

BOROUGH OF SURF CITY LAND USE BOARD

813 Long Beach Boulevard

July 26, 2024

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, Gavin Hodgson, Paul Hoover, Alan Mannherz, James Russell, Richard Savianeso, David Wright & John Franzoni. Absent: Sandy Klose, John McMEnamin & Jaime Ryan.

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 February 1, 2024, 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 June 26, 2024 regular meeting minutes. Mr. Mannherz seconded the motion. With a vote in the affirmative, the minutes were approved.

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

Under regular business, Robin La Bue, Esq. on behalf of New Eatery, LLC of 712 N. Long Beach Boulevard, Block 29, Lots 19 & 20 wrote a letter requesting to carry the application to the October 24, 2024 meeting. Mr. Wright moved to approve the applicants request to carry the application. Mr. Russell seconded the motion. Roll call reflected the following in the affirmative: Mr. Hartney, Mr. Hodgson, Mr. Hoover, Mr. Mannherz, Mr. Russell, Mr. Savianeso, Mr. Wright & Mr. Franzoni. Abstained: None. Absent: Mrs. Klose, Mr. McMEnamin & Mr. Ryan.

Mr. Wright moved to approve Resolution 2024-13. Mr. Russell seconded that motion. With a vote in the affirmative, the following resolution was approved.

WHEREAS, Richard and Linda Weise are the owners of the premises identified as Block 86, Lot 19 on the official tax maps of the Borough of Surf City also known as 245 17<sup>th</sup> Street 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 construct a 2<sup>nd</sup> floor 363 sq. ft. dormer addition at the rear of the structure. Variance relief is required whereas the lot area is 3,750 sq. ft. where 5,000 sq. ft. is required. The existing Accessory Setback of the one-story detached garage is 4.9 ft. where 5 ft. is required. This is a pre-existing non-conformity which is not being expanded.

WHEREAS, the site is in the RA Zone.

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

- A-1 Application.
- A-2 Plan or Survey prepared by Louis Lehman, P.A. and signed by Bruce Benish, PLS dated 9/1/20 and last revised 10/24/23.
- A-3 Architectural Plans prepared by JBA Architecture and Consulting, LLC dated 10/19/23.
- A-3 Color Photos (8).
- A-5 Tax Map Sheet No. 12.
- B-1 Board Engineer Review Letter dated 6/24/24.

The foregoing exhibits being marked and admitted into evidence.

WHEREAS, the Applicant proposes to construct a second-floor 363 sq. ft. dormer addition at the rear of the structure. The lot is undersized and therefore required variance relief for improvements on a non-conforming lot. The subject parcel is 3,750 sq. ft. where 5,000 sq. ft. is required. The dwelling and proposed addition otherwise complies with all setbacks, height and lot coverage requirements.

WHEREAS James D. Kavanaugh, AIA was sworn and qualified as an expert in architectural design and testified as follows:

1. The proposed addition will include two bedroom and one bath.
2. The height of the building will not increase.
3. Adjacent properties are fully developed and there is no opportunity to acquire any additional property.
4. The proposed addition will be aesthetically appealing and consistent with the neighborhood scheme.

5. The proposed addition will be an improvement in housing stock.
6. The benefits in improvements in housing stock and aesthetics outweigh any detriments.
7. The proposed additional will not impair open air and light whereas it will not increase building height or setbacks.
8. The plan will be revised to show the setback to the composite deck on the westerly side of the dwelling complies with the required setback.
9. There is sufficient area for the required off-street parking. The plan will be revised to show the required two off-street parking spaces.

WHEREAS, Richard Weise was sworn and testified as follows:

1. He owns the property with his wife who was present in the meeting room.
2. He is authorized to speak on behalf of himself and his wife and has authority to bind same.
3. They have never owner any adjacent property.
4. The pre-existing lot size is a hardship and was not self-created.
5. The proposed addition represents and improvement in the quality of housing stock.

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 accessory building setback are not being expanded.
5. The proposed addition will comply with all setbacks, height, lot coverage and parking requirements. No variances are requested nor granted.
6. The plans shall be revised to show two off-street parking spaces and the setback of the westerly composite deck.

7. The proposed development represents an improvement in the housing stock and is an aesthetic improvement consistent with the neighborhood scheme.

8. The pre-existing undersized lot represents a hardship which is not being increased.

9. The footprint and height of the existing dwelling is not being expanded.

10. The dwelling will comply with all setbacks, height and lot coverage requirements.

11. The benefits of granting the relief requested outweigh any detriment. The Board specifically finds benefits of improvements in housing stock and aesthetics.

12. The granting of the relief will not impair the purpose of the master plan or ordinances of the Borough.

13. There is no detriment to open air and light of adjacent properties whereas neither the height nor lot coverage is being expanded.

NOW, THEREFORE, BE IT RESOLVED that the application for variance relief to construct a 363 sq. ft. dormer addition to the rear of the existing dwelling is hereby granted.

IT IS FURTHER RESOLVED that the contents of the preamble and Board Engineer's review letter dated 6/24/25 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.

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

Mr. Wright moved to approve Resolution 2024-14. Mr. Russell 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 has 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 an Interpretation of Resolution 2022-15 wherein the Applicant was granted Preliminary and Final Site Plan Approval for premises located at 1008 Long Beach Boulevard, Lot 21, Block 32. A discrepancy exists between the admitted plans which require interpretation by the Board as to what was intended to be approved by the Board.

WHEREAS, at time of hearing, a site plan prepared by Horn Tyson and Yoder, Inc. dated 11/22/22 was admitted into evidence as Exhibit A-2 and architectural plans prepared by Architectural Plus dated 8/3/22 were admitted into evidence as Exhibit A-3.

WHEREAS, at the time the Applicant submitted the as-built survey it was determined that there was a discrepancy between the submitted plans and the as-built survey. Specifically, the architectural plans show a second-story deck that extends 2 ft. to the southwest beyond the first-floor building wall. Building permits were issued by the Borough Construction Office consistent with these architectural plans. The 2 ft. deck extension is not shown on the admitted site-plan.

WHEREAS, building permits were issued by the Borough Construction Department which included the 2 ft. extension as depicted on the architectural plans.

WHEREAS, the Applicant was denied a Certificate of Continued Occupancy whereas the As-Built Survey included the 2 ft. deck extension which did not appear on the approved Site Plan.

WHEREAS, the Applicant has submitted a revised Site Plan prepared by Horn Tyson and Yoder, Inc. dated 6/25/24 which includes the deck extension. The addition of the 2 ft. overhang, consistent with the architectural plans, does not trigger any variance relief whereas all setbacks are within permitted area and lot coverage remains below the permissible 35%.

WHEREAS, the Board determines that an interpretation is necessary to clarify the discrepancy between admitted Site Plan and Architectural Plan.

WHEREAS, the Board has jurisdiction in this matter to interpret the scope of approval granted the Applicant.

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. A discrepancy exists between two of the admitted exhibits which requires resolution.

2. The Applicant justifiably relied upon the permits issued by the Borough and expended considerable monies constructing the improvements consistent with the architectural plans.
3. The inclusion of the 2 ft. deck overhang does not create any variance conditions.
4. The Board notes that a 1 ft. overhang could be constructed without Board action.

NOW, THEREFORE, BE IT RESOLVED that the Board finds that the addition of the 2 ft. deck overhang as shown on the architectural plans was intended to be included in the site plan approval and hereby clarifies that the Site Plan prepared by Horn Tyson and Yoder, Inc. dated 8/8/22 with a final revision date of 6/25/24 is the approved Site Plan.

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

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

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. Hodgson, Mr. Hoover, Mr. Mannherz, Mr. Russell, Mr. Savianeso, Mr. Wright & Mr. Franzoni. Abstained: None. Absent: Mrs. Klose, Mr. McMenamain & Mr. Ryan.

Respectfully submitted,



Jenna Letts

Land Use Board Clerk