ No X

1. Set forth the section questioned:

- B. Appeal of Administrative Officer: Yes _____ No X

1. Set forth the nature of appeal (attach copy of decision appealed)

- C. Other - Please describe:

3. Describe in detail the proposed request for relief and the changes to be made on the property: (Attach additional sheet if necessary)

Applicant proposes to Construct 6 - 30' x 18.5'
Kiosks on the Boardwalk, a 7500 sq ft Beach Bar
2 - 40' x 25' Club Buildings, an inground pool with
10' x 12' Beach Cabanas oceanside of the existing Boardwalk

4. Set forth in detail all reasons why the Board should grant the relief requested: (Attach additional sheets if necessary)

Conforming Use

5. List all map, surveys, reports, and supporting documentation upon which the Applicant will rely and/or which accompanies this application.

Site Survey

Minor Site Plan - Phase I & Phase II

Architectural Renditions of Development

6. List all experts who will testify for the Applicant and set forth a brief description of their testimony. (Attach written report, if available)

Matthew R. Wilder, PE

Daniel M. Condatore, R.A.

7. Please list all other approvals which may be required and/or the Applicant has or will request for the proposed requested relief:

Minor Site Plan

8. Please list any waivers the Applicant is seeking in this proposal:

None at this time

SECTION FOUR:

GENERAL INFORMATION

1. Pursuant to law, Applicant is required to publish Notice in the official newspaper and to mail notice to all property owners within 200 feet. The Notice must comply with the law and be made at least ten (10) days prior to the assigned hearing date. A Certified Affidavit of Service and a Proof of Publication must be filed before the hearing. A list of property owners within 200 feet is available for a fee of \$10 from the Planning Board Secretary. No public notice is to be given unless specifically directed by the Board.
2. Applicants shall submit as part of this application, photographs of the property, photographs of the proposed area for the requested relief and photographs of the adjoining properties.
3. The Applicant shall supply twelve (12) copies of the application, all plans, documents, survey, photographs and other supporting data in twelve (12) separate, collated packets capable of being mailed out separately.
4. The Applicant will be required to post an escrow fee with the Board Secretary in order to pay for the professional fees incurred by the Borough as a result of the application. Each Applicant is responsible to pay the costs charged by the Borough's professional staff incurred by their application.

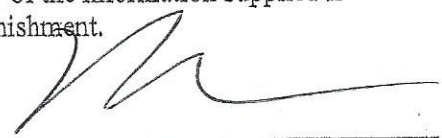
SECTION FIVE:

CERTIFICATIONS

1. APPLICANT

- A. I hereby certify that all of the statements made by me are true, I understand that the Board is relying on the information contained in this application. I understand that if any of the information supplied is knowingly false, I am subject to punishment.

1/25/18
Date


Applicant's Signature

Mark A. Schneider, Esq.
Attorney At Law

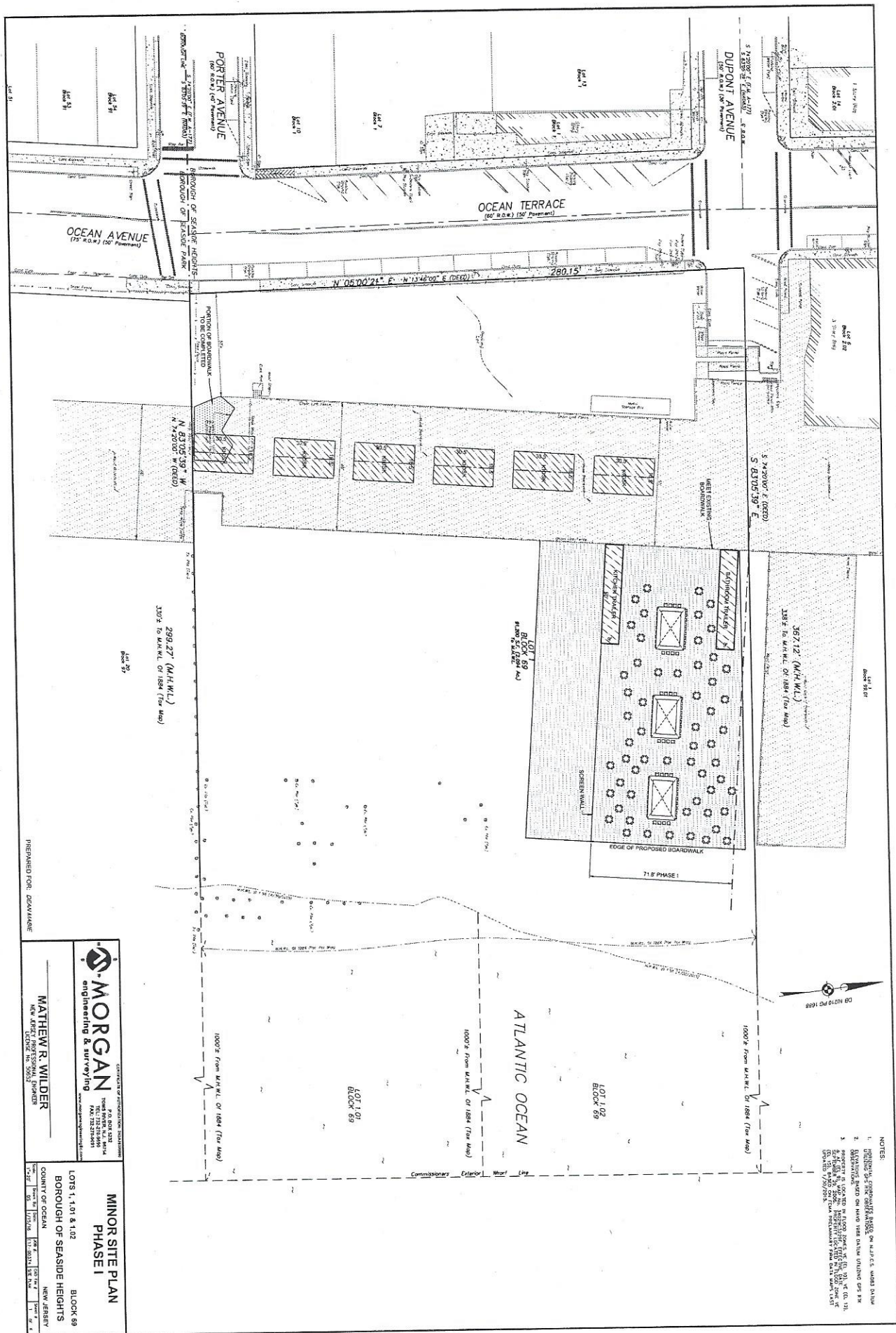
P.O. Box 258
Forked River, New Jersey 08731

2. OWNER (If other than Applicant)

- B. I hereby certify that I am the owner of the property which is the subject of the application. I have authorized the Applicant to make this application and the representations made in the application are true to the best of my information and belief. I understand that if any of the information supplied is knowingly false, I am subject to punishment.

Date

Applicant's Signature



**MEMORIALIZING RESOLUTION
OF THE
BOROUGH OF SEASIDE HEIGHTS PLANNING BOARD
APPLICATION NO. 2018 - 08**

WHEREAS, the Borough of Seaside Heights Planning Board is a duly constituted Planning Board pursuant to N.J.S.A. 40:55D-25c; and

WHEREAS, APPLICANT, SEASIDE OCEAN TERRACE, LLC, through its attorney, Mark A. Schneider, Esq., has applied to the Borough of Seaside Heights Planning Board for preliminary and final site plan approval for the property located at Ocean Terrace, also known as Block 69, Lots 1, 1.01, & 1.02 as designated on the Official Tax Map of the Borough of Seaside Heights; and

WHEREAS, the Applicant has proposed construction in three phases: (1) Phase One being the construction of an 11,000 square foot outdoor temporary restaurant and six 565 square foot commercial kiosk; (2) Phase Two being the construction of a 17,000 square foot permanent beach bar and banquet facility including outdoor deck and bar area, as well as a 28,000 square foot Pool Club; and (3) Phase Three will be the construction and addition of a 6,700 square foot commercial building including outdoor deck area; and

WHEREAS, the Applicant has provided proper notice as required; and

WHEREAS, the Applicant has submitted to the Board an Affidavit of Publication in proper form; and

WHEREAS, the Applicant is requesting preliminary and final site plan approval for Phases One and Two of the project and preliminary approval for Phase Three; and

WHEREAS, the Planning Board has considered the application and the documents filed by the Applicant and the Board having reviewed the Applicant's application for development at the hearing held on March 5, 2018; and

WHEREAS, the Planning Board, after carefully considering all the evidence provided, has made the following findings of facts:

1. Those exhibits contained in the Board file and discussed during the hearing are hereby considered evidence for the purpose of this application and incorporated herein.
2. The Applicant is seeking to construct a pool club, outdoor beach bar, restaurant, six (6) kiosks, and commercial building during three separate phases of construction.
3. The property is located in the RR zone.
4. MATTHEW WILDER was sworn and testified as follows:
 - A. He is a professional engineer in the State of New Jersey and retained by the Applicant.
 - B. The Applicant seeks to construct its plans over three phases, and wishes to start immediately.
 - C. There shall be six kiosks on the boardwalk.
 - D. All utilities will be provided, including public sewer and water.
 - E. The Applicant will continue the existing double headed acorn style lighting on the boardwalk. There shall be additional lighting for the kiosks and beach bar area. A lighting plan shall be submitted.

- F. Trash collection for the beach bar shall be conducted by a private hauler. The kiosk shall use trash receptacles and also utilize a private hauler.
 - G. The proposed uses are permitted in the zone, and the Applicant is not seeking any variances or waivers.
5. DANIEL CONDATORE was sworn and testified as follows:
- A. He is a licensed architect in New Jersey and was retained by the Applicant.
 - B. Phase One of the project will begin in 2018. Phase Two will begin in the fall of 2018.
 - C. Applicant intends to operate all summer 2018, then take down the temporary structures and begin work on the permanent structure set forth in the plans.
 - D. There shall be intimate lighting at the bar areas. There shall be no flood lights.
 - E. Security will be provided at the gate of the Pool Club. There shall be security in the bar area as well.
 - F. The temporary beach bar will include a temporary kitchen and bathroom facilities which can be "rolled in" and fastened in place and then removed in order to replace with a permanent structures. The Kiosks will be built in place and will begin as permanent structures fastened to the boardwalk. The trailers will be replaced with permanent structures after the summer of 2018.

- G. The kitchen equipment shall be operated by gas.
- H. The pool club shall be manned to allow people back into the club from the beach.

6. BENJAMIN H. MABIE was sworn and testified as follows:

- A. He is one of the principles of the Applicant.
- B. There shall be no public bathrooms. The employees shall use the bathrooms in the bar area.
- C. There shall be valet parking which shall be offered seasonally.
- D. Parking shall be provided as required.
- E. The Applicant will fill in the boardwalk during Phase One of the project.

7. The meeting was opened to the public, at which time the following members of the public came forth to testify:

A. Mr. Morrison was sworn and testified that he owns property on corner of Ocean Terrace and the Applicant will use his lot for parking.

B. Mr. D'ONOFRIO was sworn and testified as follows:

- 1) The Applicant can access its property during construction through Mr. D'Onofrio's property.
- 2) The trash was a concern.
- 3) The density of the kiosks could be a problem and they would hamper the flow of people in the area.

- 4) Bathrooms are a concern, and the Applicant should have to have some for the public good. Even though this was not considered in the past, it should be considered now.

C. Robert Mathis was sworn and testified his concern was the completion of the boardwalk area which is currently missing.

8. The public portion of the hearing was closed.

9. The Board considered the testimony of all witnesses and the Exhibits contained in the Board file and same are hereby incorporated as findings of fact of the Borough of Seaside Heights Planning Board.

WHEREAS, the Borough of Seaside Heights Planning Board has determined the purposes of the Municipal Land Use Law would be advanced by the Applicant's proposal and the benefits would substantially outweigh any detriment; and

WHEREAS, the Borough of Seaside Heights Planning Board has determined the preliminary and final site plan sought can be approved and granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan, master plan and/or zoning ordinance of the Borough of Seaside Heights for the following reasons:

1. There are no bulk or use variances requested.
2. The application for development is consistent with the aesthetics of the neighborhood and promotes a desirable visual environment.

NOW, THEREFORE, be it resolved by the Borough of Seaside Heights Planning Board on this 28th day of March, 2018, the application of the Applicant, SEASIDE OCEAN TERRACE, LLC, shall be GRANTED, subject to the following conditions:

1. Preliminary and final site plan approval for Phase One of the project is GRANTED.

2. Preliminary and final site plan approval for Phase Two of the project is GRANTED.

3. Preliminary site plan approval only for Phase Three of the project is GRANTED.

4. If adequate parking is not available for Phase Two, the Applicant shall return to the Board and request additional approval. The Applicant shall obtain an off-site parking agreement and submit same.

5. A lighting plan shall be submitted to the Board and its engineer.

6. Security shall be provided at the gate of the pool club and bar area.

7. Security shall be provided inside the bar area.

8. If the Applicant needs to keep the trailers for the beach bar beyond 2018, the Applicant shall return to the Board and seek approval.

9. The kitchen equipment shall use gas.

10. The Applicant must meet all buildings code requirements, including required bathrooms, required sprinklers; required lighting, and required sewerage.

11. The employees of the kiosks shall be permitted to use the bathrooms located in the permanent structures.

12. The Applicant shall fill in the boardwalk at the southern side during Phase One of the project.

13. The Applicant shall comply with all of the Engineer's conditions as set forth in the Engineer's report and correspondence.

14. The Applicant shall strictly adhere to the plans submitted, as amended, and discussed during the hearing. Any deviation from the approved plan shall require further review and approval by the Borough of Seaside Heights Planning Board.

15. The Applicant shall provide site performance bonds and inspection fees in accordance with the Borough of Seaside Heights ordinances or any other law or regulation as required.

16. This action of the Board constitutes a final approval for this application and shall expire in accordance with the Municipal Land Use Law.

17. The approval is conditioned on the Applicant's payment of all real estate taxes due to date.

18. This approval is specifically conditioned upon the Applicant's payment of any outstanding fees and escrows required by this application.

19. The Applicant shall obtain any and all other approvals or waivers required by law from any other regulatory agency, including, but not limited to CAFRA or a Letter of No Interest, compliance with FEMA and local flood plan regulations, the Ocean County Planning Board, Ocean County Soil Conservation District, the Borough Sewer and Water Department, the New Jersey Department of Transportation and/or a Letter of No Interest, the local fire official, the Borough's beaches, storm water management, and flood damage prevention Ordinances.

20. No building permit shall be issued until full compliance with all conditions of this Resolution.

21. No building permit shall be issued for any additional construction located on the subject properties, even if said application conforms to all zoning ordinances, without review and approval of this Board.

22. Applicant shall construct at Applicant's sole cost and expense all improvement reflected on the application and set forth in this Resolution.

23. The Applicant shall use building materials which meet all Borough building codes and requirements.

Moved by: Kimberly Parker

Seconded by: Robert Triano

ROLL CALL

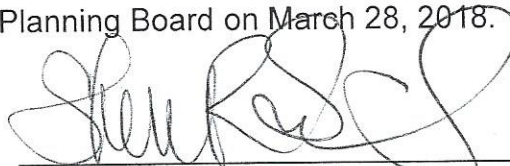
Those in Favor: Frank C. Gorman, Kimberly Parker, Vito Ferrone, Pat Calinda, Robert Triano

Those Opposed: None

Those Abstaining: Michael Carbone, Chris Vaz

CERTIFICATION:

I, SHERRI R. SIELING, Secretary of the Seaside Heights Planning Board, hereby certify the above Resolution to be a true and correct copy of a Resolution adopted by the Seaside Heights Planning Board on March 28, 2018.



SHERRI R. SIELING, Planning Board Secretary