

BOROUGH OF SURF CITY LAND USE BOARD

813 Long Beach Boulevard

November 22, 2023

7:00 pm

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

Roll call reflected the following in the affirmative: Peter Hartney, Paul Hoover, Sandy Klose, Alan Mannherz, James Russell, George Wachter, John Franzoni & Jaime Ryan. Absent: Gavin Hodgson, Richard Savianeso & David Wright.

The Board Engineer, Frank Little, Jr. and the Board Attorney, Kevin Quinlan, were also present.

The Open Public Meeting Statement was read by Chairman Peter 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 February 2, 2023 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. Russell moved to approve the October 25, 2023 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 Mr. Hartney, Mr. Hoover, Mr. Mannherz, Mr. Russell, Mr. Franzoni & Mr. Ryan Abstained Mrs. Klose & Mr. Wachter: Absent: Mr. Hodgson, Mr. Savianeso & Mr. Wright.

Bradford Batcha was present to represent J. Stewart and Dawn von Oehsen of 1718 N. Central Avenue, Block 44, Lot 4. It was noted that the applicant was not seeking any variances. Mr. Batcha stated that the property is a pre-existing, non-conforming lot currently with a triplex residence and the applicant is seeking relief of Ordinance 30-12.2. He stated that the applicant will be demolishing the existing dwelling and will be building a conforming new single-family home.

There was discussion about moving the proposed parking. It was decided that the proposed parking will be five feet from the corner of N. Central Avenue and 18th Street.

Mr. Hoover moved to approve the application. Mr. Russell seconded the motion. Roll call reflected the following votes:

Mr. Hartney: Yes, the applicant is removing an existing non-conformity in terms of the triplex and bringing the property more into conformity with Borough ordinances. There's a good compromise on parking that I believe makes it safer, so I vote yes.

Mr. Hoover: Yes, the applicant has met all requirements as far as the size of the lot with setbacks and such. It is good for the community. I vote yes.

Mrs. Klose: I will vote yes for what everyone else said.

Mr. Mannherz: I vote yes for the reasons previously stated, as well as an esthetic upgrade to the neighborhood.

Mr. Russell: For all practical purposes, it is a no brainer. Get rid of the three family and getting a one family. It is wonderful, so without a question, I vote yes.

Mr. Wachter: For the previous stated, I vote yes as well.

Mr. Franzoni: I agree with all of the reasons before me.

Mr. Ryan: I agree with all of the previous reasons.

Mr. Mannherz moved to approve Resolution 2023-14. Mr. Russell seconded that motion. With a vote in the affirmative, the following resolution was approved.

WHEREAS, J. Stewart and Dawn Von Oehsen are the owners of the premises identified as Block 44, Lot 4 on the official tax maps of the Borough of Surf City also known as 1718 N. Central Avenue and have standing to make the application.

WHEREAS, the applicants were represented by F. Bradford Batcha, Esq.

WHEREAS, the applicants have applied to the Borough of Surf City Land Use Board for approvals to construct a single-family dwelling on an undersized lot. The existing lot is 3,200 sq. ft. where 5,000 sq. ft. is required. The existing lot width is 40 ft. where 50 ft. is required. These are pre-existing non-conformities which are not being expanded.

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 Plot Plan of Survey prepared by Nelke, Tyszka Land Surveyors, LLC dated 6/8/22 and revised on 7/25/22, 8/19/22, 9/14/22, 1/6/22, 10/16/23, 11/3/23 and 11/16/23.

A-3 Color Photos (4).

A-5 Tax Map

B-1 Board Engineer Review Letter dated 11/14/23.

The foregoing exhibits being marked and admitted into evidence.

WHEREAS, the Applicant proposes demolishing the existing triplex and replace same with a fully conforming single-family residence. The proposed dwelling will comply with all setbacks, height and lot coverage requirements.

WHEREAS, the off-street parking shall be shifted five (5) feet to the East and the existing depressed curb on 18th Street shall remain.

WHEREAS, there shall be no accessory structures.

WHEREAS, the improvements shall comply with flood elevation requirements.

WHEREAS the public was given an opportunity to be heard and no interested parties testified.

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 pre-existing non-conformities of lot area and lot width are not being expanded.
5. The proposed dwelling will comply with all setbacks, height and lot coverage and parking requirements. No variances are requested nor granted.
6. The plans shall be revised to show two off-street parking spaces.
7. The demolition of the existing triplex and replacement with a conforming single-family home removes a pre-existing non-conformity and brings the property more into compliance.
8. The plan shall be revised to show the correct side yards setbacks.
9. The proposed development represents a better Zone Plan and improves the housing stock and is an aesthetic improvement.
10. Relief from Ordinance §30-12.2 is hereby granted.

NOW, THEREFORE, BE IT RESOLVED that the application to demolish the existing triplex and construct a new single-family home is hereby granted.

IT IS FURTHER RESOLVED that the contents of the preamble and Board Engineer's

review letter dated 11/14/23 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.

Mr. Russell moved to approve the bills. Mrs. Klose seconded the motion. Roll call reflected the following in favor: Mr. Hartney, Mr. Hoover, Mrs. Klose, Mr. Mannherz, Mr. Russell, Mr. Wachter, Mr. Franzoni & Mr. Ryan. Absent: Mr. Hodgson, Mr. Savianeso & Mr. Wright.

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: Mr. Hartney, Mr. Hoover, Mrs. Klose, Mr. Mannherz, Mr. Russell, Mr. Wachter, Mr. Franzoni & Mr. Ryan. Absent: Mr. Hodgson, Mr. Savianeso & Mr. Wright

Respectfully submitted,



Jenna Letts

Land Use Board Clerk

