

BOROUGH OF SURF CITY LAND USE BOARD

813 Long Beach Boulevard

November 27, 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, Alan Mannherz, James Russell, Richard Savianeso, David Wright, John Franzoni & Jaime Ryan.

Absent: Paul Hoover & Sandy Klose.

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

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 October 23, 2024 regular meeting minutes. Mr. Ryan 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. Russell & Mr. Wright. Abstained: Mr. Mannherz, Mr. Savianeso & Mr. Franzoni. Absent: Mr. Hoover & Mrs. Klose

Mr. Russell moved to approve Resolution 2024-20. Mr. Wright seconded that motion. With a vote in the affirmative, the following resolution was approved.

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6, is the law of the State of New Jersey providing for adequate public notice to be given for meetings of the Land Use Board of the Borough of Surf City; and

BE IT RESOLVED, by the Land Use Board of the Borough of Surf City that the Municipal Clerk be authorized and directed to proceed with providing adequate notice of the reorganization meeting and the first regular meeting of the year to be held on January 22, 2024 at 7:00 P.M.

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

Under new business, Jim Raban, Esq. on behalf of Robert and MaryAnne Riley of 254 N. 15<sup>th</sup> Street, Block 77, Lot 4 wrote a letter requesting to carry the application to the December 16, 2024 meeting. Mr. Mannherz 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. Mannherz, Mr. Russell, Mr. Savianeso, Mr. Wright, Mr. Franzoni & Ryan. Abstained: None. Absent: Mr. Hoover & Mrs. Klose.

Mr. Hartney recused himself for the remainder of new business due to the application being a “D” Variance.

Robin La Bue, Esq. was present to represent New Eatery, LLC of 712 N. Long Beach Boulevard, Block 29, Lots 19 & 20. LLC for preliminary and final site plan approval. Mrs. La Bue stated that the applicant is no longer seeking to put a permanent structure over the outdoor dining area. She further stated that there will be posts set up throughout the area that sail shades will be connected to when needed.

Michael Goldstein was sworn in as the applicant’s engineer. He stated that the property is located in the business zone and has a restaurant and one apartment upstairs. He stated that the restaurant can fit 127 seats indoors but the applicant does not allow more than 99 seats. he further stated that the applicant would keep the approved 24 seats outside in front and is proposing to add 28 seats outside in the rear of the restaurant.

It was explained that there are currently five parking spaces shown on the existing site plan, however it is unsafe to park there. The applicant is seeking one parking space that would be marked as employees only. It was stated that there are currently bike racks in the front of the restaurant and the applicant will add more if needed.

Michael Tomko was sworn in as one of the owners. He stated that they currently have 99 seats inside due to it being cramped when there are more. He also stated that the upstairs apartment is for two employees in the off- season and eight to ten employees during the summer season. It was stated that they were permitted to have 24 outdoor seats on their “patio” until the pandemic. In 2021, the applicant stated they started extended outdoor dining with the 24 dining seats. In 2022, added two large tents to the outdoor seating and bar area and that was continued until the end of 2023. The applicant stated that they are seeking the same outdoor seating approval that they had during the pandemic.

Brian Tomko was sworn in as one of the owners. He stated that they have invested much into Wally’s to make it what it is today. He mentioned that the pavers in the back will help with safety of their patrons and that they are trying to do best by the community.

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

Donna McDowel of 201 N. 17 Street stated that the borough's parking ordinance needs to be revisited and that parking is an issue everywhere.

Kathryn Mauro of 36 N. 8<sup>th</sup> Street stated that people currently block her driveway and the outside diners in the morning are very loud.

Mariano Molina stated that his daughter lives in Surf City and the whole family enjoys healthy outside dining.

Lauren Rothstein of North 5<sup>th</sup> Street stated that parking is not as the board thinks.

Florence Calise of 282 N. 5<sup>th</sup> Street stated if they need eight more seats to stay open, we should give it to them.

James Nast of SC Taxpayers Association stated that many members of association are in favor of Wally's.

Dustine Lau of 14<sup>th</sup> Street stated that her family has been going there for years and did not know about parking in rear and Surf City needs viable businesses.

Kelly Glackean of 1109 N. Central Avenue stated that she purchased home in 2004 and since businesses in Surf City have been less and less.

Pete Williams of 27 N. 12<sup>th</sup> Street stated that on the mayor's letter, he says to support local businesses.

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

Mr. Tomko amended that the start of outdoor dining for the rear portion of the restaurant would not start until 8:30AM. He stated that he will work with anyone who has any suggestions.

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

Mr. Hodgson: I like Mike and everyone who meets him likes him, but part of our job here in my opinion is to speak up for people not dissimilar to Mrs. Mauro, who feel that coming to a board like this and speaking up is adversarial because they want to get along with their neighbors. I commend her courage to do so. I have been around too many of these meetings to know part from the approval of this was there were five parking spaces. I thought at the time was even though it was required, however many seats, they were so far underneath as it is now that it would benefit Wally Mitchell's to expand like it did. And now we're down to one. On the basis of that, it is my opinion, at that point we might as well not even have commercial ordinances. One parking spot every single business in town is going to want one parking spot. It will be

overflowed with traffic and parking problems. I think the detriment outweighs the positive. There are ways that would affect the parking situation. For that reason, I'm going to vote no.

Mr. Mannherz: after hearing the testimony of the experts and also of the public, board members comments, I would vote yes. I believe that there is a positive aspect to granting the variance. As far as the public good, nothing else place to go and have a great meal from what I've been hearing. I do not see where this will cause a substantial detriment. From testimony Mr. Tomko made, they have been operating with the rear portion of the property being used for seating for several years. And even though we have one neighbor who has expressed some concerns, consideration was given to that person. I believe that the, as Mr. La Bue mentioned, the masterplan does say to encourage businesses as much as possible. Another gentleman brought to the effects tour mayor mentioned that we need to support businesses. I'm a firm believer in supporting local businesses wherever possible. So, I do believe that this granting of the variance for the additional seating will not cause detriments.

Mr. Russell: I'm having a great deal of trouble with the parking situation. I've sat on this board for over 20 years. And I've been a strong advocate for parking and parking and as Mr. Hodgson here stated one parking space is just doesn't sit right. However, after hearing the testimony of Mr. Mannherz, the people in the audience, Mike, the mayor's letter, which was a good letter, and it's tough for me to go around and say this but the positives really do when you look at the overall picture, outweigh the detriments. Especially the crumb cakes.

Mr. Savianeso: I say Wally's was and is an important part of the community. They are here year-round, great business. Parking July and August, you could give them twenty spots, I don't think its going to change anything. So, to me, I have to vote yes.

Mr. Wright: I hate to say this, but we used to go there when it was Wally Mitchell's. but there was never any parking, the lot next door was vacant for so many years. They put the addition on, that was never parking. It was just something brought up that lasted through 2018. Nobody used it after that, it was approved and sat there vacant. I commend the present owners for the fantastic job they did. I vote to approve it.

Mr. Franzoni: I think that operating without a problem. Gavin's point about the parking is well taken, but a practical matter, we've already lost so many businesses that's given away to residential because of the property value. Its just not feasible to have a small restaurant and buy another lot to fit a parking lot for another million dollars. It doesn't work. I'm voting yes.

Mr. Ryan: I'm voting yes to approve it. And I'll keep it short because all of the other board members who voted yes articulated it so well.

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

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

Respectfully submitted,

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

Jenna Letts

Land Use Board Clerk