

BOROUGH OF SURF CITY LAND USE BOARD
813 Long Beach Boulevard
March 27, 2019
7:00 pm

The meeting was called to order.

Roll call reflected the following members to be present: Peter Hartney, Gavin Hodgson, Paul Hoover, Alan Mannherz, Fred Peters, James Russell, Emil TumSuden & David Wright. Absent: Sandra Klose & John McMenamin.

Also, present: Board Engineer, Frank Little, Jr. 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 Board of Surf City Land Use Board has been provided to three newspapers & published in the January 31, 2019 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 to approve the February 27, 2019 regular meeting minutes. Mr. Mannherz seconded that motion. With a vote in the affirmative, the minutes were approved as presented.

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

Mr. Russell moved to approve Resolution 2019-08 to release various escrow accounts. Mr. Wright seconded that motion. With a vote in the affirmative, the resolution was approved as follows.

WHEREAS, the Borough is in receipt of escrow bonds posted pertaining to professional fees; and

WHEREAS, the Land Use Board Members have agreed with the recommendation that the professional invoices pertaining to the following listed applications have been received and all professional fees have been satisfied for the dockets listed below; and

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Surf City recommends that the following listed escrow bonds be released to the corresponding applicants with the balances to be released to the Borough of Surf City.

<u>APPLICANT</u>	<u>Docket Number</u>	<u>TYPE OF BOND</u>	<u>AMOUNT POSTED</u>	<u>AMOUNT TO BE RELEASED TO APPLICANT</u>	<u>AMOUNT TO BE RELEASED TO BOROUGH</u>
Vindana, LLC	18-01	Professional Bond	\$1,500.00	\$560.83	\$939.17

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

Dennis Galvin, Esq. was present with his client Dan Malay to seek an interpretation in relation to his recent final site plan approval. At the time of his approval fire pits were not an approved use. The Zoning Officer has denied his application for a fire pit to be in the setback at five feet, instead of the required ten feet.

Mr. Wright moved that no further action was necessary. There was no second motion, that motion failed. Mr. Hodgson moved that the interpretation be to adhere to the ordinance as provided by the Borough Council. Mr. Russell seconded that motion.

Roll vote reflected the following in favor: Mr. Hodgson, Mr. Mannherz, Mr. Peters, Mr. Russell, & Mr. TumSuden. Nays: Mr. Wright. Abstain: Mr. Hartney & Mr. Hoover. Absent: Mrs. Klose & Mr. McMenamain.

Mr. Hodgson then moved that Counselor Quinlan compose a letter to the Governing Body to recommend adjusting the commercial setback to five feet instead of ten feet. The Board was all in favor.

Mr. Visotcky, Esq. was present with his client Michael Curcio of 1801 N. Ocean Avenue to seek relief for setback and lot coverage. Mr. Visotcky stated that this plan was completely different than the one proposed at the January meeting. Mr. Roth explained that this would be a new building with no increase of any existing non-conformities. This plan includes a forty-foot by ten-foot dedication along Ocean Terrace, providing that piece of property to the Borough.

Mr. Wright moved to open public comment for this application. Mr. Russell seconded that motion. With a vote in the affirmative, public comment was opened. There were no comments. Mr. Russell moved to close public comment. Mr. Wright seconded that motion. With a vote in the affirmative, public comment was closed.

Mr. Russell moved to approve the request for setback relief and lot coverage with the plan to dedicate a forty-foot by ten-foot area along Ocean Terrace to the Borough. Mr. Hoover seconded that motion. With a vote in the affirmative, the application was approved. Roll call vote reflected the following.

Mr. Hartney: I vote yes on the motion. I find that the application as presented tonight, does reduce the number of variances on a property, that is non-conforming to begin with. This is an improvement from what the application originally began as. I think it benefits both the property owner and the Borough. It has benefit to air and light. It meets with the neighborhood scheme, in parking and the deck location. It does the best with what is there.

Mr. Hodgson: Although I don't like going over lot coverage or bulkhead lines, I have to agree with Mr. Hartney. So, I vote yes, on the grounds that it improves air, light and the neighborhood scheme. And it is a non-conforming property. It is a perfect example that every individual lot stands alone.

Mr. Hoover: I vote yes also. And also, to add to what Mr. Hartney said, they have gone out of their way to give us everything we had asked for.

Mr. Mannherz: I vote yes, for reasons that have already been stated. It is nice that the applicant could work with the Borough to dedicate the 400 square feet. That will definitely improve the traffic and fire response in that area. It is good that the two-foot setback was increased to five to give more space between the properties. And as Mr. Hodgson mentioned, it is disappointing to go over the building line and increase lot coverage. There were some trade-offs that were necessary and appropriate. Also, with all of the reductions of the existing non-conformities, it is a good thing.

Mr. Peters: It appears to me that we are trading lot coverage and a deck overhang for 400 square feet of property. This is removing the duplex and providing a bigger right of way. It seems to me that it makes sense, I vote yes.

Mr. Russell: As I started to say before, I think this is the best scenario. Especially since the last application. There are many positives in this. And the important thing, in our hearts is, that we are finally getting our street back. I appreciate that. I vote yes.

Mr. TumSuden: I'll vote yes, also. As a person who drives a fire truck and has plowed snow in this town for many years, that little alley was a real pain all the time. So, I vote yes.

Mr. Wright: Actually, I vote no. With the new structure and new construction, they can come more to compliance with the lot coverage.

Abstain: none. Absent: Mrs. Klose & Mr. McMEnamin.

Mr. Peters recused himself from the following application; his property is within the 200-foot of the improvement.

Mr. Visotcky, Esq. was present with his client Colleen Gewirtz, owner of the Surf City Hotel for a preliminary & final site plan approval. Craig Brearley, licensed NJ architect, explained the plan for a new covered porch. It is not accessible from the exterior of the building. There are currently 403 seats at this property. There will not be a request to increase the seating capacity. He also testified that there would not be an increase of any of the existing nonconformities. There would not be an intensification of use. Jim Brzozowski, licensed NJ Planner & Engineer, confirmed the above-mentioned and indicated on the plan where two additional handicapped spaces would be provided. They are requesting the existing the nine-foot by twenty-foot spaces to remain the same size. Mrs. Gewirtz spoke that there would not be amplified entertainment from 12 pm through 10 pm in the open porch. It is a possibility that the Hotel may open earlier for breakfast.

Mr. Little noted the plan would need to be revised to show 403 seats with the required and existing parking on the schedule.

Mr. Wright moved to open public comment for this application. Mr. Russell seconded that motion. With a vote in the affirmative, public comment was opened. There were no comments.

Mr. Wright moved to close public comment. Mr. TumSuden seconded that motion. With a vote in the affirmative, public comment was closed.

Mr. Wright moved to approve the request for preliminary and final site plan approval. Mr. Russell seconded that motion. With a vote in the affirmative, the application was approved. Roll call vote reflected the following.

Mr. Hartney: Yes, I think the proposal in the application doesn't increase the current use. It will in many senses, cosmetically improve the appearance of the property back to, as Mr. Quinlan said, its old glory. In addition, the two handicap spots added, makes it more handicap accessible. I like for the parking spots to be nine by twenty, but it is good. Again, each application stands on its own. Driving an ambulance or a fire truck back there is tight. Losing another foot would make it even tighter. The benefits outweigh the detriment.

Mr. Hodgson: I thought it was a good presentation. The structure that is there is non-conforming, but they do not add to it in anyway. Harping on what Mr. Hartney said with the parking, and I agree with him, but at the same time I think it is a benefit to the town. So, I'll vote yes.

Mr. Hoover: I vote yes. Parking and seating will stay the same. There is no real change to the foot print of the building. And I believe that the renovation is a positive change to the existing building.

Mr. Mannherz: I vote yes, as well. For reasons that have been previously stated. Testimony has indicated that there is no increase to the non-conformity. Aesthetically, it is going to be pleasing. And, as Mrs. Gerwartz mentioned, this a very good plan B. It is nice that the parking spots will be delineated. All of the concerns that the Board expressed have been answered.

Mr. Russell: I vote, yes also. Because of all of the testimony that we heard. Also, I am in favor of plan B. Good job.

Mr. TumSuden: I vote yes. The foot print of the building is not increasing. Neither is the seating in the building. I vote yes.

Mr. Wright: I vote yes also. I think this defines an era of Surf City from the past. The photo is beautiful. I think Mr. Brearly, should be complimented. The LBI Hotel down there is trying to recreate something that we have, to get its back to its original glory. I wish you luck.

Abstain: none. Absent: Mrs. Klose & Mr. McMenamin.

Mr. Russell moved to pay the bills. Mr. Wright seconded the motion. With a vote in the affirmative, the bills were approved to be paid.

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

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

Respectfully submitted,

Christine Hannemann, RMC/CMR/QPA

Land Use Board Clerk