

BOROUGH OF SURF CITY LAND USE BOARD

813 Long Beach Boulevard

December 28, 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: Gavin Hodgson, Paul Hoover, Sandra Klose, Alan Mannherz, James Russell, Richard Savianeso, George Wachter, John Franzoni & Jaime Ryan. Absent: Peter Hartney & 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.

Mr. Russell moved to approve the November 23, 2022 regular meeting minutes. Mr. Hoover seconded the motion. With a vote in the affirmative, the minutes were approved.

Roll call reflected the following in the affirmative: Hodgson, Hoover, Klose, Mannherz, Russell, Wachter, Franzoni & Ryan. Abstained: Savianeso. Absent: Hartney & Wright.

Mr. Russell moved to approve Resolution 2022-15. Mr. Ryan seconded that motion. With a vote in the affirmative, the following resolution was approved.

WHEREAS, Step Into Liquid, LLC (LLC) is the owner of premises identified as Block 32, Lot 21 on the official tax maps of the Borough of Surf City and have standing to make the application.

WHEREAS, the applicant was represented by James Raban, Esq.

WHEREAS, the applicant has applied to the Borough of Surf City Land Use Board for preliminary and final major site-plan approval and variances to demolish the existing structures currently on the lot and to construct a three (3) story mixed use building with commercial retail on the first floor and a two-story residential apartment on the second and third floors. The Applicant further proposes a washed stone outdoor display area for the commercial retail areas to display bicycles and surfboards, etc. The property is encumbered by a pre-existing non-

conformity for Lot Area of 3,981.01 sq. ft. where 5,000 sq. ft. is required. A variance for parking is required where four (4) spaces are provided (including 2 stacked spaces) and six (6) are required.

WHEREAS, the following exhibits and evidence were admitted by the board:

- A1. Application.
- A2. Site Plan prepared by Horn, Tyson and Yoder, Inc. dated 8/8/22 and revised 11/22/22.
- A3. Architectural Plans prepared by Architecture Plus dated 8/3/22.
- A4. Color Photos (4).
- A5 Tax Map Sheet 4 dated 9/2022.

B1. Board Engineer Letter dated 10/17/22.

WHEREAS, the site is in the Business Zone, however since the proposed use is mixed commercial-residential, the RA - Residential Zone requirements shall apply.

WHEREAS, James Brzozowski, PE, PP, of Horn Tyson and Yoder, Inc. was sworn and qualified as an expert in planning.

WHEREAS, Mr. Brzozowski testified as follows:

1. The property is encumbered by several conditions which create a hardship. The property is undersized and an unusual shape being a trapezoid, and the location of the existing utility pole and fire hydrant create a hardship.
2. The pre-existing non-conformity of lot area is not being expanded.
3. The commercial space is 724 sq. feet requiring four parking spaces.
4. There are two stacked spaces for the residential use.
5. One parking space to be a van accessible handicap space.
6. Signage will be added to the building to indicate tenant parking.
7. There is no available property to remove the need for variance relief.
8. Backing of vehicles onto North 10<sup>th</sup> Steet does not create a safety issue whereas North 10<sup>th</sup> Street is a dead-end road.
9. The proposed development while not providing required parking the reconfiguration of the onsite parking and ingress and egress frees up parking on Long

Beach Boulevard and additional public parking is located within 200 ft. of the site.

10. The existing sign and planter to be removed.
11. A three (3) foot by twelve (12) foot trash enclosure shall be constructed on the east side of the building under the stairs.
12. The plan shall be revised to show the trash enclosure, air conditioning platform and water and sewer locations.
13. Exterior lighting shall be building mounted and shall be shielded to not shine on adjacent structures and comply with applicable ordinances.
14. Building mounted signs shall comply with applicable ordinances.
15. The proposed use and development are consistent with the neighborhood.
16. There are no negative impacts from the proposed development. The benefits of retaining a viable business within the business zone outweighs the detriments, if any.
17. The benefits of granting the variances outweigh any detriment and can be granted without substantial detriment to the zone plan, master plan and ordinances of the Borough.
18. The proposed development advances the purposes of the Master Plan in that it retains a commercial business.
19. There is no detriment to open air and light.

WHEREAS, Jeff Santoloci was sworn and testified as follows:

1. He is a member of the LLC and has authority to testify on behalf of the applicant and to bind same.
2. There will be one employee.
3. Hours of operation will be 9 am to 5 pm.
4. Deliveries are made by personal vehicle from an off-site location.
5. No classes will be offered on-site.
6. The business is limited to the sale and rental of surf boards, bikes and associated merchandise and clothing.
7. Check in for off-site classes is conducted by the employee and not instructors.

Once checked in, the customers/students proceed to off-site locations for instruction.

WHEREAS Rocco Campanella, RA was sworn and qualified as an expert in architectural design.

WHEREAS Mr. Campanella testified as follows:

1. The residential component shall consist of one four bedroom, three and a half bath apartment on two floors.
2. Building mounted signs shall be located on the Long Beach Boulevard and North 10<sup>th</sup> Street frontages and shall comply with applicable ordinances.
3. Plans shall be revised to show the refuse and air conditioning locations.
4. The proposed structure will be built to current building, safety and flood requirements.
5. The proposed structure is aesthetically appealing and consistent with other structure in the neighborhood.

WHEREAS, all interested parties were given an opportunity to be heard and one interested party spoke against the proposed development.

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 applicant is authorized to represent the property owner and has standing to make the application.
2. The exhibits have been properly introduced and moved into evidence.
3. The application is deemed complete, and Jurisdiction lies within the Surf City Land Use Board.
4. The Applicant representative is a member of the LLC and is authorized to make the application and to bind the LLC.
5. The pre-existing non-conformity for lot area is not being expanded.
6. Any portion of the curb or sidewalk that is deteriorated or below design standard shall be replaced at the direction of the borough engineer.
7. The proposed development shall comply with the Borough Ordinances regarding fill and drainage.
8. Waiver of formal Major Site Plan requirements is appropriate.
9. The Board finds that the benefits of granting the variances outweigh any detriment, and can be granted without substantial detriment to the zone plan, ordinances and master plan of the Borough. Specifically, the Board finds that the

proposed development is an improvement in that the structure will conform to current building, safety and flood elevation requirements. The benefit of maintaining a commercial use within the Business Zone is a significant benefit and promotes the master plan.

10. The pre-existing oddly shaped undersized lot, existing utility pole and fire hydrant create a hardship.

11. The proposed development represents a better zone plan for the site.

NOW, THEREFORE, BE IT RESOLVED that the board grants Preliminary and Final Site Plan approval with a variance for parking where six (6) spaces are required and four (4) are provided.

IT IS FURTHER RESOLVED that the applicant is granted design waivers and Preliminary and Final Major Site-Plan approval.

IT IS FURTHER RESOLVED that the applicant shall submit revised plans consistent with this Resolution.

IT IS FURTHER RESOLVED that the comments and conditions set forth in the Board Engineer's Review Letter dated October 17, 2022, not modified herein, are incorporated in this Resolution as if set forth at length herein.

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

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,
5. Ocean County Planning Board approval,
6. Compliance with Flood Zone Regulations, and
5. Obtain any other outside agency approval as required.

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

Mrs. Klose moved to approve the bills. Mr. Russell seconded the motion.

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

Respectfully submitted,

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

Jenna Letts

Land Use Board Clerk