

BOROUGH OF SURF CITY LAND USE BOARD

813 Long Beach Boulevard

March 27, 2024

7:00 pm

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

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

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

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 February 1, 2024, 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 February 28, 2024 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. Hodgson, Mr. Hoover, Mr. Mannherz, Mr. Russell, Mr. Savianeso, Mr. Wright, Mr. Franzoni & Mr. Ryan. Abstained: None. Absent: Mr. Hartney, Mrs. Klose & Mr. McMenamin.

Under old business, Christopher Dasti, Esq. was present to represent Surf City Hotel, LLC of 800 N. Long Beach Boulevard, Block 30, Lots 15, 16, 17, 18, 19 & 20 for preliminary and final site plan approval. The applicant's attorney stated that the proposed structure on the revised plans will still be a timber frame with a removable awning, but the size will be smaller. He stated that they will have landscaping to block the noise from the outside area and the musician will be stationed at the corner of the structure.

The applicant stated that the proposed bar will be smaller than the original proposed bar. The bar will no longer be "L" shape, it will be straight. The applicant stated that they are seeking to have 24 seats at the bar area and 76 seats at tables under the proposed structure.

After discussion, the applicant stated that they would be willing to reduce the proposed size of the bar to 18 seats. The applicant also mentioned moving the bar completely into the business zone, to flip the proposed location of the bar with the proposed location of the tables.

Jim Brzozowski was sworn in as the applicants engineer. He stated that the parking would remain the same as the original proposed site plan, with 15 parking spaces total including 1 handicap space. He mentioned that there would be a straight alleyway for cars to get around the parking area. He mentioned that the applicant is proposing lights within the rafters of the structure and that the lights will be facing down as to not disturb the neighbors.

Tom Coleman, Esq. was present to represent Jennifer, Leslie and Robert Bitman of 32 N. 8<sup>th</sup> Street. Jennifer Bitman was sworn in to speak their behalf. She stated that they were not given proper notice for the multiple variance changes being proposed. She stated that the speaker placement will disturb the residents in the area. she mentioned that the parking is already bad and she has had her driveway blocked multiple times. She further explained that that the lights from the outside area are already going into her house and it would get worse. Mr. Dasti explained that the proposed music would go until 7:30. Ms. Bitman stated that having a bar outside would be creating a live concert area with alcohol.

Mr. Wright moved to open public comment. Mr. Ryan seconded the motion. With a vote in the affirmative, public comment was open. The vote reflected the following ayes: Mr. Hodgson, Mr. Hoover, Mr. Mannherz, Mr. Russell, Mr. Savianeso, Mr. Wright, Mr. Franzoni & Mr. Ryan. Abstained: None. Absent: Mr. Hartney, Mrs. Klose & Mr. McMenamain.

Kathlen Camissa of 36 N. 8<sup>th</sup> Street stated that if approved, the hotel would not be able to have 100 seats and keep it under the threshold of the noise ordinance,

Timothy Mornihan of 31 N 8<sup>th</sup> Street stated that if the council repealed it's music ordinance, moving it from the residential zone is not going to change the impact.

Robert Buratt of 52 S. 1<sup>st</sup> Street stated that outdoor dining keeps people safe and healthy and we have to change with the changing world.

Lauren Spain of 4000 Long Beach Boulevard spoke on behalf of the business as the General Manager. She stated that she constantly walks around the property to make sure the music is not too loud. She mentioned that the lights automatically go off at 10:00PM and that no one is seated outside after 8:30PM.

Bud Armstrong of 115 N. 11<sup>th</sup> Street stated that the hotel is a landmark.

Jim Hines of 273 N. 11<sup>th</sup> Street stated that nowhere in town has good parking and that if noise was an issue, the hotel guests would complain.

Nancy Miner spoke on behalf of the business as the Assistant General Manager. She stated that the outside area is not a concert venue.

Greg Gewirtz explained that no more than two acoustic guitars play at one time. He further stated that they stop playing at 7:30PM.

Jay Comisa of 36 N. 8<sup>th</sup> Street stated that any decision made at the tonight's meeting will affect any future owner.

Mr. Russell moved to close public comment. Mr. Savianeso seconded the motion. With a vote in the affirmative, public comment was open. The vote reflected the following ayes: Mr. Hodgson, Mr. Hoover, Mrs. Klose, Mr. Mannherz, Mr. Russell, Mr. Savianeso, Mr. Wright, Mr. Franzoni & Mr. Ryan. Abstained: None. Absent: None.

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

Mr. Hodgson: This is one of those decisions that half will be upset, half will be happy about. It is our job to balance the desires of the town and the business owners. I think that the owners really pulled back and made it more palatable for outdoor seating. Outdoor seating is how it's going, moving 100 seats out of the commercial zone, far moved over is more agreeable. I understand the neighbors will be upset, but unfortunately the town has to react to how businesses are performing and the pendulum may switch the other way someday. Given what I'm looking at, I have to vote yes.

Mr. Hoover: yes, as I said before I vote yes. The items I was concerned with when we came here tonight, they had addressed. Making the outside space smaller, just keeping to the commercial area are two items that I was concerned about. The outside music was addressed a number of times, we got that under control. Changes had been made to modify the overall plan that they had submitted, making it more appealing and more according to items that were mentioned by Mr. Quinlan. I vote yes.

Mr. Mannherz: Based on testimony of the experts as well as the testimony from the public, I don't see where these variances can be granted without substantial detriment to the public. I do not see where this is in line with the master plan that examined in 2019. Parking has always been an issue and thanks to the applicant's revisions parking is pretty much the same as the proposal. The applicant already has 35 porch seats that were argued if they were inside or outside or open air. The applicant has the ability to apply to the Borough without any granting of variances for additional 24 seats. Whether or not that includes a bar, that is not specifically stated in the variance for outside dining. I vote no.

Mr. Russell: I have to make a statement like Mr. Hodgson, people are going to be unhappy. I just feel there are too many variables here and the sense we are making a bad thing worse and I'll cut to the chase, I am going to vote to deny the application.

Mr. Savianeso: There's going to be happy people and not happy, but not to reiterate what Mr. Hodgson and Hoover said, I am going to vote to approve.

Mr. Wright: I feel the application is mostly out of compliance to the master plan of Surf City and deviation from the ordinance were supposed to follow. I feel that this might be up to the Governing Body of Surf City to make this decision. The public feels that they are in favor of these changes I think that that is something that Gavin said earlier should be directed toward the Borough Council. So, I deny.

Mr. Franzoni: I am going to have to deny the application in its present form. I can't speak for anybody else, if it was without a bar, I would vote favorably on it. But I am afraid for the neighbors and the potential loud party environment with a bar. If it was dining only, I would except it, but I can't in its present form.

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

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

Respectfully submitted,

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

Jenna Letts

Land Use Board Clerk