



**Borough of Seaside Park
Planning Board**

**REGULAR MEETING MINUTES
TUESDAY, OCTOBER 23, 2018 *7:00p.m.**

A Regular Meeting of the Seaside Park Planning Board was held on Tuesday the 23rd day of October at 7:00 pm in the Council Chambers with Michael Giuliano presiding.

PRESENT:

Michael Giuliano, **Chairman**
Martin Wilk, Vice, **Chairman**
Anthony DiCaro
Frank Losey
Dominick Bucci
Robert Matthies, **Mayor**
Ray Amabile, **Council Member**
Chief. James Boag
Anne Pitchell, **Alternate #1**
Karen Kroon, **Alternate #2**

ALSO PRESENT:

Gregory Hock Esq., **Board Attorney**
Douglas Rohmeyer, PE, **Board Engineer**
Sandra Martin, **Secretary**

Chairman Giuliano called the meeting to order and requested that all rise and salute the Flag. The roll was called and as a result, Mayor Matthies was found to be excused.

Chairman Giuliano read the "Statement of Compliance with the New Jersey Open Public Meetings Act."

4. Resolutions Memorializing Board Decisions.

PB/18-18 * Wacha, Jason & Lisa.....1409 NW Central Avenue (Block 74.01, Lot 56)
* Filed 9/06/18 * Certified Complete 9/10/18 * Hearing schedule: 9/25/18.
* Voting to approve: Losey, DiCaro, Boag, Bucci, Pitchell, Wilk, Giuliano

The Board Attorney, Mr. Hock summarized the resolution into the record indicating the applicant seeks to change the use of a vacant storefront unit to a yoga studio necessitating a special reasons variance and site plan waivers. The application was granted with a number of conditions.

Chairman Giuliano requested a motion to approve Resolution PB/18-18

Roll Call Vote: Motion to approve Resolution PB/18-18, was made by Mr. Losey, seconded by Mr. Dicaro.

For: Losey, DiCaro, Boag, Bucci, Pitchell, Wilk, Giuliano
Against: None
Abstain: None
Not Voting: Kroon, Amabile
Absent: Matthies

Motion to approve the resolution unanimously carried by the membership present.

5. Approval of Minutes.

September 25, 2018 (Losey, DiCaro, Amabile, Mayor Matthies, Bucci, Kroon, Pitchell, Wilk, Giuliano)

Chairman Giuliano requested a motion to approve minutes of September 25, 2018.

Roll Call Vote: Motion to approve September 25, 2018, Regular Meeting Minutes was made by Mr. DiCaro, seconded by Mr. Wilk and unanimously carried by the membership present.

For: Losey, DiCaro, Amabile, Boag, Bucci, Kroon, Pitchell, Wilk, Giuliano
Against: None
Abstain: None
Not Voting: None
Absent: Matthies

Vote of acclamation with unanimous consent, motion carried.

6. Approval of Invoices.

Chairman Giuliano requested a motion to approve the invoices submitted by Mr. Rohmeyer.

CME-	401 Central Avenue	Invoice#0230802	9/28/18-	\$210.00
CME-	Messano Associates	Invoice#0230803	9/28/18-	\$70.00
CME-	This Is Yoga	Invoice#0230805	9/28/18-	\$875.00
CME-	Dixon, Kelly Ann	Invoice#0230804	9/28/18-	\$245.00
CME-	401 Central Avenue	Invoice#0231628	10/19/18-	\$70.00
CME-	Dixon, Kelly Ann	Invoice#0231629	10/19/18-	\$35.00
CME-	This Is Yoga	Invoice#0231630	10/19/18-	\$245.00

Roll Call Vote: Motion to approve the invoices submitted for Mr. Rohmeyer was made by Mr. Amabile, seconded by



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Mr. Bucci and unanimously carried by the membership present.
For: Losey, DiCaro, Amabile, Boag, Bucci, Kroon, Pitchell, Wilk, Giuliano
Against: None
Abstain: None
Not Voting: None
Absent: Matthies
Vote of acclamation with unanimous consent, motion carried.

Chairman Giuliano requested a motion to approve the invoices submitted by Mr. Hock.

Hock-	PB/18-17: Messano	118 G Street	10/23/18-	\$98.00
Hock-	General File	Board Attorney	10/23/18-	\$385.00
Hock-	PB/18-18: Wacha	1409 Central Ave.	10/23/18-	\$364.00

Roll Call Vote: Motion to approve the invoices submitted for Mr. Hock was made by Mr. Amabile, seconded by Mr. Losey and unanimously carried by the membership present.

For: Losey, DiCaro, Amabile, Boag, Bucci, Kroon, Pitchell, Wilk, Giuliano
Against: None
Abstain: None
Not Voting: None
Absent: Matthies
Vote of acclamation with unanimous consent, motion carried.

Chairman Giuliano requested a motion to approve the invoices submitted by Ms. Martin.

Sandra Martin-	Invoice#10/23/2018	Secretary	10/23/18-	\$250.00
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Roll Call Vote: Motion to approve the invoices submitted for Ms. Martin was made by Ms. Pitchell, seconded by Mr. Losey and unanimously carried by the membership present.

For: Losey, DiCaro, Amabile, Boag, Bucci, Kroon, Pitchell, Wilk, Giuliano
Against: None
Abstain: None
Not Voting: None
Absent: Matthies
Vote of acclamation with unanimous consent, motion carried.

7. Pending Applications.

Chairman Giuliano stated the following: "It is the responsibility of this Board to hear appeals, interpret the Zoning Ordinance and grant or deny variances to applicants seeking a deviation from ordinance requirements. For a variance to be granted it is incumbent for the applicant to show proof that satisfies both the negative and positive criteria as provided in the Municipal Land Use Law. Only when the application has satisfied the task, may relief be granted. Each application stands on its own merits and is considered by the Board on an individual basis. Any relief granted is granted for the property and not the individual applicant. We hope that this statement will not only help the applicant in the presentation of their applications but also to understand that compliance with the Master Plan is the ultimate goal of this Board."

PB/18-17 * Young (Messano Associates Inc).....118-20 G Street (Block 43, Lot 8)
*** Filed: 6/19/18 * Certified Complete 07/12/18 * Hearing schedule: 10/23/2018.**
*** Michael D. Landis, Esquire, Attorney representing the applicant. Request: Bulk Bulk Variance.**

It was determined that Mr. Jeffrey Young will represent the applicant.

Board Attorney, Hock read into the record a number of exhibits (A1-A15) which he marked into evidence on behalf of the application.

Jeffrey & Sandra Young, Applicants came forward and was sworn under oath by the Board Attorney.

Jeffrey Young advised Mr. Messano of Messano Associates, Inc. will not be in attendance. Mr. Young explained that the original plans for the steps changed because he felt it was too tight and did not want it enclosed, blocking the view for a porch. He stated there are limited options for the design of the steps. Mr. Young testified this is a single family home, and the garage does not have a sink or stove. He explained he did not know they were in violation and was confused about the required approval.



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Board Engineer, Rohmeyer indicated the applicant originally submitted an older plot plan dated 07/23/17 with the stairs hand drawn, not to scale. When he reviewed the architectural plans it showed a series of 3.5 ft. for each width of the stair, totaling 7-foot. The math was based off the depicted front yard setback, leaving 1.9ft. Recently submitted to the Board is a survey dated 05/3/18. The As-Built plan depicts the staircase with the front yard setback not dimensioned. It scales at less than one (1) foot.

The Board reviewed the plans determining it was changed depicting the steps in front of the house, in the switchback format, which requires a front setback variance.

Public Comment: Chairman Guiliano opened the floor to the public.

Shirley Kreszl of 700 N Bayview Avenue addressed the applicants questioning if they thought of going straight down for compliance in the setback. *Mr. Young stated that it did not occur to him.*

Mitchell Koppelman of 204 Tenth Avenue came forward and was sworn under oath by the Board Attorney. Mr. Koppelman commented the Board was diligent questioning the contractor at the last hearing. He emphasized that it is the homeowners' responsibility, the set back is inconsistent with the Master Plan, and the application should not be approved.

Shirley Kreszl of 700 N Bayview Avenue came forward and was sworn under oath by the Board Attorney. She objected to the approval of the application explaining the applicant could have stayed in the setback.

There being no further public comments this portion of the meeting was closed on a motion made by Mr. DiCaro, seconded by Vice Chairman Wilk, and unanimously carried by the membership present.

Board Comments

Chairman Giuliano commented the stairs should be constructed along the front, not switchback format.

Board Member Losey commented if the application was presented prior to the build he would vote not to approve because the stairs can be constructed straight down in the front.

Mr. Young feels the responsibility should be placed on the Building Department. It is his opinion they did not do their job. He feels his contractor was misled. He explained they tried to build something aesthetically pleasing. Mr. Young indicated his financial concerns.

Chairman Giuliano explained a variance may be approved given a land use type hardship. A financial hardship is not a land use reason to grant a variance, and not within legal reasons.

Council Member Amabile commented he feels the contractor is responsible, and he cannot approve the application.

Motion & Vote

Motion to approve application PB/18-17 with an amendment and a number of conditions was made by Mr. DiCaro, seconded by Mr. Bucc, and carried.

Roll Call Vote:

For:	DiCaro, Bucc, Losey, Boag, Pitchell, Kroon, Wilk, Giuliano
Against:	Amabile
Abstain:	None
Not Voting:	None
Absent:	Matthies

8. Review of Correspondence:

* Ocean County Planning Board document dated 10/1/18

9. Unfinished Business

Board Engineer Rohmeyer advised the Zoning Officer the of standards to measure height along corner lots, as per her request.

10. Adjournment.

With no additional business to be discussed at this time, the meeting was adjourned at 9:00 pm on a motion by Mr. Bucc, seconded by Mr. Amabile and unanimously carried by the membership present.

Date Approved: November 20, 2018

Planning Board Chairman

Board Secretary