

BOROUGH OF SURF CITY LAND USE BOARD  
813 Long Beach Boulevard  
July 22, 2020  
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, Sandra Klose, Alan Mannherz, John McMenamin & David Wright. Absent: Gavin Hodgson, Paul Hoover, James Russell, Fred Peters, & Emil TumSuden.

The Board Attorney, Kevin Quinlan Esq. and the Board Engineer, Frank Little, Jr. P.E., P.P., C.M.E., were both present.

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 January 30, 2020 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.

Mrs. Klose moved to approve the April 22, 2020 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, Mrs. Klose, Mr. Mannherz, & Mr. McMenamin. Nays: none. Abstentions: Mr. Wright. Absent: Mr. Hodgson, Mr. Hoover, Mr. Russell, Mr. Peters & Mr. TumSuden.

Mr. Wright moved to approve Resolution 2020-11 releasing various escrow funds. Mrs. Klose seconded that motion. With a vote in the affirmative, the resolution was approved as presented.

WHEREAS, the Borough is in receipt of escrow bonds posted pertaining to professional fees, performance guarantees and inspection 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>Type</u>	<u>Posted Amount</u>	<u>Amount to Applicant</u>	<u>Amount to Borough</u>
Barr	Professional	\$1,500	\$161.67	\$1,338.33
Jordan	Professional	\$1,500.00	\$618.33	\$881.67
Panzone's	Professional	\$1,500.00	\$28.24	\$1,471.76
Kish/Perella	Professional	\$1,500.00	\$330.27	\$1,169.73
How You Brewin	Professional	\$1,544.11	0	\$1,544.11

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

Rich Visotcky, attorney for Sibco Holdings/Management, was present to request to relocate the lot line between Lots 13 & 15 on Block 43, aka 31 & 37 N. 16<sup>th</sup> Street, respectively. Lot 13 has an existing non-conformity; whereas the required side yard setback is 5 feet, 4.1 feet is existing. He explained that the line would be shifting ten feet to create two, 50 x 100 lots. Jim Brzozowski, P.E., P.P. was sworn in to explain the conditions of the property. Mr. Little commented that curbing will need to be installed.

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

Mr. Wright moved to approve the application. Mr. McMenamain seconded that motion. With a vote in the affirmative, the application was approved. Roll call vote reflected the following votes.

Mr. Hartney: The application creates two conforming sized lots, which is the purpose of land use law.

Mrs. Klose: I agree. Two conforming lots, I have no problem with that.

Mr. Mannherz: I agree, I vote yes for the same reasons already expressed. It will be good to have the house on the easterly lot with proper curbing.

Mr. McMenamain: Yes, I also agree that they are making conforming size lots.

Mr. Wright: I agree also, it brings both lots into compliance.

Abstentions: none. Absent: Mr. Hodgson, Mr. Hoover, Mr. Peters, Mr. Russell, & Mr. TumSuden.

Rich Visotcky, attorney for John & Catherine Lawlor, remained present to request setback and area relief for front yard steps. Mr. Visotcky stated that the area of the steps decreased in size by

approximately four feet. The maximum allowable area to encroach the setback is twenty-five square feet, whereas 39.3 square feet is proposed. Robert Stack, licensed architect, gave his credentials & was sworn in to explain the architectural plans. Chairman Hartney submitted the construction file which reflected that the work was completed outside the boundary of the permit. The file reflected that a stop work order was issued March 5, 2020. He also pointed out that the hardship was self-created. Jim Brzozowski, P.E., P.P., was sworn in to explain the conditions of the property.

John Lawlor, the property owner, was sworn in to speak to his application. He thanked the Board for their consideration.

Mr. Wright moved to open the application to public comment. Mrs. Klose seconded that motion. With a vote in the affirmative, public comment was open.

Ted Maglione, of 1609 Ocean Terrace, spoke in support for the variance request. He stated that the stairs were aesthetically more pleasing. Mr. Maglione also disclosed that he is a licensed construction official in the State of New Jersey.

Nick Caricato, of 15 N. 15<sup>th</sup> Street, was sworn in and spoke in support of his neighbors. He is a Lt. in the fire company and as a first responder, he felt that the new configuration of the stairs was better for safety reasons.

Jim Radvany, of 26 N. 18<sup>th</sup> Street, spoke in support for the project. He stated it reduces the nonconformity and does not impede on anyone else.

Julie Papadimas, of 28 17<sup>th</sup> Street, spoke in support project on the basis that they have a daughter with special needs.

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

Mr. Wright moved to approve the application. Mrs. Klose seconded that motion. With a vote in the affirmative, the application was approved. Roll call vote reflected the following votes.

Mr. Hartney: While listening to the testimony of the neighbors and the professionals and recognizing some of the special needs and that the Lawlor's plan on spending the rest of their lives here and passing it on and having a grandson with special needs, though he is very mobile. All that aside, I feel as a decision-making body, those things are important on a personal basis, but in terms of the property, it could change tomorrow. The decisions we make go with the property. I wish that you are going to be here forever. From what your neighbors have said, you are a wonderful addition to the neighborhood. And I am impressed that you found us all the way from Arkansas. In terms of the stairs, the craftsmanship is beautiful. I especially like the stonework on the skirting. My issue is, in terms of process, the terms of gathering a variance was not followed. The process should be come get the variance before the construction. Getting a variance after a mistake is made is a detriment to the Zoning Plan ordinances of the Borough. Because of that, I vote no.

Mrs. Klose: Well Peter, I'm sorry but that's what we do here. Everybody comes in because they started something and then it is oops, now we need a variance. And as Board, what do we do? We tell them to take that eight inches off that roof. Or take those steps down. Or move that shed. We do that all the time. But I am going to vote to approve this. And I'll tell you what, Mr. Stack are you here? What a beautiful job that you did on that house. It is gorgeous. I loved everything you did. I know the old steps, they were not only ugly, they were practically to the street. And you're correct, you come out that door and you have to make a huge right turn. Impossible. I think the steps look gorgeous; I think the house looks gorgeous. You got my yes.

Mr. Mannherz: I concur with both the Board members that have spoken so far. I agree with Mr. Chairman about the process, that it should have been followed – rather than continued with the construction. I also concur with Mrs. Klose, in regard to, the aesthetic and practical nature of the current stairs based on the expert testimony, as well as the neighbor's testimony. I vote yes.

Mr. McMenammin: I agree with Chairman Hartney on this. I have safety concerns; I am afraid like Mr Hartney explained that somebody could stumble out the front stairs right on to the roadway. I am going to vote no.

Mr. Wright: I definitely agree with Peter, that this is the worst way we get a case, when the stuff has been built. And like Sandy had said, when we have to take like 8 inches off of a house. But also, I agree with Nick because I also drive the ambulance, and the nightmares we have had trying to get people out of these houses. It is just beyond belief, so I agree with the variance application. I vote yes.

Abstentions: none. Absent: Mr. Hodgson, Mr. Hoover, Mr. Peters, Mr. Russell, & Mr. TumSuden.

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