

BOROUGH OF SURF CITY LAND USE BOARD  
813 Long Beach Boulevard  
January 23, 2019  
7:00 pm

The meeting was called to order.

Counselor Quinlan administered the oath of office to Mrs. Klose, Mr. Mannherz, and Mr. Russell, followed by a salute to the flag.

Roll call reflected the following members to be present: Peter Hartney, Gavin Hodgson, Paul Hoover, Sandra Klose, Alan Mannherz, John McMenamin, Fred Peters, James Russell, Emil TumSuden, & David Wright. Absent: none.

Also, present: Board Engineer, Frank Little, Jr. & 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 Board of Surf City Land Use Board has been provided to three newspapers & published in the February 1, 2018 edition of the Beach Haven Times.

Chairman Hartney also read the following statement: this meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Borough of Surf City Land Use Board may legally consider in reaching a decision. Decorum appropriate to a judicial hearing must be maintained all the time.

Mr. Russell moved that Mr. Hartney be the chairman of the Board. Mr. Mannherz seconded that motion. With a vote in the affirmative, Mr. Hartney is the chairman of the Board.

Mr. Peters moved that Mr. Mannherz be the vice chairman of the Board. Mr. Russell seconded that motion. With a vote in the affirmative, Mr. Mannherz is the vice chairman of the Board.

Mr. Russell moved that Mrs. Klose be secretary of the Board. Mr. Wright seconded that motion. With a vote in the affirmative, Mrs. Klose is the secretary of the Board.

Mr. Russell moved to approve Resolution 19-02 authorizing professional contracts. Mr. Wright seconded that motion. With a vote in the affirmative, the following resolution was approved:

WHEREAS, pursuant to the provisions of N.J.S.A. 19:44A-20.5 the Borough of Surf City Land Use Board will need the following professional services as non-fair and open contracts:

Land Use Board Attorney  
Alternate Land Use Board Attorney  
Land Use Board Engineer; and

WHEREAS, the Land Use Board of the Borough of Surf City is authorized to contract the services of the following professionals to fill said corresponding positions:

Kevin Quinlan, Esq.

Robert Shinn and the firm of Woodland, McCoy & Shinn.

Frank Little, Jr. and the firm of Owen, Little & Associates.

WHEREAS, the chief financial officer has determined and certified that the value of the acquisition may exceed \$17,500, the maximum amount of the contract to be awarded under this resolution is set forth in the 2019 Municipal Budget; and

WHEREAS, funds are available for this purpose as certified by the chief financial officer; and

WHEREAS, the listed individuals have submitted a proposal indicating they will provide the related services per their schedule of rates as attached or included in the agreement; and

WHEREAS, the listed individuals have completed and submitted a Business Entity Disclosure Certification. This certifies that they have not made any reportable contributions to a political or candidate committee in the Borough of Surf City in the previous one year. Also, that the contract will prohibit the them from making any reportable contributions through the term of the contract, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes the award of contracts for professional services without competitive bids and requires that the resolution and contracts for each professional be made available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by The Land Use Board of the Borough of Surf City, County of Ocean, State of New Jersey, as follows:

1. That the following professionals be appointed for the Land Use Board of the Borough of Surf City for a term of one (1) year, commencing January 1, 2019 and ending December 31, 2019.

Kevin Quinlan, Esq. - Land Use Board Attorney.

Robert Shinn and the firm of Woodland, McCoy & Shinn - Alternate Land Use Attorney.

Frank Little and the firm of Owen Little - Land Use Board Engineer.; and

2. The Board Chair and the Board Secretary are hereby authorized and directed to execute the attached agreements with said professionals.

3. These contracts are without competitive bidding and are awarded as a professional service in accordance with N.J.S.A. 40A:11-5(1) (a) (i) of the Local Public Contracts Law because it is for services to be performed by a person(s) authorized to practice a recognized profession.

4. A notice of this action shall be printed once in the official newspaper of the Borough of Surf City

5. This resolution takes effect January 1, 2019.

6. A certified copy of this resolution shall be provided by the clerk of the Board to the chief financial officer and to each professional.

7. That a certificate of availability of funds executed by the chief financial officer is annexed hereto.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value have been received and will be placed on file with this resolution.

Roll vote reflected the following in favor: Mr. Hartney, Mr. Hodgson, Mr. Hoover, Mrs. Klose, Mr. Mannherz, Mr. McMenamin, Mr. Peters, Mr. Russell, Mr. TumSuden & Mr. Wright. Nays: none. Abstained: none. Absent: none.

Mr. Russell moved to approve Resolution 19-01 authorizing official newspaper designation, procedures and meeting schedules. Mrs. Klose seconded that motion. With a vote in the affirmative, the following resolution was approved:

WHEREAS, the Open Public Meetings Act is the law of the State of New Jersey. It provides for adequate public notice to be given for meetings of the Land Use Board of the Borough of Surf City; and

WHEREAS, the Board is required to adopt a resolution to schedule regular meetings. The Board wishes to adopt, without limitation, its basic rules and regulations by this Resolution.

NOW, THEREFORE, BE IT RESOLVED the regular scheduled meetings of the Land Use Board of the Borough of Surf City shall be held at 7:00 p.m. on the fourth Wednesday of each month, except in cases of legal holidays or for other reasons when the meeting date may be hereinafter set forth. All meetings will be held at the Borough Hall Council Chambers located at 813 Long Beach Boulevard in Surf City, New Jersey. The public may only participate at such times as set forth in the agenda of the meeting or at the discretion of the presiding officer or chairperson.

Pursuant to this Resolution, the following dates for meetings shall be hereby adopted:

Wednesday, February 27, 2019	Wednesday, March 27, 2019
Wednesday, April 24, 2019	Wednesday, May 22, 2019
Wednesday, June 26, 2019	Wednesday, July 24, 2019
Wednesday, August 28, 2019	Wednesday, September 25, 2019
Wednesday, October 23, 2019	Wednesday, November 27, 2019
Wednesday, December 18, 2019	

BE IT FURTHER RESOLVED that the Land Use Board meetings shall adjourn no later than 10:30 p.m. with no further testimony being taken or other business conducted unless ordered at the discretion of the Board.

BE IT FURTHER RESOLVED that in the event regular public meetings and/or additional meetings must be held at a date, time and place other than as set forth herein due to unforeseen circumstances; the same shall be held at a date, time and place as set by the chairperson.

BE IT FURTHER RESOLVED that each applicant on the agenda that is scheduled shall have a maximum amount of time available to present testimony, witnesses and other proofs in support of its case. This shall include the comments of objectors or supporters. The maximum amount of time is of one (1) hour for each meeting the applicant appears on the agenda. The one (1) hour rule shall be enforced by the Board with any deviation allowed being solely in the discretion of the Board.

BE IT FURTHER RESOLVED that notice is hereby given that all forms in relation to the Initial Submission Checklist are available to the public for use in making application to the Board. Said related forms and sheets are offered as an aid to the applicant with the understanding that same do not represent the ordinances of the Borough in entirety. The complete legal burden is of the applicant; that it is still incumbent upon the applicant and/or his or her representatives to apply for and present their case appropriately pursuant to the rules and applicable ordinances and law.

BE IT FURTHER RESOLVED that the Board requires that all applications and appropriate plans in support thereof be filed with the Board clerk as set forth in the Land Development Ordinance prior to any regular Board meeting and hearing. The Board clerk has

the discretion and authority to advise the applicant of a specific hearing date to appear before the Board provided there has been a determination by the Board engineer and Board attorney that the application and plans are deemed complete.

Informal review of concepts of plans for development as permitted by law may be requested by a developer and may be scheduled by the Board clerk for a Board meeting at a date and time at the discretion of the Chairperson.

Beach Haven Times, The Asbury Park Press and Atlantic City Press are hereby designated as the official newspapers to provide notice on matters of the Board.

This resolution shall be published & posted not later than seven (7) days after its adoption, as required by law.

Roll vote reflected the following in favor: Mr. Hartney, Mr. Hodgson, Mr. Hoover, Mrs. Klose, Mr. Mannherz, Mr. McMenamin, Mr. Peters, Mr. Russell, Mr. TumSuden & Mr. Wright. Nays: none. Abstained: none. Absent: none.

Mr. Mannherz moved to approve the November 28, 2018 regular meeting minutes. Mr. TumSuden seconded that motion. With a vote in the affirmative, the minutes were approved as presented.

Roll vote reflected the following in favor: Mr. Hodgson, Mr. Mannherz, Mr. McMenamin, Mr. Peters, Mr. Russell, Mr. TumSuden & Mr. Wright. Nays: none. Abstained: Mr. Hartney & Mr. Hoover. Absent: none.

Michael Beck, Esq. & Cornelius O'Regan from the Ocean County Utilities Authority were present to provide a courtesy review of an upcoming project in Surf City. The Authority owns and operates the pump station (SPS-5) at South 2<sup>nd</sup> Street and Central Avenue. They will be addressing improvements needed to the odor control systems. This will include constructing an 11' x 11' x 13' high fire rated structure with sound mitigation materials. The exterior will be upgraded with cedar shake siding, landscaping and fencing. The project is to be concluded by May 15, 2019. Board members had asked various questions in relation to noise & aesthetics. Chairman Hartney had requested that the fire company be notified of the changes. Mr. O'Regan agreed to do the same.

Michael Curcio of 1801 N. Ocean Avenue, Block 50, Lot 1, was present to seek relief for setbacks and other pre-existing non-conformities. They were represented by attorney Richard Visotcky. Also present to testify to the existing conditions and proposals were professionals - Rob B. Roth, NJ Architect & Planner. & Leon Tyszka, NJ Land Surveyor.

The applicant proposes to convert the existing duplex to a single-family home and reduce the lot coverage from 40.6 percent, to 35.9 percent. The existing lot area is 4,400 square feet, where 5,000 is required. The existing lot width is 40 feet, where 50 is required. A variance is required for the size and setback of the chimney. The engineer review states that the automatic variance bill does not apply to this property being it is already above base flood. The existing and proposed westerly side yard setback is 3.4 feet, where 5 is required. The side yard setback to the north is existing and proposed at 2 feet, where 5 is required.

Mr. Roth specified that the home would be raised because the owners have to drive down into the garage. It would also provide for parking. There was discussion about the chimney which Mr. Roth stated would be removed from the proposal. Mr. Hartney questioned the multiple figures given for lot coverage. Under Mr. Roth's calculations, the existing coverage is 47.20 percent. He stated that the proposed coverage would be 37.9 percent. Without the expansion of the deck the proposal would be at 36 percent.

Mrs. Klose inquired if it was possible to move the house east, so that the Borough could reclaim the street. Mr. Roth stated that it would not be possible. Mr. Hodgson asked if the stairs that that encroach the southern setback were necessary, to which Mr. Roth replied no.

Mr. Curcio was sworn in to speak to the existing conditions.

Mr. Mannherz moved to open this application to public comment. Mr. TumSuden seconded that motion. With a vote in the affirmative, public comment was opened.

Mike Gersie, of 23 N. 18<sup>th</sup> Street, had concerns about impervious coverage and storm water discharge. He stated the water has flowed into his house recently.

Tom Cahill, of 23 N. 18<sup>th</sup> Street, had similar concerns. Mr. Roth confirmed that the impervious coverage would be reduced.

Mr. Russell moved to close the meeting to public comment. Mrs. Klose seconded that motion. With a vote in the affirmative, public comment was closed.

The Board was casually polled by Counselor Quinlan in relation to lot coverage. Upon his direction, each member submitted their opinion. The majority had the opinion that the applicant should conform to lot coverage requirements.

Mr. Hodgson expressed that he would like to see the amended proposed plan prior to a final vote. Mr. Visotcky agreed to waive any time constraints and requested to carry the application. Mr. Russell moved to approve that request. Mrs. Klose seconded that motion. With a vote in the affirmative, the application was approved to be carried.

The Board discussed preliminary zoning ordinances.

Mrs. Klose moved to pay the bills. Mr. TumSuden seconded the motion. With a vote in the affirmative, the bills were approved to be paid.

Mr. Russell moved to adjourn the meeting. Mr. Klose seconded the motion. With a vote in the affirmative, the meeting was adjourned.

Respectfully submitted,

Christine Hannemann, RMC/CMR

Land Use Board Clerk