

BOROUGH OF SURF CITY LAND USE BOARD

813 Long Beach Boulevard

January 28, 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, Gavin Hodgson, Sandy Klose, David Wright, John Franzoni, and Jaime Ryan. Absent: Joe DeBenedetto, Alan Mannherz, James Russell, Richard Savianeso, 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.

Counselor Quinlan opened the nomination for the position of Chairman. Mr. Wright nominated Peter Hartney. Mr. Franzoni seconded the motion. With a vote in the affirmative, Mr. Hartney was nominated for Chairman.

Roll call reflected the following in the affirmative: Mr. Hartney, Mr. Hodgson, Mrs. Klose, Mr. Wright, Mr. Franzoni and Mr. Ryan.

Chairman Hartney opened the nomination for the position of Vice Chairman. Mr. Wright nominated Alan Mannherz. Mrs. Klose seconded motion. With a vote in the affirmative, Mr. Mannherz was nominated for Vice Chairman.

Roll call reflected the following in the affirmative: Mr. Hartney, Mr. Hodgson, Mrs. Klose, Mr. Wright, Mr. Franzoni and Mr. Ryan.

Chairman Hartney opened the nomination for the position of Board Secretary. Mr. Hodgson nominated Sandra Klose. Mr. Wright seconded motion. With a vote in the affirmative, Mrs. Klose was nominated for Board Secretary.

Roll call reflected the following in the affirmative: Mr. Hartney, Mr. Hodgson, Mrs. Klose, Mr. Wright, Mr. Franzoni and Mr. Ryan.

Mr. Wright moved to approve Resolution 2026-01. Mr. Franzoni seconded that motion. With a vote in the affirmative, the following resolution was approved.

Resolution 2026-01

WHEREAS, the Open Public Meetings Act is the law of the State of New Jersey. It provides for adequate public notice to be given for meetings of the Land Use Board of the Borough of Surf City; and

WHEREAS, the Board is required to adopt a resolution to schedule regular meetings. the Board wishes to adopt, without limitation, its basic rules and regulations by this Resolution.

NOW, THEREFORE, BE IT RESOLVED the regular scheduled meetings of the Land Use Board of the Borough of Surf City shall be held at 7:00 p.m. on the fourth Wednesday of each month, except in cases of legal holidays or for other reasons when the meeting date may be hereinafter set forth. All meetings will be held at the Borough Hall Council Chambers located at 813 Long Beach Boulevard in Surf City, New Jersey. The public may only participate at such times as set forth in the agenda of the meeting or at the discretion of the presiding officer or chairperson.

Pursuant to this Resolution, the following dates for meetings shall be hereby adopted:

Wednesday, February 25, 2026	Wednesday, March 25, 2026
Wednesday, April 22, 2026	Wednesday, May 27, 2026
Wednesday, June 24, 2026	Wednesday, July 22, 2026
Wednesday, August 26, 2026	Wednesday, September 23, 2026
Wednesday, October 28, 2026	Wednesday, November 18, 2026
Wednesday, December 16, 2026	

BE IT FURTHER RESOLVED that the Land Use Board meetings shall adjourn no later than 10:30 p.m. with no further testimony being taken or other business conducted unless ordered at the discretion of the Board.

BE IT FURTHER RESOLVED that in the event regular public meetings and/or additional meetings must be held at a date, time and place other than as set forth herein due to unforeseen circumstances; the same shall be held at a date, time and place as set by the Chairperson.

BE IT FURTHER RESOLVED that each applicant on the agenda that is scheduled shall have a maximum amount of time available to present testimony, witnesses and other proofs in support of its case. This shall include the comments of objectors or supporters. The maximum

amount of time is of one (1) hour for each meeting the applicant appears on the agenda. The one (1) hour rule shall be enforced by the Board with any deviation allowed being solely in the discretion of the Board.

BE IT FURTHER RESOLVED that notice is hereby given that all forms in relation to the Initial Submission Checklist are available to the public for use in making application to the Board. Said related forms and sheets are offered as an aid to the applicant with the understanding that same do not represent the ordinances of the Borough in entirety. The complete legal burden is of the applicant; that it is still incumbent upon the applicant and/or his or her representatives to apply for and present their case appropriately pursuant to the rules and applicable ordinances and law.

BE IT FURTHER RESOLVED that the Board requires that all applications and appropriate plans in support thereof be filed with the Board Clerk as set forth in the Land Development Ordinance prior to any regular Board meeting and hearing. The Board Clerk has the discretion and authority to advise the applicant of a specific hearing date to appear before the Board provided there has been a determination by the Board Engineer and Board Attorney that the application and plans are deemed complete. The Board Clerk will forward all completed applications prior to the hearing date.

BE IT FURTHER RESOLVED that an informal review of concepts of plans for development as permitted by law may be requested by a developer and may be scheduled by the Board Clerk for a Board meeting at a date and time at the discretion of the Chairperson.

BE IT FURTHER RESOLVED Borough of Surf City Website, Beach Haven Times, and The Asbury Park Press are hereby designated as the official newspapers to provide notice on matters of the Board.

This Resolution shall be published & posted not later than seven (7) days after its adoption, as required by law

Roll call reflected the following in the affirmative: Mr. Hartney, Mr. Hodgson, Mrs. Klose, Mr. Wright, Mr. Franzoni and Mr. Ryan.

Mr. Franzoni moved to approve Resolution 2026-02. Mrs. Klose seconded that motion. With a vote in the affirmative, the following resolution was approved.

Resolution 2026-02

WHEREAS, pursuant to the provisions of *N.J.S.A. 19:44A-20.5* the Borough of Surf City Land Use Board will need the following professional services as non-fair and open contracts:

Land Use Board Attorney

Land Use Board Engineer; and Conflict Land Use Board Attorney

WHEREAS, the Chief Financial Officer has determined and certified that the value of the acquisition may exceed \$17,500, the maximum amount of the contract to be awarded under this resolution is set forth in the 2026 Municipal Budget; and

WHEREAS, funds are available for this purpose as certified by the Chief Financial Officer; and

WHEREAS, the listed individuals have submitted a proposal indicating they will provide the related services per their schedule of rates as attached or included in the agreement; and

WHEREAS, the listed individuals have completed and submitted a Business Entity Disclosure Certification. This certifies that they have not made any reportable contributions to a political or candidate committee in the Borough of Surf City in the previous one year. Also, that the contract will prohibit the them from making any reportable contributions through the term of the contract, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes the award of contracts for professional services without competitive bids and requires that the resolution and contracts for each professional be made available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by The Land Use Board of the Borough of Surf City, County of Ocean, State of New Jersey, as follows:

1. That the following professionals be appointed for the Land Use Board of the Borough of Surf City for a term of one (1) year, commencing January 1, 2026 and ending December 31, 2026.

Kevin Quinlan, Esq. - Land Use Board Attorney

Frank Little and the firm of Owen Little - Land Use Board Engineer; and

Joseph D. Coronato Sr., Esq.-Conflict Land Use Board Attorney

2. The Board Chair and the Board Secretary are hereby authorized and directed to execute the attached agreements with said professionals.

3. These contracts are without competitive bidding and are awarded as a professional service in accordance with N.J.S.A. 40A:11-5(1) (a) (i) of the Local Public Contracts Law because it is for services to be performed by a person(s) authorized to practice a recognized profession.

4. A notice of this action shall be printed once in the official newspaper of the Borough of Surf City

5. This resolution takes effect January 1, 2026.

6. A certified copy of this resolution shall be provided by the Clerk of the Board to the Chief Financial Officer and to each professional.

7. That a certificate of availability of funds executed by the Chief Financial Officer is annexed hereto.

Roll call reflected the following in the affirmative: Mr. Hartney, Mr. Hodgson, Mrs. Klose, Mr. Wright, Mr. Franzoni and Mr. Ryan.

Mrs. Klose moved to approve the December 17, 2025 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, Mrs. Klose, Mr. Wright, Mr. Franzoni and Mr. Ryan. Abstained: Mr. Hodgson

Under regular business, Mrs. Klose moved to approve Resolution 2026-03. Mr. Ryan seconded that motion. With a vote in the affirmative, the following resolution was approved.

Resolution 2026-03

WHEREAS, the Borough is in receipt of escrow bonds posted pertaining to professional fees, performance guarantees and inspection fees; and

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

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Surf City recommends 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>Type</u>	<u>Posted Amount</u>	<u>Amount to Applicant</u>	<u>Amount to Borough</u>
Andrew & Lisa McLain	115/2	Professional	\$1,500.00	\$766.80	\$733.20
Brian Lynch	61/18	Professional	\$1,500.00	\$90.55	\$1,408.45

Roll call reflected the following in the affirmative: Mr. Hartney, Mr. Hodgson, Mrs. Klose, Mr. Wright, Mr. Franzoni and Mr. Ryan.

Counselor Quinlan informed the committee that James & Kim Spinello of 223 N. 11th St 1F, Block 74, Lot 9 Qual: COO 1F, seeking a bulk variance, will be moved to the next Land Use Board meeting. The Applicant respectfully requested that the hearing be carried over to the February 25th meeting of the board.

Mr. Ryan moved to approve the application for carry-over to the February meeting. Mrs. Klose seconded the motion. Roll call reflected the following in the affirmative: Mr. Hartney, Mr. Hodgson, Mrs. Klose, Mr. Wright, Mr. Franzoni and Mr. Ryan.

Counselor Quinlan informed the committee that Ruth Pecarsky, Leo Pecarsky & Charlene Pecarsky of 112 N 16th St., Block 37, Lot 8, seeking a bulk variance, will be moved to the next Land Use Board meeting. The Applicant respectfully requested that the hearing be carried over to the February 25th meeting of the board.

Mr. Wright moved to approve the application for carry-over to the February meeting. Mrs. Klose seconded the motion. Roll call reflected the following in the affirmative: Mr. Hartney, Mr. Hodgson, Mrs. Klose, Mr. Wright, Mr. Franzoni and Mr. Ryan.

Mr. Coronato Sr., Esq prepared the memorialization of Resolution 25-15 Patrick Q. Schipper & Susan E. Schipper of 801 N. Central Avenue, Block 71, Lot 1, for a bulk variance.

Mr. Wright moved to approve memorialization of Resolution 2025-15. Mr. Franzoni seconded the motion. With a vote in the affirmative, the following resolution was approved:

Resolution 25-15

WHEREAS an application has been made to the Borough of Surf City Land Use Board (the "Board") by Patrick & Susan Schipper (the "applicant"), for a Bulk variance. The subject property is 3,000 sf in total lot area and currently improved with a two-story single-family dwelling. The Applicant proposes to demolish the existing dwelling and the reconstruction of a new single -family dwelling which will meet all existing setback requirements for the zone. The property is commonly located at 801 N Central Avenue in the Borough of Surf City, NJ, Block 71 Lot 1, as depicted on the Tax Maps of the Borough of Surf City, Ocean County, New Jersey, and said premises being located in RA-Residential Zone; and

WHEREAS, the Applicant has satisfied the noticing requirements of the New Jersey Municipal Land Use Law and provided proof of same to the Borough of Surf City, and

WHEREAS, the Applicants represented themselves; and

WHEREAS, the Borough of Surf City Land Use Board reviewed the application, documents, plans, and exhibits as submitted, and listened to the Applicant and received information from its professional staff; and

WHEREAS the Board heard the testimony and the evidence presented by the Applicant and received comments from the public.

NOW, THEREFORE BE IT RESOLVED, that the Land use Board of the Borough of Surf City, County of Ocean, and State of New Jersey, on the 17th day of December 2025, made the following findings:

1. The Board found the application complete.

2. According to the application, the Applicants are requesting to demolish the existing single-family dwelling and a new single-family dwelling on an undersized lot
 - A. The following variance is requested:
 1. The existing Lot Area is 3,000 sf where 5,000 sf is required. A variance is required.
 - B. The applicant has not requested any design waivers.
 - C. The applicant has requested a submission waiver of architectural plans for undersized lot. The proposed new dwelling will meet all building setbacks and coverage requirements.
3. In support of the application, the Applicant submitted the following documents:
 - A. A Plot Plan, one (1) sheet, prepared by R.C. Burdick, PE, PP, PC, unsigned and dated 04/28/2025
 - B. Four (4) color photos of the property, one (1) sheet, prepared by the applicant.
 - C. Tax Map #10 with proposed site highlighted.
4. During the public hearings held on December 17, 2025; the Land use Board discussed the following review letter, prepared by the Board's professional, the contents of which are hereby adopted and incorporated in full:
 - A. Review letter dated December 17, 2025, by the Land use Board Engineer, Frank J. Little, Jr., P.E., P.P., C.M.E.
5. The Land use Board has received no review letters/memos from the Borough of Surf City Officials.
6. During the public hearing no exhibits were marked into evidence.
7. The Applicant is requesting to demolish an existing single-family dwelling on an undersized lot and reconstruct a new single-family dwelling which meets all building setbacks and coverage requirements.

8. The Applicant's Patrick & Susan Schipper testified. The Schipper's indicated they owned the property for over 20 years and intend to demolish the existing dwelling and construct a new dwelling that meets all the building setbacks and coverage requirements. Schipper's indicated that they will meet all the parking requirements.
9. There were several members of the public who commented on this application. All the members of the public who made comments supported the Schipper application.

CONCLUSIONS OF LAW

WHEREAS the Board determined that the Application of Patrick & Susan Schipper pursuant to *N.J.S.A. 40:55D-46* and *N.J.S.A. 40:55D-50* were found to be sufficient, and the Board Approve the Applicant's request; and

WHEREAS, the Surf City Land Use Board has determined that the Applicant should be approved as requested relief for the following reasons: and

WHEREAS, the Applicant has satisfied the positive criteria; and

WHEREAS, there will be no substantial detriment to the public good, and

WHEREAS, the Board has determined that the relief sought does not impair the intent and purpose of the Master Plan or zoning Ordinance of the Borough of Surf City, and

NOW, THEREFORE, BE IT RESOLVED, by the Surf City Borough Land Use Board, in the County of Ocean and State of New Jersey, on the 17th day of December 2025, upon a motion made by Mrs. Klose and seconded by Mr. Wachter, that the Application of Patrick & Susan Schipper is approved for the variance and plan as requested.

1. The Applicant shall comply with requirements of the Board Engineer's December 8, 2025, review letter.
2. The Applicant shall be bound by all representations made and testimony given before the Board at its meeting of December 17, 2025. The new dwelling will meet all the setback requirements of the RA Residential Zone.
3. The Applicant shall be responsible for obtaining any other approvals or permits from other governmental agencies, as may be law, including but not limited to the Municipality's and State's affordable housing regulations, and the

Applicant shall comply with any requirements or conditions of such approvals or permits.

4. The Applicant must comply with the Development Fee Ordinance of the Borough of Surf City, if applicable, which Ordinance is intended to generate revenue to facilitate the provisions of affordable housing.

ADOPTED this 17th day of December 2025.

Roll call reflected the following in the affirmative: Mr. Hartney, Mrs. Klose, Mr. Wright, Mr. Franzoni and Mr. Ryan. Abstained: Mr. Hodgson.

New Business was started with James Raban, Esq., representing Ziman Development, Inc. of 258 N. 23rd Street, appearing as ordered by the Superior Court. Mr. Raban, Esq. was sworn in and proceeded to present his clients request for a bulk variance. The applicant is entitled to a variance based upon the fact that the existing access easement, which varies in widths from 20 feet to 25 feet, safely provides access to the site for emergency vehicles. The easement is an easement by necessity, as there is no direct street access to the Applicants lot. The single-family dwelling that is currently under construction at the property conforms to all bulk zoning requirements with an “L” shaped easement.

Ron Gasiorowski Esq. was introduced representing Don Hamlin. Dennis Galvin Esq. was introduced representing Davis Dutkus. A discussion took place for clarification pertaining to the prior court hearing. What would be appropriate for this meeting. Mr. Gasiorowski Esq. and Mr. Galvin Esq. spoke about granting a variance and set back variance. Mr. Coronato Sr., Esq. explained that Mr. Raban needed to present his case.

James Raban, Esq., entered 15 items into exhibits pertaining to properties with smaller size easements that did not need to come in front of the Land Use Board for a variance. Mr. Galvan Esq. discussed an ordinance that the Surf City zoning officers were not following, in his opinion, and he felt Surf City is approving permits without the applicants coming in front of the Land Use Board.

Mr. Raban Esq. objected.

James Brozowski, license professional, was sworn in. His professional testimony was that the only hardship is the access to the lot. It is an oversized lot and has compliance for a single-family dwelling. The easement is a good size as well, 20 feet expanding to 25 feet.

At 8:30 there was a 10-minute break.

Mr. Raban Esq., entered item #16 into exhibit, the property Deed.

Kyle Costabile, Fire Chief, was sworn in. Chief Costabile proceed to explain that there are no issues with fighting a fire at the Ziman location. Prior property was a duplex, and the new construction will be a single family. The easement size is not a problem. There is 50 ft crash

zone allowed between structure and fire trucks. Ladder trucks can fit next door. There are fire boats available and dock fire hose guns.

Mr. Raban, Esq., completed his presentation at 10:00pm and the meeting was paused due to time. The next part of the meeting will be continued on the February 25, 2026 meeting. Notice was given by Mr. Coronato Sr., Esq.

Mr. Ryan moved to approve the continuance of the meeting to February 25th. Mrs. Klose seconded the motion. Roll call reflected the following in the affirmative: Mr. Hartney, Mrs. Klose, Mr. Wright, Mr. Franzoni and Mr. Ryan. Abstained: Mr. Hodgson

Bills were presented:

Mrs. Klose moved to approve the bills. Mr. Wright seconded the motion. Roll call reflected the following in the affirmative: Mr. Hartney, Mrs. Klose, Mr. Wright, Mr. Franzoni and Mr. Ryan. Abstained: Mr. Hodgson

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

Respectfully submitted,

Cathy Richter
Administrative Assistant

