

BOROUGH OF SURF CITY LAND USE BOARD

813 Long Beach Boulevard

April 27, 2022

7:00 pm

Chairman Hartney called the meeting to order, all present joined him in a salute to the Flag.

The following members were present: Peter Hartney, Paul Hoover, Alan Mannherz, James Russell, Richard Savianeso & George Wachter. Absent: Gavin Hodgson, Sandra Klose & Richard Savianeso.

The Board Attorney, Kevin Quinlan, was also 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 the January 13, 2022, 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. Hartney noted that a Waterfront Development Permit Authorization for Susan and Barry Holmes of 362 N. 1st Street, Block 97, Lots 26 & 26.01 is available at Borough for public view.

Mr. Russell moved to approve Resolution 2022-05. Mr. Wachter seconded that motion. With a vote in the affirmative, the following resolution was approved.

WHEREAS, the applicant has applied to the Borough of Surf City Land Use Board for Preliminary and Final Major Site Plan Approval with variances. The Applicant is proposing to remove several lots from Tuckerton Lumber Company use and to relocate storage racks from lots no longer in use by Tuckerton Lumber Company, specifically Block 5, Lots 8, 10, 11 and 12 and Block 12, Lots 16 and 23.

WHEREAS, the property was the subject of prior site plan approval in 1991 and amended major site plan approval in 1992.

WHEREAS, the site is in the B-Business District and the RA-Residential District.

WHEREAS, the following lots are being removed from Tuckerton Lumber Company use:

1. Block 5, Lots 8, 10, 11 & 12. These lots are presently developed with gravel parking lot, metal warehouse, asphalt pavement, storage racks and fencing. The Applicant proposes removing these improvements.
2. Block 12, Lot 14 was sold in 2015 and is no longer in use by Tuckerton Lumber Company.
3. Block 12, Lots 16 and 23 are no longer proposed as part of the site.

WHEREAS, the following lots are proposed for use by the Tuckerton Lumber Company.

1. Block 12, Lots 18, 20 and 22. The improvements are to remain except for a portion of the existing garage which encroached into lot 16 shall be removed and a 4.5 ft. side yard setback shall remain. The proposed side yard setbacks on lot 16 are 4.5 ft. and 0 ft. where 5ft. and 10 ft. are required. The 0 ft. set back is due to this being an interior lot line between a Lot owned by the Applicant and a property owned by another party with a leasehold estate in favor of the Applicant.

WHEREAS, Block 18, Lot 12 is owned by RMW Surf City Holding, LLC who has consented to this Application. The Applicant has a leasehold interest in the subject lot.

WHEREAS, the Applicant was represented by Charles Petrone, Esq.

WHEREAS, the Land Use Board considered this application at a public hearing on February 23, 2022 and March 23, 2022. The following Exhibits were marked into evidence as follows:

- A-1 Application
- A-2 Amended Preliminary Final Site Plan prepared by Morgan Engineering and Surveying dated 10/26/21 and revised 1/11/23 and 3/4/22.
- A-3 Color Photos (10).
- A-4 Tax Map.
- A-5 Color Rendering.
- B-1 Board Engineer Review letter prepared by Frank Little of Owen Little and Associates, Inc. dated 3/14/22.

WHEREAS, the Applicant's planner, Matthew Wilder, P.E., P.P. was sworn and qualified as an expert in professional planning.

WHEREAS, Mr. Wilder testified as follows:

1. No new impervious coverage is proposed.
2. Full face curbing and sidewalks shall be installed along North 2nd Street.
3. The handicap parking space shall be identified, and appropriate signage installed identifying the space.
4. The loading zone shall be striped.
5. Existing handicap parking space striping located in the right-of-way to be removed.
6. The eleven (11) parking spaces located in the right-of-way shall remain but are not counted toward the parking requirement.
7. The proposed storage racks located on Lot 18 and 20 in Block 12 shall be located within the 83 ft. by 51 ft. area depicted on the plan in the southwest corner of the lot.
8. The plan shall be amended to identify the wood storage depicted on the plan to the north of Lots 13 and 15 in Block 19 is covered. Same shall comply with the permitted setback.
9. Seventy parking spaces are required whereas 22 spaces are provided, not

including 11 spaces located partially in the right-of-way. The proposed parking, while requiring a variance, is more in conformity than the existing conditions.

10. The side yard setback on Lot 18, Block 12 is to the existing structure after removal of the attached shed. The setback on the interior lot line between Lots 18 and 20 in Block 12 is due solely to the fact that the lots are not in common ownership.

11. All parking spaces shall be striped and wheel stops provided.

11. Mr. Wilder opined that the variances can be granted without substantial detriment to the zone plan, ordinances and master plan of the Borough of Surf City. The parking is being brought more into conformity. Any detriment to public is minimal if at all and is outweighed by the benefits of granting the variances.

WHEREAS, Joe Lynch, was sworn and testified as follows:

1. He is a principal of the Applicant and is authorized to speak on behalf of the Limited Liability Company.

2. Proposed propane storage will be retail sized bottle gas with no on-site refilling. Propane storage shall be in a 5 ft. high by 3 ft. deep and 2 ft. wide approved storage unit. Storage of retail sized bottled gas with one larger tank for Applicant use is permitted. Storage unit shall be located along the northerly property line and comply with all setback requirements.

3. The existing garage to remain on the southerly side of Lot 18. The attached shed which extends over the property line shall be removed. The existing 4.5 ft. setback to the existing garage to remain. A variance is requested.

4. The Applicant has a leasehold interest in Block 12, Lot 18. The Applicant is aware that if the leasehold is ever terminated an amended site plan application will be required.

WHEREAS Tom Dwyer was sworn and testified as follows:

1. He is a principal of the Applicant and is authorized to speak on behalf of the Limited Liability Company.

2. The POD is not a permanent structure and is used to move product. Same shall not be located in any manner to obstruct any parking spaces, ingress, egress or loading areas.

3. The guard shack is a moveable structure and shall not be located in any manner so as to obstruct any parking spaces, ingress, egress or loading areas.

4. The buildings located on lots no longer a part of the site plan shall be removed within six (6) months of memorialization of this Resolution.

5. Curbing and sidewalk on west side of property to remain and replaced if deteriorated as determined by the township engineer.

WHEREAS, all interested parties were given the opportunity to be heard.

NOW THEREFORE, be it resolved by the Land Use Board of the Borough of Surf City, County of Ocean, State of New Jersey, the Board makes the following findings of fact:

1. The applicants are the owners and lessee of the property which is the subject of this application and have standing to make the application.
2. The property owners are named and a party to the application.
3. The application is deemed complete, and Jurisdiction lies within the Surf City Land Use Board.
4. Proof of service as required by law upon the appropriate property owners and governmental bodies has been provided and determined to be in proper order.
5. The board considered and determined that the application is properly heard as a Preliminary and Final Major Site Plan with variances for side yard setback and parking.
6. The board finds that there is no intensification of use and brings the property more into conformity by providing more parking than currently exists.
7. Any deteriorated curbing or sidewalks shall be replaced at the determination of the borough engineer.
8. A full faced curb and sidewalk shall be added along North Second Street.
9. The Plan shall be revised as follows:
 - a. Location of propane storage.
 - b. Removal of handicap parking space located in right-of-way.
 - c. Refuse enclosure to contain two dumpsters.
 - d. Signage identifying employee and customer parking.

NOW, THEREFORE, BE IT RESOLVED that the application for Preliminary and Final Major Site Plan Approval and variances for side yard setbacks and parking by TLC Land Holdings, LLC is hereby Granted subject to the forgoing conditions and findings of fact.

IT IS FURTHER RESOLVED that the contents of the preamble is adopted and made part of this resolution; and

IT IS FURTHER RESOLVED that this Approval is expressly contingent upon the applicant complying with the following, if applicable:

1. Proof of payment of real estate property taxes.
2. Payment of any outstanding professional fees.
3. Obtain all local building permits and pay all associated fees.
4. Posting of any performance guarantees and inspection fees, and
5. Obtain any outside agency approval as required.

The clerk shall publish notice of this decision in the official newspaper of the Borough of Surf City within 14 days of the date hereof and provide a copy to the board secretary.

Roll call reflected the following in the affirmative: Mr. Hartney, Mr. Hoover, Mr. Mannherz, Mr. Russell, Mr. Savianeso & Mr. Wachter. Absent: Mr. Hodgson, Mrs. Klose, Mr. TumSuden & Mr. Wright. Abstained: None.

Mr. Russell moved to approve the bills. Mr. Wachter seconded the motion. Roll call reflected the following in favor: Mr. Hartney, Mr. Hoover, Mr. Mannherz, Mr. Russell, Mr. Savianeso & Mr. Wachter. Absent: Mr. Hodgson, Mrs. Klose, Mr. TumSuden & Mr. Wright. Abstained: None.

Mr. Russell moved to adjourn the meeting. Mr. Mannherz seconded the motion. With a vote in the affirmative, the meeting was adjourned. Roll call reflected the following in favor: Mr. Hartney, Mr. Hoover, Mr. Mannherz, Mr. Russell, Mr. Savianeso & Mr. Wachter. Absent: Mr. Hodgson, Mrs. Klose, Mr. TumSuden & Mr. Wright. Abstained: None.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jenna Letts".

Jenna Letts

Land Use Board Clerk