

BOROUGH OF SURF CITY LAND USE BOARD

813 Long Beach Boulevard

June 25, 2025

7:00 pm

Chairman Hartney called the meeting to order.

Board member George Wachter was sworn in by Board Attorney, Kevin Quinlan, Esq.

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 January 30, 2025, edition of the Beach Haven Times.

All members present joined Chairman Hartney in a salute to the flag.

The following members were present: Peter Hartney, Joe DeBenedetto, John Franzoni, Alan Mannherz, James Russell, George Wachter, and David Wright. Absent: Gavin Hodgson, Sandy Klose, Jaime Ryan, and Richard Savianeso.

The Board Engineer, Frank Little, Jr., was also present.

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 at all times.

Mr. Russell moved to approve the minutes from the May 28, 2025, regular meeting. Mr. Wright seconded the motion. With a vote in the affirmative, the minutes were approved.

Roll call reflected the following in the affirmative: Mr. Hartney, Mr. DeBenedetto, Mr. Mannherz, Mr. Russell, Mr. Wright, and Mr. Franzoni. Mr. Wachter abstained. Mr. G. Hodgson, Mrs. Klose, Mr. Ryan, and Mr. Savianeso were absent.

Mr. Wright moved to approve Resolution 2025-10, releasing professional fee escrow funds. Mr. Russell seconded the motion. With a vote in the affirmative, Resolution 2025-10 was approved.

WHEREAS, the Borough receives escrow bonds for professional fees, performance guarantees, and inspection fees; and

WHEREAS, the Land Use Board Members have agreed with the recommendation that the professional invoices on the following listed applications have been received and all professional fees have been satisfied with the dockets listed below; and

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Surf City, that the following listed escrow bonds be released to the corresponding applicants, with the balances to be released to the Borough of Surf City.

| <u>Applicant</u> | <u>Block & Lot</u> | <u>Posted Amount</u> | <u>To Applicant</u> | <u>To Borough</u> |
|--------------------------|------------------------|----------------------|---------------------|-------------------|
| North Beach Acquisitions | 42/21, 22, 23, & 24 | \$3,472.50 | \$416.93 | \$3,055.57 |
| Anchor Trading Corp | 52/22 | \$2,500.00 | \$829.43 | \$1,670.57 |
| Heydt | 20/19 | \$1,958.75 | \$170.37 | \$1,788.38 |
| Callan | 79/3 | \$1,500.00 | \$390.37 | \$1,109.63 |
| Weise | 86/19 | \$1,500.00 | \$382.50 | \$1,117.50 |
| Ziman | 91/ 20,22, 24, & 24.01 | \$1,500.00 | \$206.75 | \$1,293.25 |
| New Eatery, LLC | 29/19 & 20 | \$4,608.75 | \$665.70 | \$3,943.05 |

Roll call reflected the following in the affirmative: Mr. Hartney, Mr. DeBenedetto, Mr. Mannherz, Mr. Russell, Mr. Wachter, Mr. Wright, and Mr. Franzoni. Mr. G. Hodgson, Mrs. Klose, Mr. Ryan, and Mr. Savianeso were absent.

Brian Lynch, the applicant for 244 S. 1st Street, requested to withdraw his application for bulk variances. Mr. Russell moved to approve the request to withdraw the application with prejudice. Mr. Wright seconded the motion. Roll call reflected the following in the affirmative: Mr. Hartney, Mr. DeBenedetto, Mr. Mannherz, Mr. Russell, Mr. Wachter, Mr. Wright, and Mr. Franzoni. Mr. G. Hodgson, Mrs. Klose, Mr. Ryan, and Mr. Savianeso were absent. The application was withdrawn with prejudice

James Raban, Esq., was present representing Andrew and Lisa McLain of 315 Shore Avenue to request a variance for the front yard setback to construct a 6-foot by 22-foot front porch. Mr. Raban explained that there are two front yards, and a parking variance is not required; a third space will be added to the final plans. Jason M. Marciano, P.E., P.P., engineer for the applicant, was sworn in to explain the existing and proposed conditions. The front porch will only change the front yard setback on the Shore Avenue side by 4.8 feet. It does not require railings and will not affect light and air. Chairman Hartney asked what the compelling reason was to approve this application. Mr. Marciano explained that the porch would be consistent with the neighborhood scheme, providing shade and outdoor seating space. Mr. Raban went on to say that they were applying for a C-2 variance. Discussion continued about the plans for improvement with Sarah Jennings, A.I.A., the architect for the applicant. Mr. McLain was sworn in and provided the history of ownership of the home. It would be his intention through the design of this project to maintain the integrity of the house. Ms. Jennings explained that they would be phasing the project to avoid

substantial improvement rules. Chairman Hartney said that the Borough Ordinance requires a 10-year cumulative look back to make determinations for flood compliance.

Mr. Wright moved to open the public hearing. Mr. Mannherz seconded the motion. With a vote in the affirmative, the hearing was open. There were no comments. Mr. Wright moved to close the hearing, and Mr. Russell seconded the motion. With a vote in the affirmative, the hearing was closed.

Mr. Wright moved to approve the application. There was no second motion. The motion was not approved. Mr. Wachter moved to deny the application. Mr. Franzoni seconded the motion. Roll call vote reflected the following. The motion carried, and the application was denied.

Roll call reflected the following in the affirmative to deny the application: Mr. Hartney, Mr. DeBenedetto, Mr. Mannherz, Mr. Russell, and Mr. Franzoni. Mr. Wright voted to approve the application. Mr. Wachter abstained. Mr. G. Hodgson, Mrs. Klose, Mr. Ryan, and Mr. Savianeso were absent.

Mr. Quinlan, Esq., was prepared to memorialize the decision. Mr. Russell moved to approve the memorialization of the denial of the application for 315 Shore Avenue. Mr. Franzoni seconded the motion.

RESOLUTION NO. 2025-11

RESOLUTION OF THE LAND USE BOARD OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY DENYING VARIANCE RELIEF TO ANDREW J. MCLAIN & LISA MCLAIN FOR PREMISES IDENTIFIED AS LOT 2, BLOCK 115, 315 SHORE AVENUE.

WHEREAS, Andrew J. McLain and Lisa McLain are the owners of the premises identified as Block 115, Lot 2 on the official tax maps of the Borough of Surf City, also known as 315 Shore Avenue 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 new front covered porch on the Shore Avenue side of the property, renovate the existing first floor, construct a new rear first-floor landing and stairs, rebuild the existing outdoor shower, and renovate and expand the rear wall of the existing second floor.

WHEREAS, the site is in the RAA- Residential Zone. WHEREAS the following variances are sought:

1. Minimum Front Yard Setback of 13.8 where 20 ft. is required.
3. Parking where 2 spaces are proposed, and 3 spaces are required.

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

entered in evidence:

A-1 Application.

A-2 Variance Plan prepared by East Coast Engineering, Inc. dated 3/5/25. A-3 Architectural Plans prepared by CWB Architecture dated 2/25/25.

A-3 Color Photos (4).

A-5 Tax Map Sheet No. 18.

B-1 Board Engineer Review Letter dated June 20, 2025.

The foregoing exhibits were marked and admitted into evidence.

WHEREAS, Jason M. Marciano, P.E., P.P. was sworn and qualified as an expert in professional planning and testified as follows:

1. Expansion of 2nd floor does not increase the footprint of the structure.
2. The proposed covered porch is the only change in the footprint.
3. The proposed 6 ft. wide covered porch encroaches 4.6 ft. due to the 2nd floor overhang.
4. The setback to the North, South and Rear exceed required minimum setbacks.
5. Proposed lot coverage is 9% below permitted lot coverage.
6. Height of dwelling is conforming.
7. The proposed covered porch is approximately 33' from the curblineline.
8. Proposed covered porch will be open without railings.
9. The proposed covered porch is consistent with other dwellings in the vicinity.
10. No increase in heated living space is proposed.
11. The existing shed to the rear is non-conforming.
12. The proposed setback increases the existing non-conforming front yard setback.
13. Parking will comply. No variance is requested and the plan will be revised.
14. The covered porch will provide safer ingress and egress.
15. The adjacent properties are not negatively impacted.
16. Adjacent lots are fully developed and there is no land available for acquisition to remove the need for variance relief.
17. Applicant seeking relief under C(2).

18. The proposed development advances the purpose of the Master Plan in that it maintains or improves an existing structure and improves housing stock.
19. The benefits of granting the relief requested such as improvements in aesthetics, safety and desirable visual element outweigh any detriments.
20. Detriments if any, are not substantial.
21. There are no detriments to the zone plan, ordinances and master plan of the Borough of Surf City.
22. The proposed development provides adequate open air and light and is of an appropriate density for the site.

WHEREAS Sarah Jennings, AIA was sworn and qualified as an expert in architectural design and testified as follows:

1. The proposed dwelling will comply with applicable flood regulations.
2. The proposed development improves housing stock in that a more functional and modern structure is proposed.
3. The improvements are an aesthetic improvement and consistent with the neighborhood scheme.
4. The proposed development is of an appropriate density and does not represent a significant increase in intensification of use.

WHEREAS, Andrew J. McLain was sworn and testified as follows:

1. He owns the property with his wife.
2. He is authorized to speak on behalf of himself and his wife and has the authority to bind same.
3. They have never owned any adjacent property.
4. They have owned the property for 55 years.
5. They desire to maintain the existing structure rather than tear down and build a modern house.
6. If approved the non-conforming shed would be removed.
7. House needs updating and modernization.

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 Board finds that the applicant failed to satisfy his burden of proof under without substantial detriment to the public good, that the benefits of granting the variances would substantially outweigh the detriment, nor that granting of the variances will not substantially impair the purpose and intent of the zone plan and/or zoning ordinances of the Borough of Surf City. Specifically, the Board finds that the addition of the proposed development is a detriment in that it will increase a pre-existing non-conformity and not bring the property more into conformity. Minimum front yard setbacks are intended to provide adequate space for open air and light, safety, and aesthetics. Increasing the pre-existing non-conformity does not advance the purposed of the MLUL or Master Plan.
5. The Board further finds that the purposes of the ordinances and master plan of the Borough of Surf City would not be advanced by the granting of a variance whereas the benefit is to the Applicant and not the general public, and does not represent a better zone plan.
6. The Board has reviewed and adopts the report of Frank J. Little, Jr., P.E., P.P., C.M.E. of Owen Little and Associates dated June 20, 2025, which comments therein shall be incorporated herein as if set forth in length in this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Review Board of the Borough of Surf City that the relief requested by the applicants, for variance relief is hereby denied.

IT IS FURTHER RESOLVED that the contents of the preamble and Board Engineer's review admitted as B-1 is adopted and made part of this resolution; and

Roll call reflected the following votes in the affirmative: Mr. Hartney, Mr. DeBenedetto, Mr. Mannherz, Mr. Russell, Mr. Wachter, Mr. Wright, and Mr. Franzoni. Mr. G. Hodgson, Mrs. Klose, Mr. Ryan, and Mr. Savianeso were absent.

Mr. Wright moved to approve the bills. Mr. Mannherz seconded the motion. With a vote in the affirmative, the bills were approved for payment. Roll call reflected the following votes in the affirmative: Mr. Hartney, Mr. DeBenedetto, Mr. Mannherz, Mr. Russell, Mr. Wachter, Mr. Wright, and Mr. Franzoni. Mr. G. Hodgson, Mrs. Klose, Mr. Ryan, and Mr. Savianeso were absent.

Mr. Russell has moved to adjourn the meeting. Mr. Wright seconded the motion. With a vote in the affirmative, the meeting was adjourned. Roll call reflected the following votes in the affirmative: Mr. Hartney, Mr. DeBenedetto, Mr. Mannherz, Mr. Russell, Mr. Wachter, Mr. Wright, and Mr. Franzoni. Mr. G. Hodgson, Mrs. Klose, Mr. Ryan, and Mr. Savianeso were absent.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Channemann" with a stylized flourish at the end.

Christine Hannemann, RMC/CMR/QPA

Borough Clerk/Administrator