

BOROUGH OF SURF CITY LAND USE BOARD

813 Long Beach Boulevard

July 27, 2022

7:00 pm

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

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

The Open Public Meeting Statement was read by Vice Chairman Mannherz, 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.

Vice Chairman Mannherz 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 July 22, 2022 regular meeting minutes. Mr. Russell seconded the motion. With a vote in the affirmative, the minutes were approved.

Roll call reflected the following in the affirmative: Mr. Hoover, Mrs. Klose, Mr. Russell, Mr. Ryan, Mr. Savianeso & Mr. TumSuden. Abstained: Mr. Mannherz. Absent: Peter Hartney, Gavin Hodgson, George Wachter & David Wright.

Mrs. Klose moved to approve Resolution 2022-07. Mr. Russell seconded that motion. With a vote in the affirmative, the following resolution was approved.

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<br/>Amount</u> | <u>Amount to<br/>Applicant</u> | <u>Amount to<br/>Borough</u> |
|--------------------------|--------------|--------------------------|--------------------------------|------------------------------|
| FHW Land<br>Acquisitions | Professional | \$1,500.00               | \$370.28                       | \$1129.72                    |
| How You<br>Brewin        | Professional | \$2,500.00               | \$1,550.36                     | \$949.64                     |
| Intrepid<br>Ventures     | Professional | \$1,500.00               | \$996.94                       | \$503.06                     |

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

Mrs. Klose moved to approve Resolution 2022-07. Mr. Russell seconded that motion. With a vote in the affirmative, the following resolution was approved.

WHEREAS, Ronald and Maureen Witt are the owners of the premises identified as Block 50, Lot 2 on the official tax maps of the Borough of Surf City and have standing to make the application.

WHEREAS, the applicants were represented by James S. Raban, Esq.

WHEREAS, the applicants have applied to the Borough of Surf City Land Use Board for variances to demolish the existing two-family dwelling and construct a new three-story single-family dwelling. Variances for front yard setback where 0 ft. is permitted, and the applicant is seeking to extend past the front yard setback line by 9.38 ft. Applicant is also seeking a variance for curb where depressed curb cannot exceed 24 ft. the Applicant proposes depressed curb the entire length of the property (60 ft.).

WHEREAS, the site is in the RA Residential Zone.

WHEREAS, in support of the application, the following exhibits were offered and entered in evidence:

- A-1 Application.
- A-2 Variance Plan prepared by Nelke, Tyszka Land Surveyors, LLC dated 4/22/22.
- A-3 Architectural Plans prepared by Holliday Architects dated 7/6/21 and revised 4/22/22.
- A-4 Color Photos (4).
- B-1 Board Engineer Review Letter dated 6/1/22.

WHEREAS James B. Brzozowski, P.P., P.E. was sworn and qualified as an expert in professional planning and professional engineering and testified as follows:

1. The existing setback to Ocean Terrace is 5.2 ft. and is being increased to 10 ft. which brings the setback into conformity.
2. The existing duplex is a non-conforming use which is being abandoned in favor of a single-family dwelling.
3. The plan will be amended to provide parking for two vehicles along the southerly property line and two within the garage, thereby removing the need for a variance for off-street parking. Three parking spaces are required and four are provided. Curb stop or other permanent barrier shall be installed to limit the number of vehicles along the southerly property line to two vehicles.
4. The proposed deck extending over the build/bulkhead line is consistent with the decks on the two properties adjacent to the subject property and will not negatively impact open air and light of adjoining properties.
5. The adjacent properties are fully developed and there is no property available to remove the need for a variance.
6. A hardship exists due to the unique nature of the lot including the building/bulkhead line and location of adjacent structures.
7. The new construction will comply with flood elevation requirements and comply with current building codes.
8. The proposed dwelling is an aesthetic improvement and consistent with the neighborhood scheme and represents an improvement in housing stock.

WHEREAS the public was given an opportunity to be heard and an individual was sworn and testified in favor of the relief sought.

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 authorized to make the application and have standing.
2. The application is deemed complete, and Jurisdiction lies within the Surf City

Land Use Board.

3. Proof of service and publication as required by law has been provided and determined to be in proper order.
4. The Board finds that proposed development brings the property more into conformity wherein the proposed dwelling will comply with the required setback from Ocean Terrace and removed a non-conforming duplex. The proposed development also reduces density.
5. The Board finds the Applicants have satisfied the positive and negative criteria in that the positive impact on the aesthetics, improvements in housing stock, bringing the property more into conformity, complying with current flood elevation requirements and

building codes outweigh any potential detriment to the public good, ordinances and master plan.

6. The impact upon adjacent properties is insignificant in that the proposed location of the ocean side deck is consistent with decks on the adjacent properties.

7. The proposed depressed curb is a better planning option whereas there is no parking provided for along Ocean Terrace.

8. The plan shall be revised to show two parking spaces along the southerly property line and correct the zoning table to reflect the proposed dwelling height to comply with the ordinance.

NOW, THEREFORE, BE IT RESOLVED that the application for variances to construct a new three-story single-family dwelling which includes decking which extend 9.38 feet over the building/bulkhead line and depressed curb along the 60 ft. frontage along Ocean Terrace is hereby approved.

IT IS FURTHER RESOLVED that the contents of the preamble and board engineer's review letter dated June 1, 2022 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 any and 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.
6. Compliance with applicable flood zone regulations.
7. Submission of a revised plan.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the applicant, building department and Borough clerk by the Board Clerk.

BE IT FURTHER RESOLVED that notification of this favorable resolution shall be published in an official newspaper of Surf City Borough by the Land Use Board Clerk within ten (10) days of its passage.

Roll call reflected the following in the affirmative: Mr. Hoover, Mrs. Klose, Mr. Russell, Mr. Ryan, & Mr. Savianeso. Abstained: Mr. Mannherz & Mr. TumSuden. Absent: Peter Hartney, Gavin Hodgson, George Wachter & David Wright.

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

Respectfully submitted,

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

Jenna Letts

Land Use Board Clerk