

BOROUGH OF SURF CITY LAND USE BOARD
813 LONG BEACH BOULEVARD
April 27, 2016
7:00pm
MEETING MINUTES

Meeting called to order.

Roll Call: Present: Peter Hartney, Sandra Klose, Maurice Logue, Fred Peters, James Russell, Jaime Pitner, Emil TumSuden and David Wright. Absent: Alan Mannherz, John McMenamin & Barbara Sedlacek.

Open Public Meeting Statement was read by Chairman Hartney as follows: In compliance with the "Open Public Meetings Act" of the State of New Jersey adequate notice of this meeting of the Surf City Land Use Board was provided in the following manner:

- In the February 4, 2016 edition of the Beach Haven Times.
- On April 20, 2016 written notice of this meeting was posted in the Borough Hall of Surf City, 813 Long Beach Blvd.

Board member Sandra Klose was sworn in by Counselor Quinlan.

Approval of the minutes of the meeting held on February 24, 2016. A motion made by Mr. Peters, seconded by Mr. Russell, the minutes were approved as presented.

Roll Call Vote: Ayes: Mr. Peters, Mr. Pitner & Mr. Wright. Absent: Mr. Mannherz, Mr. McMenamin, & Mrs. Sedlacek. Abstained: Chairman Hartney, Mrs. Klose, Mr. Russell, Mr. TumSuden, & Mr. Logue.

The following correspondence was read by Chairman Hartney:

- Owen, Little & Associates re: Coastal General Permit #2 –Beach and Dune Maintenance Activities. No action required.
- Ocean County Planning Board re: Block 4 Lots 1 & 5 – Gravatt Consulting requesting design waivers. No action required.
- Horn, Tyson & Yoder, Inc., re: CAFRA Permit Application for Block 89 Lots 18 & 18.01. No action required.
- Anonymous re: 2007 Sunset Ave CAFRA Permit. For the matter of record the letter was illegible. No action required.

Regular Business:

- Resolution 16-05 Escrow Release for the following applications: North Beach Acquisitions, Hoover, Tirotti, Indoe, & R&W Realty. A motion to release escrow accounts was made by Mr. Russell, seconded by Mrs. Klose.

Roll Call Vote: Ayes: Mr. Hartney, Mrs. Klose, Mr. Logue, Mr. Peters, Mr. Pitner, Mr. Russell, Mr. TumSuden, & Mr. Wright. Absent: Mr. Mannherz, Mr. McMenamin, & Mrs. Sedlacek. Abstain: None.

Let the record show Barbara Sedlacek is present as of 7:11pm.

- Resolution 16-06 Zoning Ordinance Review. A motion made by Mr. Russell, seconded by Mr. Peters that the presented Zoning Ordinance(s) for review are consistent with the intent and the purpose of the Master Plan.

Roll Call Vote: Ayes: Mr. Hartney, Mrs. Klose, Mr. Logue, Mr. Peters, Mr. Pitner, Mr. Russell, Mrs. Sedlacek, Mr. TumSuden, & Mr. Wright. Absent: Mr. Mannherz & Mr. McMenamin. Abstain: None.

- Resolution 16-07 Partial Bond Reduction for a performance guarantee and inspection fees placed by Sand & Surf Properties. A motion made by Mr. Russell, seconded by Mrs. Klose the partial amount is to be released to the same.

Roll Call Vote: Ayes: Mr. Hartney, Mrs. Klose, Mr. Logue, Mr. Peters, Mr. Pitner, Mr. Russell, Mrs. Sedlacek, Mr. TumSuden, & Mr. Wright. Absent: Mr. Mannherz & Mr. McMenamin. Abstain: None.

For the benefit of the Land Use Board Members Counselor Quinlan reviewed the recent appeal of Docket 16-01 to the Borough Council.

New Business: Docket 16-02 regarding the property at 23 S 2nd Street aka Block 9 Lot 7.

Counselor Quinlan begins by reviewing the exhibit list as presented to the Board. Counselor Visotcky moved that the exhibit list be accepted into evidence with no objection. It is explained by Counselor Visotcky that is the intention of the applicant to remove the house with the detached garage and to build a new single family structure on the property which would incorporate a garage and an elevator. The following variance(s)/waiver(s) are being sought:

- front yard setback at five (5) feet instead of ten (10) feet
- lot coverage at 37.6% (78.3 sq. ft. over) instead of the required 35%
- expansion of the existing structure to 1,128.3 sq. ft. (890 sq. ft. existing)
- increase number of bathrooms from 1.5 to 3.5
- increase number of bedrooms from 2 to 4
- increase living area from 1,202 sq. ft. to 2,197 sq. ft.

Counselor Visotcky also states that the property will meet flood elevation requirements.

James Brzozowski from the firm Horn, Tyson & Yoder, Inc. is sworn in. He explains the site plans of the two story building with a garage/storage area in regards to property position, frontage, setbacks, lot coverage, and the photographic evidence.

Chairman Hartney questions parking, curb plans, & set back.

Counselor Quinlan seeks clarification regarding the adjacent properties.

Mr. Brzozowski states that the impact and use of the property will be the same as it is currently. He also adds that the impact of light and air is lessened by the fact that this is a corner lot. Chairman Hartney points out that the structure will be going from 19 feet in height to 32 feet in elevation and putting a morning shadow on the property to the west. Mr. Brzozowski contends that the buildings immediately to the east/west are 30 feet off the property line and that the impact to those properties is going to be minimal given the distance between the two structures. Chairman Hartney challenges that at some point there will be a light impact on the properties to the east and west.

Chairman Hartney requests that Mr. Brzozowski further explain his position that this application conforms to the zoning plans even though the coverage as presented is above the 35% limit in the Borough Zoning Ordinances. Mr. Brzozowski states the property in its current state is at 38.8% and that the proposed development is reducing the non-conformity of lot coverage. Chairman Hartney reiterates that it is possible to conform to the Borough Zoning Ordinance of lot coverage. Mr. Brzozowski states that the elevator, the garage, and HVAC will all be contained in the applied lot coverage as presented.

Counselor Quinlan requests that Counselor Visotcky review the positive/negative criteria regarding the application, he does as follows: bringing side yard set back into conformity, increasing rear yard setback, eliminating two non-conformities for the garage, reducing the existing lot coverage, & putting up a new safe structure.

With no further questions for Mr. Brzozowski, Architect Arnold Boyle from Craig Brearley Architects is sworn in.

Mr. Boyle begins by describing the house including size, number of bedrooms, bathrooms and elevation. Chairman Hartney requests that he address the size of the bedrooms and possible occupancy to which Mr. Boyle responded with measurements concluding that five people may sleep in the house at one time. Counselor Visotcky stated that the elevator will be accessible from the ground floor to both living floors with a two car garage and space for two cars in the back for parking. Chairman Hartney confirms that the family room and covered deck will not be used in the future as additional bedrooms. Mr. Russell asks Mr. Boyle if he was aware of the permitted square footage permitted for that particular lot to be compliant with the 35% lot coverage to which Mr. Boyle confirms that he was aware. Mr. Wright asks if the garage space can be living space if it is above flood elevation. It is concluded that the Land Use Board may not

set policy and the structure(s) will need to be designed and built within the permitted 35% lot coverage.

The meeting is recessed so that the applicant may have a discussion with Counselor Visotcky.

Mr. Randy Schmid, owner of the property at 23 S 2nd Street is sworn in by Counselor Quinlan. Counselor Visotcky confirms with Mr. Schmid that he is willing to amend his application to bring the structure into conformity and will do so by increasing the rear yard setback.

Chairman Hartney requests a motion to open the floor to the public comment; moved by Mrs. Sedlacek, seconded by Mrs. Klose with a vote in the affirmative.

With no public being present to comment, Chairman Hartney entertains a motion to close the public comment portion of the meeting; moved by Mr. Russell, seconded by Mr. Wright with a vote in the affirmative.

Counselor Quinlan reviews the variances being sought in this application.

Mr. Wright makes a motion to approve the application, seconded by Mrs. Klose with a vote in the affirmative. The application is approved as amended.

Roll Call Vote:

Mr. Hartney: I vote yes. There is no negative impact to the zoning ordinances of the Borough of Surf City, nor the Master Plan. It does improve upon the existing deviation of the Master Plan, Zoning Plan, as well as, the aesthetics of the neighborhood and the housing stock.

Mrs. Klose: I approve too, I think it does satisfy the criteria. It is a unique lot, but I think they are really trying to conform to the Master Plan by removing the garage and keeping lot coverage. As far as the height that was discussed 32' is still our height so there really isn't much we can do about that. I think it will be an improvement.

Mr. Peters: for previous stated reasons, I also vote yes.

Mr. Russell: I vote yes because I think it is a positive influence to the community.

Mrs. Sedlacek: I vote yes for essentially the same reasons. I do not think it is a detriment, I think it is an improvement.

Mr. TumSuden: I vote yes for previous stated reasons.

Mr. Wright: Yes, as previously stated.

Mr. Logue: Yes, I feel it is an improvement to the neighborhood, to the environment, and it doesn't fall outside of anything that the Borough proposes other than the overall lot coverage which will be addressed.

Mr. Pitner: I vote yes as well. It does improve the situation of non-conforming lot coverage and removing the non-conforming garage. It fits well with the scheme of the neighborhood, with the other homes built and that exist there. The setback is in line with the next door structure. It is a unique lot being on the corner and since the alley is there, there is more space in between the homes. And there is an improvement for the rear yard setback and does provide for off street parking. So for those reasons I vote yes.

Approval of bills: motion made by Mrs. Klose, seconded by Mr. Russell with a vote in the affirmative.

Roll Call Vote: Ayes: Mr. Hartney, Mrs. Klose, Mr. Logue, Mr. Peters, Mr. Pitner, Mr. Russell, Mrs. Sedlacek, Mr. TumSuden, & Mr. Wright. Absent: Mr. Mannherz & Mr. McMEnamin. Abstain: None.

Adjourn meeting: motion made by Mrs. Klose, seconded by Mr. Wright with a vote in the affirmative to adjourn the meeting.

Respectfully Submitted,

Christine Hannemann

Land Use Board Clerk