

BOROUGH OF SURF CITY LAND USE BOARD

813 Long Beach Boulevard

October 22, 2025

7:00 pm

Chairman Hartney called the meeting to order.

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 saluting the flag.

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

The Board Engineer, Frank Little, Jr., and the Board Attorney, Kevin Quinlan, Esq., were 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 of the June 25, 2025, meeting. 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. Mannherz, Mr. Russell, and Mr. Wright. Mrs. Klose abstained.

Mrs. Klose moved to approve Resolution 2025-13. Mr. Russell seconded the motion. With a vote in the affirmative, Resolution 2025-13 was approved.

RESOLUTION 2025-13

WHEREAS, the Governing Body of the Borough of Surf City has requested the Land Use Board to review Ordinance 2025-09; and

WHEREAS, Ordinance 2025-09 amending sub-section 30-11.3: Driveway on lots fronting Long Beach Boulevard; and

WHEREAS, the Land Use Board members have reviewed Ordinance 2025-09 at a public meeting on October 22, 2025; and

NOW, THEREFORE, BE IT RESOLVED that it is the finding of the Land Use Board of the Borough of Surf City that Ordinance 2025-09 is consistent with the intent and purpose of the procedures of the Borough Master Plan.

Roll call reflected the following in the affirmative: Mr. Hartney, Mrs. Klose, Mr. Mannherz, Mr. Russell, and Mr. Wright.

James Raban, Esq., was present, representing Marshall and Marcy Pollack of 1217 N. Ocean Avenue, to request a variance for the side-yard setback to construct an elevator. The home is situated on the ocean front, where the ocean is technically the front yard. They cannot use the current elevator exemption in the rear yard because the rear of the house is an access easement. Ed Gorleski, AIA, was sworn in and testified about the elevator's location and the practicality of construction. James Brzowzowski, P.E, was sworn in to speak about the existing and proposed conditions. They are requesting a variance to provide a four-foot setback. The request is made under a C-1 and C-2 variance request. He argued that granting this variance would create better conditions than the alternative locations for the elevator.

Discussion continued about the C-1 and C-2 variables to be considered.

Marshall and Marcy Pollack were sworn in and spoke about their history as residents in Surf City. They also explained their position on the challenges of reverse living and the need for an elevator.

Mr. Mannherz moved to open the public hearing. Mr. Russell seconded the motion. All members present were in favor; the public hearing was opened. No comments were made. Mr. Russell moved to close the public hearing. Mr. Mannherz seconded the motion. All members present were in favor. The hearing was closed.

Mr. Wright moved to approve the application. Mr. Mannherz seconded the motion. Roll call reflected the following votes: No – Mr. Hartney and Mr. Russell. Yes - Mrs. Klose, Mr. Mannherz, and Mr. Wright. The application was approved.

Mr. Wrigt moved to approve the bills. Mrs. Klose seconded the motion. Roll call reflected the following in the affirmative: Mr. Hartney, Mrs. Klose, Mr. Mannherz, Mr. Russell, and Mr. Wright.

Mr. Quinlan, Esq., was prepared to memorialize the decision. Mr. Russell moved to approve Resolution 2025-12. Mrs. Klose seconded the motion. Roll call reflected the following in the affirmative: Mr. Hartney, Mrs. Klose, Mr. Mannherz, Mr. Russell, and Mr. Wright. Resolution 2025-12 approving the memorialization of the application.

Mrs. Klose has moved to adjourn the meeting. Mr. Mannherz seconded the motion. All present were in favor; the meeting was adjourned.

Respectfully submitted,



Christine Hannemann, RMC/CMR/QPA

Borough Clerk/Administrator

RESOLUTION NO. 2025-12

RESOLUTION OF THE LAND USE BOARD OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY GRANTING VARIANCE RELIEF TO MARSHALL AND MARCY POLLACK FOR PREMISES IDENTIFIED AS LOT 4, BLOCK 39, 1217 N. OCEAN AVENUE.

WHEREAS, Marshall and Marcy Pollack are the owners of the premises identified as Block 39, Lot 4 on the official tax maps of the Borough of Surf City, also known as 1217 N. Ocean 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 an elevator on the north side of the dwelling. A variance for Front Yard Setback is required where 4 ft. is proposed and 10 ft. is required.

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 Variance Plan prepared by Horn, Tyson and Yoder, Inc. dated 5/5/24.

A-3 Architectural Plans prepared by The Creative Minds Group dated 2/19/25.

A-5 Color Photos (4).

A-6 Tax Map.

B-1 Board Engineer Review Letter dated 10/14/24.

The foregoing exhibits being marked and admitted into evidence.

WHEREAS James D. Brzozowski, P.E., P.P. was sworn and qualified as an expert in engineering and planning and testified as follows:

1. The lot presents a hardship whereas the ocean front is considered the front yard and CAFRA regulation prohibits construction of the elevator on the ocean front.
2. The elevator can be located in other locations, without the need for variance relief, but the proposed location represents a better zone plan.

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, which are not substantial.

7. The proposed addition will not impair open air and light whereas it as it is located furthest from the adjacent dwelling

8. The proposed addition represents an improvement in egress, ingress, safety and provides handicap accessibility.

WHEREAS Edward S. Gorleski, AIA was sworn and qualified as an expert in Architectural Design and testified as follows:

1. The top of the proposed elevator will be lower than the existing roof line and will have an attractive gable roof design.

2. In locating the proposed elevator consideration was given to access to service three floors and the cost of alternative locations.

3. The proposed location will not affect off-street parking.

4. Locating the proposed elevator in the rear yard is not practical.

5. Locating the proposed elevator within the dwelling is possible but cost prohibitive.

6. The design of the proposed elevator will be aesthetically appealing and fit in seamlessly with the existing dwelling.

WHEREAS Marshall and Mary Pollack were sworn and testified as follows:

1. They have owned the property since 1993.

2. Installation of an elevator was not a consideration when the dwelling was constructed.

3. The reverse living design of the dwelling is conducive to an elevator for access to the living space.

4. The addition of an elevator would provide a safer means of access for residents and guests alike.

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 a hardship exists due to the unique nature of the lot being an ocean front property and the proximity to North 13th Street

5. The proposed location represents a better zone plan. While other locations exists which would not require variance relief those locations are less desirable.

6. The proposed location does not negatively impact open air and light of any adjacent properties.

7. The proposed addition does not increase density or living space.

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

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

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

11. There is no detriment to open air and light of adjacent properties.

NOW, THEREFORE, BE IT RESOLVED that the application for variance relief to construct A 35.6 sq. ft. elevator at the north side of the dwelling is hereby granted.

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

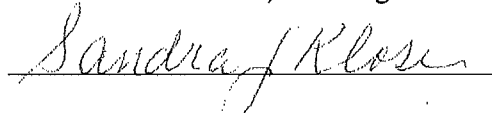
review admitted as B-1 is adopted and made part of this resolution; and

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 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.

CERTIFICATION

I hereby certify that I am the secretary to the Land Use Board of the Borough of Surf City, County of Ocean and State of New Jersey, and I am duly authorized to certify resolutions. I certify this Resolution was approved and memorialized at the October 22, 2025 regular meeting.



Secretary to the Surf City Land Use Board