



**Borough of Seaside Park  
Planning Board**

REGULAR MEETING MINUTES  
Tuesday, March 22, 2016 7:00 p.m.

A Regular Meeting of the Seaside Park Planning Board was held on Tuesday the 22nd day of March 2016 at 7:00 pm in the Council Chambers with Chairman Salvatore Mattia presiding.

**PRESENT:**

- Salvatore Mattia, **Chair**
- Michael Giuliano, **Vice-Chair**
- Anthony DiCaro
- Martin Wilk
- Thomas Mianulli
- Frank Losey
- Robert Matthies, **Mayor**
- Francis Larkin, **Police Chief**
- Nancy Koury, **Council Member (7:11pm)**
- Jack Moyse, **Alternate #1**
- Dominick Bucci, **Alternate #2**

**ALSO PRESENT:**

- Gregory Hock, Esq. **Board Attorney**
- Douglas Rohmeyer, PE, **CME Engineering**
- James Anderson, **Zoning Officer**
- Susan Connor, **Board Secretary**

Chairman Mattia called the meeting to order and requested that all rise and salute the Flag. Chairman Mattia announced that the date on the agenda was incorrect it should have read March 22<sup>nd</sup>.

The roll was called and as a result all members were found to be present.

The statement of compliance with the New Jersey Open Public Meeting Act was read into the record by Chairman Mattia.

**4. Resolutions Memorializing Board Decisions**

**PB/16-01 Thiefelder/Lederer**..... 809 South Ocean Avenue (Block: 21, Lot: 27)  
Filed: 11/06/2015 - Certified Complete: 01/08/15; – Hearing Scheduled: 02/23/2016  
Voting to Approve: DiCaro, Wilk, Mianulli, Giuliano, Matthies, Larkin, Koury, Mattia, Moyse

The Board Attorney, Mr. Hock summarized the resolution into the record indicating the applicants are seeking a variance to modify dormers on the existing dwelling that necessitate a number of bulk variances. The application was approved with a number of conditions.

Motion to approve the application was made by DiCaro, seconded by Wilk and unanimously carried by the membership present.

**Roll Call Vote:**

- For: DiCaro, Wilk, Mianulli, Giuliano, Matthies, Larkin, Moyse, Mattia
- Against: None
- Abstain: None
- Not Voting: None
- Absent: None

**5. Swearing in of Board Professionals**

Doug Rohmeyer, Board Engineer and James Anderson, Zoning Officer were both sworn under oath by the Board Attorney Mr. Hock

**6. Approval of Minutes:**

Chairman Mattia asked for a motion to approve the minutes of February 23, 2016 regular Meeting. Motion to approve the minutes was made by Vice-Chairman Giuliano, seconded by Mr. Wilk

**Roll Call Vote:**

- For: Giuliano, Wilk, DiCaro, Mianulli, Matthies, Larkin, Moyse, Mattia
- Against: None
- Abstain: None
- Not Voting: Bucci
- Absent: Koury

**7. Approval of Invoices:**

Chairman Mattia asked for a motion to approve the following invoice submitted by the Board Attorney

Gregory Hock, Esq. - (16-01 Thierfelder/Lederer 3-22-2016-)	\$ 560.00
Gregory Hock, Esq. – (Bellu Litigation 3-22-2016)	\$ 651.00
Gregory Hock, Esq. – (15-15 Lynch / Kelly 3-22-2016)	\$ 42.00
Gregory Hock, Esq. - (General 3-22-2016)	\$ 315.00

Motion to approve the invoices submitted by Mr. Hock for Planning Board services was made by Mr. Wilk, seconded by Vice-Chairman Giuliano and unanimously carried by the membership present.

**Roll Call Vote:**

- For: Wilk, Giuliano, DiCaro, Losey, Mianulli, Matthies, Larkin, Moyse, Mattia
- Against: None
- Abstain: None
- Not Voting: Bucci
- Absent: Koury

Chairman Mattia asked for a motion to approve the following invoice submitted by the Board Engineer

CME – Board Engineer (PB Invoice #0186611 Thierfelder /Lederer. 2-26-2016).....	\$ 141.00
CME – Board Engineer (PB Invoice #0186612 Demetillo 2-26-2016).....	\$ 243.00
CME – Board Engineer (PB Invoice #0186613 Treidel /Bauman 2-26-2016).....	\$ 282.00
CME – Board Engineer (PB Invoice #0186614 Colangelo 2-26-2016).....	\$ 282.00

Motion to approve the invoices submitted by Mr. Rohmeyer was made by Chief Larkin, seconded by Mr. DiCaro and unanimously carried by the membership present.

**Roll Call Vote:**

- For: Larkin, DiCaro, Wilk, Losey, Mianulli, Giuliano, Matthies, Moyse, Mattia
- Against: None
- Abstain: None
- Not Voting: Bucci
- Absent: Koury

Chairman Mattia asked for a motion to approve the following invoices submitted by the Board Secretary for Planning Board services:

S. Connor, Board Secretary (Invoice 3-22-2016)..... \$ 225.00

Motion to approve the invoice submitted by Ms. Susan Connor for Planning Board services was made by Vice-Chairman Giuliano, seconded by Chief Larkin and unanimously carried by the membership present.

**Roll Call Vote:**

- For: Giuliano, Larkin, DiCaro, Wilk, Losey, Mianulli, Matthies, Moyse, Mattia
- Against: None
- Abstain: None
- Not Voting: Bucci
- Absent: Koury

**Chairman Mattia read the statement of responsibility of the Board into the record.**

**8. Pending Applications:**

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**PB/15-21 Nufrio, Phil**..... 68 Decatur Avenue (Block: 85 Lot: 13)  
 Filed: 9/22/2015 • Certified Complete: //2015 • Hearing Scheduled: 11/24/2015  
 Application carried to the February 23, 2016 meeting  
 Request to carry application to the March 22<sup>nd</sup> Meeting.

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**Applicant’s Testimony:**

**Jim Gluck, Attorney** representing the applicant came forward to address the Board.

**Paul Barlo** came forward and was sworn under oath by the Board Attorney. Mr. Barlo presented his professional background. The Board accepted his qualifications. Mr. Barlo described the existing structures on the property. The front building consists of three bedrooms and the building to the rear has two bedrooms. The submitted plot plan and architectural plans were described for the record. Mr. Barlo stated the existing footprints will remain the same. The only difference are the roof lines have changed to add some character to the structure. The proposal is to raise the two structures by 2 ft.

**Chairman Mattia stated the record should reflect that Board Member Koury was present. (7:11pm).**

Mr. Barlo continued testifying indicating the rear existing mechanical space off 44 SF, which was originally an attached shed was incorporated into the house and converted to closet space. Converting this space allowed the applicant to consolidate the entrances.

The Board Secretary marked exhibits **A-1** through **A-12** into the record.

**A-13** was marked as a packet of 7 photographs described on the record by Mr. Barlo. Mr. Barlo stated they can provide 4 onsite parking spaces. The proposed outdoor shower shown on the plan is not constructed yet but will tie into the sanitary sewer system. There is no increase to the impervious coverage. A zoning and building permit was submitted and approved, they are just waiting on the final CO.

Mr. Anderson stated based on a complaint is why the applicant is here this evening.

Mr. Gluck stated as soon as the applicant became aware of the problem an application was submitted to the Board.

Council Member Koury questioned why so many cancellations /adjournments were requested. Mr. Gluck stated that he himself was unavailable once, Mr. Barlo was away plus they wanted to able to hire a Planner to testify.

**Phil Nufrio** came forward and was sworn under oath by the Board Attorney. Mr. Nufrio stated currently he is just waiting on his final CO. Mr. Anderson stated a violation were sent out to Mr. Nufrio on August 25<sup>th</sup> and October 6<sup>th</sup>. Mr. Nufrio stated her was told he could go ahead with construction, so he did and had the entire project inspected. Mr. Anderson pointed out that any work done was at his own risk. Mr. Nufrio said he constructed everything

according to the plan and according to code and all the proper inspections were obtained. He thought everything was ok because he had also filed an application to the Board.

Mr. Hock stated the Board must make a decision based on the proofs. Vice-Chairman Giuliano feels the situation puts the Board in a tough situation because even though the Governor's order allows residents to rebuild it doesn't allow applicant's to expand. Mr. Nufrio stated he applied for permits back in October of 2014 and didn't find out that the expansion was in violation until August of last year.

Chairman Mattia stated his problem is that after the violations were sent out no stop work orders were issued and Mr. Nufrio was still obtaining inspections with unresolved violations on the property.

Mr. Nufrio stated the 44SF attached shed space that originally housed his mechanicals is basically just part of the house now and he pointed out there was no shenanigans on his part. The deck design has changed to allow one deck to access both buildings which will clean up the rear yard. Mr. DiCaro stated his concern is that by having only one deck adjoining the two houses, this property is currently two separate residences. Mr. Nufrio stated his property has always been a preexisting two family use.

**Public Questions:** None

**Allison Coffin** Professional Planner came forward and was sworn under oath by the Board Attorney. She presented her professional background. The Board accepted her qualifications. She testified that the preexisting 44SF shed space was always originally part of the footprint, it's just now incorporated into the footprint as closet space. It's her opinion that it has always been part of the footprint so there is no expansion. There is no substantial impact just a cleaner visual impact from the rear. No substantial impact to the zone plan or the master plan. The space is not creating any new bedrooms just closet space. The only change is the roofline. No impact to the air, light or open space. The dwellings are compatible with the character of the neighborhood with several two families on the same block.

**Public Questions:** None

**Public Comment:**

**Kathleen Kowal** of 64 Decatur came forward and was sworn under oath by the Board Attorney. Mrs. Kowal stated she has been a neighbor for 15 years and feels the improvements to the house is great for the community. She is hoping the Board decides to grant the variance.

**Pat DeGutis** came forward and was sworn under oath by the Board Attorney. Ms. DeGutis informed the Board that she has prepared a statement that she will be placing on the record opposing this construction. She pointed out that the applicant had plenty of time over the last seven months to present his case in a timely manner but he kept putting it off, and continued with construction and now expects the Board to approve the application as is. She read her statement into the record, when finished she submitted photographs for the Boards review. These photographs were marked into evidence by the Board Secretary as **0-1**. Ms. DeGutis described these photos into the record. In conclusion she felt the variance shouldn't be granted because the applicant made the house bigger, increased the volume and felt there should not be one deck connecting the two uses. If granted she felt it would be defeating what Seaside Park has been preserving.

There being no further public comment. This portion of the meeting was closed on a motion made by Mr. DiCaro, second by Mr. Wilk and unanimously carried by the membership present.

Prior to the Board making a motion Mr. Hock cautioned the Members that they must base their decision on the proofs of the application and the testimony provided. The notice was correct and it even pointed out the preexisting conditions on the site.

Vice-Chairman Giuliano stated he has no problem with the proposed deck. He felt the proofs, testimony of the Planner and the application presented before the Board was sufficient to make a favorable decision.

**Motion & Vote:**

Motion to carry the application was made by Vice-Chairman Giuliano, seconded by Mr. Losey.

**Roll Call Vote:**

- For: Giuliano, Losey, DiCaro, Wilk, Mianulli, Larkin, Mattia
- Against: None
- Abstain: None
- Not Voting: Bucci, Moyse, Matthies, Koury
- Absent:

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**PB/16-03 Demetillo, Roberto**..... 35-37 Sixth Avenue (Block: 23, Lot: 13)  
Filed: 12/22/2015 – Certified Complete: 02/04/16 – Hearing Scheduled: 03/22/2016  
Application carried to the January 26, 2016 meeting.

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***The record should reflect that Council Member Koury would be stepping down from this application.***

**Applicant's Testimony:**

**Robert Demetillo** came forward as the applicant/ and condo owner and was sworn under oath by the Board Attorney.

The Board Secretary marked exhibits A-1 thru A-13 into the record.

Mr. Demetillo stated he is here this evening because of the problem they are having with their existing flat roof and would like permission to repair it. The existing roof is currently beyond repair because of water damage. The proposal is to construct a hip style roof so they can all live a better life and live there safely with no issues. The new proposed roof will be designed by an architect. Mr. Demetillo stated all the condo owners are chipping in to pay for the roof repair.

**Andrew Anderson** also a condo owner came forward was sworn under oath by the Board Attorney. He stated that they are proposing gutters that will be piped underground into an existing drainage system. There is no living space being created and construction didn't start yet.

Mr. Moyse questioned the existing shed on the property and stated he felt the whole area needs some type of improvement. Mr. Rohmeyer pointed out that when an applicant comes before the Board the Board is allowed to look at the overall site. Mr. Anderson said they will come back at a later date to beautify the property but tonight they are only here to address the roof repair.

**Public Comments:** The meeting was opened to public comment. There being no further public comment this portion of the meeting was closed on a motion made by Mr. DiCaro, seconded by Mr. Losey and unanimously carried by the membership present.

**Motion & Vote:**

Motion to approve the application as submitted was made by Vice-Chairman Giuliano, seconded by Mr. Wilk.

**Roll Call Vote:**

- For: Giuliano, Wilk, DiCaro, Losey, Mianulli, Larkin, Mattia
- Against: None
- Abstain: None
- Not Voting: Bucci, Moyse, Koury, Matthies
- Absent: None

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**PB/16-05 DTW Properties**..... 1009 – 1011 SW Central Avenue (Block: 7 Lot: 21)  
Filed: 3/01/2015 – Certified Complete: 3/08/2016 – Hearing Held: 3/22/2016

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**Applicant's Testimony:**

**Terry Brady** Attorney representing the applicant came forward to address the Board. He indicated the applicants are seeking permission to demolish their existing home damaged by Sandy and reconstruct a new modular home on the property along with a pool. It's going to be a modest expansion to the rear dwelling. The deli in the front is not being touched. In 1999 a special reasons variance was granted for the uses. The new house will meet all the required setbacks. The plan provides for 3 onsite parking spaces.

**John Mele** Engineer and Planner came forward and was sworn under oath by the Board Attorney. Mr. Mele provided the Board with his educational and professional background. The Board accepted his qualifications. Mr. Mele summarized the application stating the property is located within a mixed use district. He reiterated Mr. Brady's information indicating the uses have been there for years. During super storm Sandy the existing house sustained extensive damage and the applicants are seeking to demolish and reconstruct. The new dwelling will be built to code and will comply with all the current standards. There is no proposed change to the deli. The deli is a pre-existing use previously approved by the Board. The applicant would like that approval for the deli to continue. This proposal will not impact or be a detriment to the ordinance or the Zone plan. The drainage will remain the same along with the existing buffering which is an existing fence.

**Public Comments:**

The meeting was opened to public comment.

**Gail Coleman**, small business owner came forward and was sworn under oath by the Board Attorney. She stated she is looking forward to the swimming pool. This applicant has always been a good neighbor and she is hoping the application is approved.

**Chuck Appleby** came forward and was sworn under oath by the Board Attorney. He stated he feels having the owner operator on the property is a good thing and he is looking forward to the Board approving this application.

The meeting was closed the public comment a motion was made by Mr. DiCaro second by Chief Larkin and unanimously carried by the membership present.

The Board Secretary marked the exhibits into the record.

**Motion & Vote:**

Motion to approve the application was made by Mr. Losey, seconded by Mr. DiCaro.

**Roll Call Vote:**

For: Losey, DiCaro, Wilk, Mianulli, Giuliano, Larkin, Mattia  
Against: None  
Abstain: None  
Not Voting: Bucci, Moyse, Matthies, Koury  
Absent: None

**9. Review of Correspondence: - None**

**10. Unfinished Business:**

**11. New Business**

**Review of Ordinance No. 1696 Amending "Flood Damage Prevention" –**

Mr. Rohmeyer presented the Board with a brief overview indicating the amendments incorporate the Coastal A zone and additional design requirements into the plan. Mayor Matthies stated the council would like to expedite this amendment at the Thursday night meeting

Motion to send this amendment back to Council for their recommendation was made by Mr. Losey, seconded by Council Member Koury and unanimously carried by the membership present.

**Roll Call Vote:**

For: Losey, Koury, DiCaro, Wilk, Larkin, Mianulli, Giuliano, Matthies, Mattia  
Against: None  
Abstain: None  
Not Voting: Bucci, Moyse  
Absent: None

**Registration Form re: NJPO 2016 Winter/Spring Mandatory educational Programs Registration Form**

Information Reviewed

**12. Master Plan/Land Use Ordinance Committee:**

Chairman Mattia stated the Master Plan Committee still working on amendments to the master plan, will provide draft copy to Board

**Board Comments/ Public Comments:**

The Mayor requested that the agendas for the Planning Board meetings be posted on the Borough website. The Board Secretary stated the final agenda is always posted on the website but explained to post it much earlier might be a problem because the agenda is always subject to change.

The Mayor asked Mr. Hock about the Bellu litigation. Mr. Hock stated he could brief the Board on the procedure aspect of the case only without the Board entering into an executive session. Mr. Hock stated the trial is set for April which he will prepare a brief, which will be heard by the court and hopefully the Board will have a final answer in May.

Chairman Mattia stated at the April 26<sup>th</sup> meeting he would like to have a workshop meeting that would start at 6:30 p.m. in order for Mr. Majors to prepare a presentation for the Board regarding the rides. Chairman Mattia stated the Board will allot 45 minutes for this presentation. Chairman Mattia is also hoping that the master plan informal presentation will be ready in draft form in order for the Board to review this document and possibly have public Hearing in May on this matter.

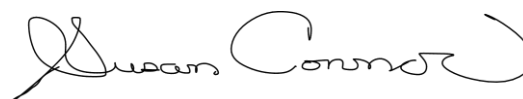
**13. Adjournment**

With no additional business to be discussed at this time, the meeting was adjourned at 9:50 pm on motion by Mr. DiCaro, seconded by Mr. Wilk and unanimously carried by the membership present.

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Approved: 4-26-2016

  
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Planning Board Chairman

  
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Board Secretary

