

BOROUGH OF SURF CITY LAND USE BOARD  
813 Long Beach Boulevard  
December 4, 2019  
7:00 pm

The meeting was called to order, 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, Emil TumSuden & David Wright. Absent: James Russell.

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 October 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. Wright moved to approve the October 23, 2019 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. Hartney, Mr. Hodgson, Mr. Hoover, Mr. Mannherz, Mr. Russell, Mr. TumSuden & Mr. Wright. Nays: none. Abstentions: Mrs. Klose, Mr. McMenamin & Mr. Peters. Absent: Mr. Russell.

Mr. McMenamin moved to approve Resolution 2019-18. Mr. Hodgson seconded that motion. With a vote in the affirmative, the following resolution was approved.

WHEREAS, the Governing Body of the Borough of Surf City has requested the Land Use Board to review Ordinance 2019-17; and

WHEREAS, Ordinance 2019-17 will amend the Revised General Ordinances of the Borough of Surf City, County of Ocean, State of New Jersey, 2000 in Chapter 30 as it pertains to "Zoning" Sections 30-3, 30-5.2(B), 30-5.6(F), 30-6.4(C)(F), 30-7.4(D)(E), 30-11.2(D)(H)(I) and 30-11.5(C)4; and

WHEREAS, the Land Use Board members have reviewed Ordinance 2019-17 at a public meeting on December 4, 2019; and

NOW, THEREFORE, BE IT RESOLVED that it is the finding of the Land Use Board of the Borough of Surf City that Ordinance 2019-17 is consistent with the intent and purpose of the Master Plan.

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. Abstentions: none. Absent: Mr. Russell.

Mr. Mannherz moved to approve Resolution 2019-19. Mr. Peters seconded that motion. With a vote in the affirmative, the following resolution was approved.

WHEREAS, the Governing Body of the Borough of Surf City has requested the Land Use Board to review Ordinance 2019-18; and

WHEREAS, Ordinance 2019-18 will amend the Revised General Ordinances of the Borough of Surf City, County of Ocean, State of New Jersey, 2000 in Chapter 27 as it pertains to “Land Used Procedures” Sections 2.10 and 2.18; and

WHEREAS, the Land Use Board members have reviewed Ordinance 2019-18 at a public meeting on December 4, 2019; and

NOW, THEREFORE, BE IT RESOLVED that it is the finding of the Land Use Board of the Borough of Surf City that Ordinance 2019-18 is consistent with the intent and purpose of the procedures of the Land Use Board.

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. Abstentions: none. Absent: Mr. Russell.

Stuart Snyder, attorney for John and Mildred Barr of 8 S. Long Beach Boulevard, was present to seek relief of lot area and setbacks of pre-existing non-conformity. Mr. Snyder, explained that the applicant was seeking to construct a second-floor covered deck on the front of the building. The applicants had requested a site plan waiver. Ed Navitsky was sworn in to attest to the existing and proposed conditions. Mr. Navitsky is the tenant of the building, a contractor and a building inspector on Long Beach Island. With his experience, the Board recognized Mr. Navitsky as an expert lay witness. He offered that there were no detriments to the Master Plan.

Board members asked various questions about setbacks and lighting.

Mr. Snyder noted that there was not an existing sign on the property. He requested that the sign on the site plan be approved for future use.

Mrs. Klose moved to open the application to public comment. Mr. Mannherz seconded that motion. With a vote in the affirmative, the public hearing was open. There were no comments. Mrs. Klose moved to close the application to public comments. Mr. Peters seconded that motion. With a vote in the affirmative, the public hearing was closed.

Mr. TumSuden moved to approve the application for preliminary & final site plan approval with variance relief. Mr. Wright seconded that motion. A vote in the affirmative reflected the following votes.

Mr. Hartney: Yes, I find that the positive and negative criteria for this application have been met. There would be no detriment to the zoning and land use plan of the Borough of Surf City. It will continue with the aesthetics of the surrounding neighborhood.

Mr. Hodgson: Yes, the application is conforming with the master plan. The positive outweighs the negative.

Mr. Hoover: Yes, I believe this will have no negative impact on the current surrounding residents. It will increase the aesthetic value of the area.

Mrs. Klose: I'll vote yes too. I like that idea that they are not adding a lot of stuff to the project. It is already non-conforming. I think the deck will look nice and add to the aesthetics of the neighborhood.

Mr. Mannherz: I vote yes, as testimony given and as Mrs. Klose mentioned, that there is not going to be any increase to the intensity of the existing non-conformities. The aesthetics of the deck as previously mentioned and testimony by the recognized lay witness that it is not going to affect any of the surrounding properties, air, light, etc. Any use change would have to go through the proper procedures.

Mr. McMenemy: I vote yes for the same reasons as Mr. Mannherz.

Mr. Peters: I concur with the previous members and vote yes,

Mr. TumSuden: I vote yes. As mentioned, it is not encroaching any additional non-conformities. It is also adding an egress to the property. In the event of an emergency, the occupant can come out onto the porch.

Mr. Wright: Yes, I concur with everybody else.

Abstentions: none. Absent: Mr. Russell.

Chairman Hartney addressed Madeline Mital, of 1517 Sunset Avenue, as she remained at the close of the last application. She was present because she had received public notice that an adjacent property would be heard at this meeting. Counselor Quinlan explained to her that the application had not been deemed complete to be heard and that applicant sent the notice too soon. He further explained that she would be re-noticed prior to that application being heard.

Mrs. Klose moved to approve the payment of the bills. Mr. Wright seconded that 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, Mrs. Klose, Mr. Mannherz, Mr. McMenemy, Mr. Peters, Mr. Russell, Mr. TumSuden & Mr. Wright. Nays: none. Abstentions: none. Absent: Mr. Russell.

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

Respectfully submitted,

Christine Hannemann, RMC/CMR/QPA

Borough Clerk/Administrator