

BOROUGH OF SURF CITY LAND USE BOARD  
813 Long Beach Boulevard  
March 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. Franzoni moved to approve the February 25, 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. DeBenedetto, Mr. Hodgson, Mr. Mannherz, Mr. Russell, Mr. Savianeso, Mr. Wright, Mr. Franzoni, and Mr. Ryan.

Counselor Quinlan opened the nomination for the position of Chairman. Mr. DeBenedetto nominated Gavin Hodgson. Mr. Franzoni seconded the motion. With a vote in the affirmative, Mr. Hodgson was nominated for Chairman.

Roll call reflected the following in the affirmative: Mr. Hartney, Mr. DeBenedetto, Mr. Mannherz, Mr. Russell, Mr. Savianeso, Mr. Wright, Mr. Franzoni, and Mr. Ryan  
Abstain: Mr. Hodgson

Counselor Quinlan informed the committee that James & Kim Spinello of 223 N. 11th St IF, Block 74, Lot 9 Qual: COO IF, 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 April 22<sup>nd</sup> meeting of the board.

Mr. Quinlan, Esq prepared the memorialization of Resolution 2026-06 Ruth Pecarsky, Leo Pecarsky & Charlene Pecarsky of 112 N 16<sup>th</sup> St., Block 37, Lot 8, bulk variance denial.

Mr. Russell moved to approve memorialization of Resolution 2026-06. Mr. Savianeso seconded the motion. With a vote in the affirmative, the following resolution was approved:

#### RESOLUTION 2026-06

**RESOLUTION OF THE LAND USE BOARD OF THE  
BOROUGH OF SURF CITY, COUNTY OF OCEAN,  
STATE OF NEW JERSEY DENYING A VARIANCE BY  
RUTH PECARKSY, LEO PECARKSY AND CHARLENE  
PECARSKY, FOR EXPANSION OF USE ON A PRE-EXISTING  
NON-CONFORMING LOT FOR BLOCK 37, LOT 8.**

**WHEREAS**, Ruth Pecarsky, Leo Pecarsky and Charlene Pecarsky have applied for a Variance to raise, relocate and expand the existing duplex, construct a ground floor garage/storage area, a two-story deck in the rear yard and install a concrete retaining wall on an undersized lot, and

**WHEREAS**, the Land Use Review Board considered this application at public hearing on February 25, 2026. The applicants were represented by James Raban, Esq.

**WHEREAS**, the following Exhibits were marked and moved into evidence: A-1 Application. Variance Plan prepared by East Coast Engineering, Inc. dated 10/30/25. A-3 Architectural Plans prepared by Gym Wilson Architects dated 4/7/25 and revised 10/30/25. A-4 Color Photos (4).

B-1 Board Engineer Review Letter dated 1/12/26.

**WHEREAS**, Jason Marciano, P.P. of East Coast Engineering, Inc. who was sworn and qualified as an expert in professional planning testified as follows:

1. Parking will be brought into conformity with required off-street parking.
2. Dwelling will be moved toward the rear and retain the existing Westerly side yard setbacks and provide a reduced Easterly side yard setback. A two-story addition will be constructed to the rear of the relocated dwelling.
3. The detached garage will be removed bringing the property more into conformity.
4. 432 sq. ft. of building coverage is being added and the 408 sq. ft. garage is being removed.
5. Impact on adjacent property to the east will not be impacted whereas that property is a commercial use.
6. Relocation of the dwelling to the rear is an improvement allowing 2 off-street parking spaces within the structure and two spaces in the driveway. Therefore complying with the parking requirements.
7. The westerly setback is unchanged from existing conditions and the easterly setback is being reduced.
8. Lot coverage is increasing slightly but still conforms.
9. Applicant is requesting a waiver for curb cut for driveway where 20 ft. is proposed and 16' is permitted. A wider curb cut will provide better access to interior parking spaces and not significantly reduce on-street parking availability.
10. Existing structure was built in 1932. The proposed improvement will improve the

- housing stock and comply with flood elevation requirements.
11. Height of structure will comply.
  12. Currently off-street parking is provided via the alley way which is less desirable than parking in front of the dwelling.
  13. Proposed retaining wall will be 26" above the crown of the road and raise the garage floor to BFE.
  14. Ground floor will be storage/garage only. No living space within the ground level.
  15. A duplex is a conditionally permitted use provided the lot has a minimum of 10,000 sq. ft. and minimum frontage of 100 ft. Existing lot area is 4,000 sq. ft. and existing lot frontage is 40 ft.
  16. A D(3) special reasons variance is required due to the lot being undersized and of insufficient width.
  17. Public health and safety will be promoted by upgrading the structure to current building codes and flood elevation requirements.
  18. The proposed development will not be detrimental to open air and light as the property is scaled to fit on the property.
  19. The relocation of the driveway promotes improved transportation and access.
  20. The proposed structure will promote a desirable visual environment and fit in with the neighborhood scheme.
  21. There are no substantial detriments to the granting of the relief requested.
  22. The additional parking is an improvement.
  23. There is no impairment to the intent and purpose of the zone plan.
  24. The master plan is advanced by improving housing stock and maintaining or improving existing housing stocks.
  25. Adjacent properties are fully developed and there is no property available to reduce or eliminate the need for variance relief.

**WHEREAS**, Gym Wilson of Gym Wilson Architects who was sworn and qualified as an expert in architectural design testified as follows:

1. The proposed use is to remain as a duplex which will add 1 bedroom and 1 bath to each unit.
2. The ground floor area is increasing from 537 sq. ft. to 960 sq. ft.
3. The proposed two-story addition is 432 sq. ft.

**WHEREAS**, Lawrence Pecarsky who was sworn and testified as follows:

1. He owns the property along with his wife, son and daughter-in-law who are present and authorize him to testify on their behalf.
2. There is a need to raise the house above base flood elevation.
3. The property is used for personal use and is not rented.
4. The property has been owned by the Applicants since October of 2014.
5. The property was constructed in approximately 1932.

**WHEREAS**, all interested parties were given the opportunity to be heard and several interested parties testified in favor of the Application.

**WHEREAS**, the Surf City Borough Land Use Board makes the following findings of fact:

1. Proof of service as required by law upon appropriate property owners and governmental bodies has been provided and determined to be in proper order and the Board has jurisdiction to hear the Application.

2. The site is located in the RA-Residential Zone; and
3. The following variances are required:
  - a. Special Reasons “D” Variance for conditional use where the proposed expansion of the dwelling does not meet the conditions required for duplex use on the site.
  - b. Lot Area of 4,000 sq. ft. where 5,000.00 sq. ft. is required for a single family dwelling and 10,000 sq. ft. is required for a duplex. This is a preexisting non-conformity.
  - c. Lot Frontage of 40 ft. where 40 ft. is required for a single-family dwelling and 100 ft. is required for a duplex. This is a pre-existing non-conformity.
  - d. Minimum Easterly Side Yard Setback of 4.33 ft. where 10 ft. is required.
4. The applicant has failed to satisfy the negative criteria and the board specifically finds that the granting of the requested variances in the present application would substantially impair the intent and purpose of the zone plan and ordinances of the Borough of Surf City. The purpose of the lot area requirement for duplexes in the RA Residential Zone is to ensure sufficient open space around and between structures. Granting a variance in this instance where there has been no showing of a particular uniqueness of the property nor any public benefit would not advance the intent of the zoning plan.
5. The variance could not be granted without substantial detriment to the public good of the Borough of Surf City and the negative impact of granting a variance would outweigh the positive factors. Specifically, the Board find that benefit would inure only to the applicant and not the public in general. The negative impact on air, light and wind would be increased if the expansion were permitted.
6. The board finds that the proposed expansion to be inconsistent with the zone plan of the Borough of Surf City in that the preference is for this particular conditional use to have a minimum lot size of 10,000 sf. Permitting an expansion of the permitted use on a lot of only 4,000 sf. would be contrary to the spirit and intent of the zone plan and not advance the desire to bring non-conforming uses into conformity sooner rather than later. The Board notes that a single family structure in this zone requires lot area of at least 5,000 sq. ft and 50 ft. frontage. The applicants’ proposal does not meet those criteria let alone those for a duplex in this particular zone.
7. The Board has reviewed and adopts the engineering report of Owen Little and Associates, dated January 12, 2026, attached hereto and made a part of this Resolution.
8. Accordingly for the reasons set forth above it is the conclusion of the Board that the application for variance for expansion of conditional use on a pre-existing non-conforming lot must be denied whereas the applicant has failed to meet the necessary burden of proof.

**NOW THEREFORE BE IT RESOLVED** by the Land Use Board of the Borough of Surf City, County of Ocean, State of New Jersey that the Applicant's application for variance relief for expansion of pre-existing non-conforming conditional use is hereby denied.

Roll call reflected the following in the affirmative: Mr. Hodgson, Mr. DeBenedetto, Mr. Mannherz, Mr. Russell, Mr. Savianeso, Mr. Wright, Mr. Franzoni, and Mr. Ryan  
Abstain: Mr. Hartney

Schematic review for the addition at Ethel V. Jacobsen Elementary School Construction Project at 200 S. Barnegat Ave. was presented. The school gave a walk through of what the project would look like upon completion. The elevation of the new section, heating and cooling systems, as well as zoning was reviewed. Setbacks and traffic were also addressed. Hours of construction will follow Surf City ordinance and the project cost is \$12.7 million. The Land Use Board was allowed questions and addressed their concerns.

Before the next order of business proceeded Mr. Joe DeBenedetto wanted to make a statement for the record. He wanted to address some aspects about the Land Use Board. He addressed that the board is a volunteer position. They are here to work with residents on variance and zoning issues. The Ziman application has been taking up a lot of the boards time. This case needs to move along, in Mr. DeBenedetto's opinion. Mr. Joe Coronato Sr., Esq. addressed Mr. DeBenedetto concerns. He also stated that this is a quasi-judicial function.

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

David Dutkus was re-called for testimony and was reminded he was still under oath. Mr. Raban, Esq. had some questions for Mr. Dutkus in his cross examination. Mr. Gasiorowski Esq. also had questions for Mr. Dutkus. Mr. Ryan asked for the testimony to stop being so repetitive.

Mr. Galvin, Esq. and Mr. Gasiorowski Esq. will be using one fire expert. David Phelan, was called up and sworn in. He entered exhibits H2-H6. He findings were very different then the testimony of Surf City's Fire Chief Kyle Costabile. Mr. Phelan stated there are many options on how to handle a fire but the most important factor is time.

At 9:15 there was a 5-minute break.

Mr. Phelan continued to read his findings that were written down. These papers will be submitted into evidence at the next meeting on March 30<sup>th</sup>. In his opinion, Mr. Phelan feels the property at 258 N. 23<sup>rd</sup> Street has untenable conditions, is a threat to fire fighters and it is a site risk to itself and surroundings. Mr. Phelan also read 3 articles of extreme fire cases.

Mr. David Phelan completed his presentation at 10:00pm. This application will be continued on the March 30, 2026 meeting. Notice was given by Mr. Coronato Sr., Esq.

Mr. Wright moved to approve the continuance of the meeting to March 30<sup>th</sup>. Mr. Russell seconded the motion. Roll call reflected the following in the affirmative: Mr. Mannherz, Mr. DeBenedetto, Mr. Hartney, Mr. Russell, Mr. Wright, and Mr. Ryan. Abstained: Mr. Hodgson, Mr. Savianeso, and Mr. Franzoni.

Bills were presented:

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

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

Respectfully submitted,

Cathy Richter  
Administrative Assistant