

BOROUGH OF SURF CITY LAND USE BOARD
813 Long Beach Boulevard
February 25, 2026
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 9, 2026, edition of the Asbury Park Press.

All members present joined Chairman Hartney in saluting the flag.

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

The Board Engineer, Frank Little, Jr., The Board Attorney, Kevin Quinlan, Esq. and The Board Conflict Attorney Joseph Coronato, Sr., 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. Ryan moved to approve the January 28, 2025 regular meeting minutes. 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. Hodgson, Mr. Wright, Mr. Franzoni, and Mr. Ryan. Abstained: Mr. DeBenedetto, Mr. Mannherz, Mr. Russell and Mr. Savianeso.

Under regular business, Mr. Russell moved to approve Resolution 2026-04. Mr. Mannherz seconded that motion. With a vote in the affirmative, the following resolution was approved.

RESOLUTION 2026-04

WHEREAS, the Governing Body of the Borough of Surf City has requested the Land Use Board to review Ordinance 2026-09; Ordinance 2026-10; and Ordinance 2026-11; and

WHEREAS, Ordinance 2026-09; Ordinance 2026-10; and Ordinance 2026-11 the Fair Housing Act, N.J.S.A. 52:27D-301: Realistic opportunity for the creation of affordable housing; and

WHEREAS, the Land Use Board members have reviewed Ordinance 2026-09; Ordinance 2026-10; and Ordinance 2026-11 at a public meeting on February 25, 2026; and

NOW, THEREFORE, BE IT RESOLVED that it is the finding of the Land Use Board of the Borough of Surf City that Ordinance 2026-09; Ordinance 2026-10; and Ordinance 2026-11 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, Mr. DeBenedetto, Mr. Hodgson, Mr. Mannherz, Mr. Russell, Mr. Savianeso, Mr. Wright, Mr. Franzoni, and Mr. Ryan

Mr. Mannherz moved to approve Resolution 2026-05. Mr. Russell seconded that motion. With a vote in the affirmative, the following resolution was approved.

RESOLUTION 2026-05

WHEREAS, the Governing Body of the Borough of Surf City has requested the Land Use Board to review Ordinance 2026-05; and

WHEREAS, Ordinance 2026-05 amending sub-section 30-15.6(d); 30-10.2; 30-11: pertaining to zoning; and

WHEREAS, the Land Use Board members have reviewed Ordinance 2026-05 at a public meeting on February 25, 2026; and

NOW, THEREFORE, BE IT RESOLVED that it is the finding of the Land Use Board of the Borough of Surf City that Ordinance 2026-05 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, Mr. DeBenedetto, Mr. Hodgson, Mr. Mannherz, Mr. Russell, Mr. Savianeso, Mr. Wright, Mr. Franzoni, and Mr. Ryan

Old business started with the Ziman Development, Inc. of 258 N. 23rd Street, appearing as ordered by the Superior Court. The case continued at public comment.

Dennis Galvin Esq. representing David Dutkus proceeded with his case. David Dutkus was called for testimony and sworn in. Mr. Dutkus spoke of his concerns of the new dwelling being constructed. He addressed the size of the house, the safety, how the house will be used and the use of the easement as well as other issues.

Mr. Galvin Esq. entered 15 items as exhibits. He also asked Mr. Dutkus numerous questions.

Due to testimony referring to Mr. Dutkus rental agreements with his own house in the past, Mr. Franzoni has to abstain. Mr. Franzoni's rental company was used by Mr. Dutkus. Mr. Gasiorowski Esq. asked Mr. Dutkus questions, as did Mr. Coronato, Sr., Esq.

Mr. Galvin, Esq., completed his presentation after 1 hour & 15mins which was all the time allowed for the application. This application will be continued on the March 25, 2026 meeting. Notice was given by Mr. Coronato Sr., Esq.

Mr. Ryan moved to approve the continuance of the meeting to March 25th. Mr. Wright seconded the motion. Roll call reflected the following in the affirmative: Mr. Hartney,

Mr. DeBenedetto, Mr. Mannherz, Mr. Russell, Mr. Wright, and Mr. Ryan. Abstained:
Mr. Hodgson, Mr. Savianeso, and Mr. Franzoni.

New Business was started with James Raban, Esq., representing Ruth Pecarsky, Leo Pecarsky & Charlene Pecarsky of 112 N 16th St., Block 37, Lot 8 seeking a bulk variance. The applicant is seeking to raise, relocate and expand the existing duplex. Also construct the ground floor into garage/storage area. They want to build a two-story deck in the rear yard and install a concrete block retaining wall. The existing detached garage will be removed.

Jason M. Marciano, professional planner, was sworn in and proceeded to explain the expansions plans the Pecarsky's were presenting. Demolition to the garage, elevation of the structure and setbacks were discussed. Lot coverage is 23.6 sq. ft. and would become 34.9 sq. ft.

Gym Wilson, professional architect, was sworn in for testimony. Mr. Wilson advised that the parents, son and daughter-in-law will be using the home. Each floor will be adding 1 bedroom and 1 bath. An elevator will be installed for use in the entire house.

Mark Birkhead was sworn in for testimony. Mr. Birkhead is the husband of Ruth Pecarsky. He is in favor of the house raise. The family is in favor of the upgrades scheduled. It was also stated that only the family will be using the home, no renting.

Mr. Ryan moved to open the public comment. Mr. Savianeso seconded the motion. All members present were in favor; the public comment was opened.

Lily Meyers-Cooke and Garrett Walters spoke during the open public comment. They are both neighbors of the Pecarsky family. Ms. Meyers-Cooke and Mr. Walters made statements that supported the Pecarsky application.

Mr. Franzoni moved to close the public comment. Mr. Savianeso seconded the motion. All members present were in favor. The public comment was closed.

Mr. Hodgson moved to deny the application. Mr. Savianeso seconded the motion. Roll call reflected the following votes: Yes, to deny: Mr. Hodgson, Mr. Russell, Mr. Savianeso, Mr. Wright, Mr. Franzoni and Mr. Ryan. No: Mr. Mannherz. The application was denied.
Abstained: Mr. Hartney, Mr. DeBenedetto

Mr. Raban, Esq., representing James & Kim Spinello of 223 N. 11th St 1F, Block 74, Lot 9 Qual: COO 1F, seeking a bulk variance, respectfully requested that the hearing be carried over to the March 25th meeting of the board. Due to the number of board members present, they are hoping the attendance for next month's meeting will have more members present.

Mr. Russell moved to approve the application for carry-over to the March 25th meeting. Mr. Ryan seconded the motion. Roll call reflected the following in the affirmative:
Mr. Mannherz, Mr. Hodgson, Mr. Russell, Mr. Wright, Mr. Franzoni and Mr. Ryan.
Abstained: Mr. Hartney, Mr. DeBenedetto and Mr. Savianeso.

Schematic review for the addition at Ethel V. Jacobsen Elementary School Construction Project at 200 S. Barnegat Ave. was advised they would be carried over due to lack of time.

Bills were presented:

Mr. Russell moved to approve the bills. Mr. Wright seconded the motion. All present were in favor; the bills were approved.

Mr. Russell moved to adjourn the meeting. Mr. Savianeso seconded the motion. All present were in favor; the meeting was adjourned.

Respectfully submitted,

Cathy Richter
Administrative Assistant