

BOROUGH OF SURF CITY LAND USE BOARD  
813 LONG BEACH BOULEVARD  
September 28, 2016  
7:00pm  
MEETING MINUTES

The meeting was called to order, followed by a salute to the flag.

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

Also present: Board Engineer Frank Little and Board Attorney Kevin Quinlan.

The 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 September 20, 2016, written notice of this meeting was posted in the Borough Hall of Surf City, 813 Long Beach Blvd.

The approval of the minutes of the meeting held on July 27, 2016. A motion made by Mr. Russell, seconded by Mrs. Klose, the minutes were approved as presented.

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

There were no correspondences.

New Business: Docket 16-04 regarding the property at 1312 Barnegat Avenue Street aka Block 76 Lot 22 seeking a variance for 38.07 percent lot coverage.

Counselor Bob Kiss, representing the applicants, states that the property is non-conforming at 40 x 80 feet. The new home construction will provide the following: conform to setbacks, meet flood guidelines and provide off street parking under the home.

Mr. Chadwick is qualified and sworn in. Mr. Wright had inquired if the HVAC platform is to be included in the requested variance for lot coverage. Mr. Little verifies that the requested lot coverage would be 38.07 percent to include for the HVAC platform. Mr. Little stated that based on the definition in the ordinance that stairs were not defined in lot coverage and not counted toward the same. There was further discussion between Chairman Hartney and Mr. Chadwick regarding the lot coverage on the property in conjunction with the Master Plan and Borough Ordinances.

Mr. William Byrne is sworn in to testify on behalf of himself and his wife. He stated that he has owned this property since 1988 and it was damaged during Superstorm Sandy. The cost to raise his existing home was over \$150K. They had experienced repetitive losses over the years. Subsequently, the insurance on the home went from \$900 per year to \$2,400 per year. Chairman Hartney indicated that 120 square foot would need to be eliminated in order for the home to be conforming to Borough Ordinances.

With no further testimony the Board opened the meeting to the public with a motion made by Mr. Peters, seconded by Mr. Russell with a vote in the affirmative.

John J. Blankemeyer of 296 14<sup>th</sup> Street, neighbor of Mr. & Mrs. Byrne, spoke to show his support for their proposal.

John Lanni, of 289 14<sup>th</sup> Street, neighbor of Mr. & Mrs. Byrne and an engineer stated that the proposed structure would be much better structure than what is there.

With no further public comment a motion was made by Mr. Russell, seconded by Mr. Wright with a vote in the affirmative to close the public comment portion of the meeting.

Counselor Quinlan reviewed the application.

A motion made by Mrs. Klose to approve the application, seconded by Mrs. Sedlacek.

Roll Call Vote:

Chairman Hartney: On a motion to approve I would vote no. While I do understand their circumstances and conditions, and even though they have met many of the pre-existing setbacks that were there with the older property the Borough Ordinance is 35 percent. It is the Board's responsibility to get it within the 35 percent. They have not met the negative criteria.

Mrs. Klose: Yes, because while I am uncomfortable with 38 percent, it is preexisting. I do like how the building will be narrow instead of wide with the ground floor being open to allow for off street parking.

Mr. Mannherz: I must abstain because I live within the 200 feet of the property.

Mr. Peters: I think the applicant has made a real good effort to meet the Ordinance requirements with the setbacks being eliminated.

Mr. Russell: I find the testimony has been positive and the plans seem to be keeping with the neighborhood. The neighbors seem to all be in favor of this proposition, so I am going to vote in favor as well.

Mrs. Sedlacek: I vote yes essentially for the same reason as everyone else. I believe that it is an improvement.

Mr. TumSuden: After listening to the all of the testimony, I do see that it would be an improvement in the setbacks. From a fire safety standpoint we'll have more clearance between properties and a new building will also be more fire resistant.

Mr. Wright: I see Mr. Hartney's point, but since all the neighbors came I'll vote yes.

Mr. Pitner: I concur with the Chairman; I am going to vote no for the reason of the overall lot coverage. The applicant presented a good application otherwise eliminating the non-conformities, side yard setbacks and so on. By matter of Ordinance of 35% lot coverage, I vote no.

The variance is approved.

The Resolution was read into record by Counselor Quinlan in preparation for memorialization.

A motion is made by Mr. Peters, seconded by Mr. Wright to memorialize the application.

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

A motion to pay the bills made by Mrs. Klose, seconded by Mr. Peters with a vote in the affirmative the following bills were paid: Kevin Quinlan, Esq, in the amount of \$697.51 and Owen, Little & Associates in the amount of \$595.43.

A motion made to adjourn made by Mrs. Klose, seconded by Mr. Peters with a vote in the affirmative. The meeting is adjourned.

Respectfully submitted,

Christine M. Hannemann  
Land Use Board Clerk