

Regular Meeting Minutes - Tuesday, September 27, 2016 • 7:00 PM  
Borough of Seaside Park – Planning Board

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1. Call to Order & Pledge of Allegiance with Vice-Chair Michael Giuliano presiding.
2. Vice-Chair Giuliano read the “Statement of Compliance with the New Jersey Open Public Meetings Act.”
3. Roll Call of Board Members.

PRESENT:

Michael Giuliano, Vice-Chair  
Anthony DiCaro  
Martin Wilk  
Frank Losey  
Robert Matthies, Mayor  
Francis Larkin, Police Chief  
Nancy Koury, Councilwoman  
Dominick Bucci, Alternate #2

ALSO PRESENT:

Gregory Hock Esq., Board Attorney  
Douglas Rohmeyer, PE, Board Engineer  
James Anderson, Zoning Officer  
Susan Connor, Board Secretary

EXCUSED:

Salvatore Mattia, Chair  
Thomas Mianulli  
Jack Moyse, Alternate #1

4. Resolutions Memorializing Board Decisions.

PB/16-12 Casciano, Maryann ..... 26 North Avenue (Block 36, Lot 8)

• Filed: 6/22/2016 • Certified Complete: 06/14/16 • Hearing held: 8/23/2016.

Eligible to Vote (Denying): DiCaro, Wilk, Mianulli, Giuliano, Matthies, Larkin, Moyse

The Board Attorney, Mr. Hock summarized the resolution into the record indicating the Board heard testimony and denied the application based on the fact that the benefits of the deviation did not substantially outweigh its detriment.

Motion to grant the resolution of denial was made by Chief Larkin, seconded by Mr. Wilk.

Roll Call Vote:

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

PB/16-13 Haas, Deborah ..... 109 Fourth Avenue (Block 19, Lot 10)

• Filed: 7/15/2016 • Certified Complete: 05/12/16 • Hearing held: 8/23/2016.

Eligible to Vote: DiCaro, Wilk, Mianulli, Giuliano, Matthies, Larkin, Koury, Moyse, Mattia

The Board Attorney, Mr. Hock summarized the resolution into the record indicating the Board was requesting bulk variances for the location of the house because of the incompetence of the builder.

Motion to approve the resolution was made by Mr. Wilk, seconded by Mr. DiCaro.

Roll Call Vote:

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

PB/16-14 Magnatta, James & Carol ..... 44 H Street (Block 56, Lot 7)

• Filed: 07/19/2016 • Certified Complete: 06/07/16 • Hearing held: 08/23/2016.

Eligible to Vote: DiCaro, Wilk, Mianulli, Giuliano, Larkin, Koury, Moyse, Bucci, Mattia

The Board Attorney, Mr. Hock summarized the resolution into the record indicating the applicant was seeking permission to construct an addition to an existing single family residence necessitating bulk variances.

Motion to approve the resolution was made by Chief Larkin, seconded by Mr. Wilk.

Roll Call Vote:

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

5. Board Attorney Gregory Hock sworn in Board Professionals - Doug Rohmeyer and James Anderson

*Vice-Chair Giuliano read the statement of responsibility of the Board into the record.*

6. Approval of Minutes.

• July 26, 2016 – Motion to approve the July 26, 2016 minutes was made by Mr. DiCaro, seconded by Ms. Koury.

Roll Call Vote:

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

· August 23, 2016 – Motion to approve the August 23, 2016 minutes was made by Ms. Koury, seconded by Mr. Wilk.

Roll Call Vote:

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

7. Approval of Bills

Hock – 16-14 Magnatta: 9-26-2016 - \$266.00

Hock - !6-12 Casciano: 9-26-2016 - \$266.00

Hock – General: 9-27-2016 - \$861.00

Motion to approve the invoices submitted for Mr. Hock was made by Mr. Wilk, seconded by Mr. Losey and unanimously carried by the membership present.

Roll Call Vote:

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

CME – Invoice #0195683: 9-16-2016 – O’Connor, Kenneth & Roberta - \$789.00

CME – Invoice #0195684: 9-16-2016 – Heck, Mark & Trisha - \$823.00

CME – Invoice #0195442: 8-31-2016 – Haas, Deborah - \$107.25

CME – Invoice #0194207: 7-20-2016 – Haas, Deborah - \$615.50

CME – Invoice #0195443: 8-31-2016 – Casciano, Maryann - \$71.50

CME – Invoice #0195444: 8-31-2016 – Magnatta, James & Carol - \$107.25

CME – Invoice #0187950: 3-29-2016 – Coleman, William - \$850.00

CME – Invoice #0186610: 2-26-2016 – Coleman, William - \$408.00

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

Roll Call Vote:

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

Susan Connor – Invoice #9-27-2016 -- \$225.00

Motion to approve the invoice submitted by Ms. Connor was made by Mr. DiCaro, seconded by Mr. Losey and unanimously carried by the membership present.

Roll Call Vote:

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

8. Pending Applications.

PB/16-06 Coleman, William.....1001 SW Central Avenue (Block 7, Lot 19)

• Filed: 2/25/2016 • Certified Complete: 3/4/16 • Hearing scheduled: 9/27/16.

*The record should reflect that Chief Larkin would be stepping down from this application.*

Lynn Dunn, Esq. Attorney representing the applicant came forward and briefly provided the Board with an overview of the application being presented this evening. Mr. Hock, Board Attorney stated this application under the law falls under a use variance, Chief Larkin has stepped down and Mayor Matthies and Council Member Koury are unable to vote, leaving five eligible members. Ms. Dunn aware of only having five eligible members stated she would still like to proceed with the case.

William Coleman came forward and was sworn under oath by the Board Attorney. Mr. Coleman indicated there are no improvements being made to the site other than they had rebuilt the deck leading up to the residence located on the second floor. The site consists of an existing luncheonette with a residential unit above with a set of stairs and deck leading up to the house. He explained that prior to super storm sandy there was a smaller deck, but it was rebuilt after the storm and it was made a little bit bigger. It had been a struggle to access the second story with a stretcher so when reconstructing the deck it was made bigger to accommodate for that type of access. He stated the new deck is only 2 FT wider, and there is a 4 FT fence along 10<sup>th</sup> Avenue.

The Board Secretary Ms. Connor marked the exhibits A-1 through A-10 into the record.

Mr. Coleman submitted his two prior zoning permits issued for the fence and existing shed. These items were marked into evidence as A-10 and A-11. He stated there are no issues with parking and he has run the luncheonette for the past 20 years, along with the building being in existence since the 1950's. He also mentioned that the decorative pilings have been there for the past 15 years.

Allison Cofone, Professional Planner came forward and was sworn under oath by the Board Attorney. Ms. Cofone provided the Board her educational and professional background. The Board accepted her qualifications. Ms. Cofone submitted photographs of the property in question that were marked into evidence as A-12 through A-16. She stated the property is currently a developed corner parcel with a mixed use of a luncheonette and residential units; whereas the applicants replaced a deck without a permit in a mixed zone. The existing restaurant use is not a permitted use so an expansion of a non-conforming use is necessary for the deck approval. All the other variances on the site are pre-existing nonconforming. This application falls under the requirements of a D2 Variance, there has been no abandonment of the use, no intensity of the use, no adding to the restaurant; just better access to the upstairs unit. The new deck provides for a greater safety and has a minor encroachment to the side property line. There is no impact to the neighbor's setback or to the enjoyment of the use to their side yard. The positive outweighs any negative in this case. Ms. Cofone went over the pre-existing variances on the site. Vice-Chair Giuliano stated that the notice did incorporate all the pre-existing variances.

Public Comment: The meeting was open to public comment

Peter Rossi came forward and was sworn under by the Board Attorney indicating he is familiar with the property and would like to point out that the owners have done a lot of improvement to the property over the years and it's a nice place, not an eyesore and feels by approving this variance it would be a positive for the Town.

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

Ms. Dunn summed up the application by thanking the Board for their time and attention to this application.

Mr. Losey stated the luncheonette has been long standing establishment, and he sees no problem with the deck. Vice-Chair Giuliano also commented that the property is very well kept.

Motion & Vote:

Mr. Wilk made a motion to approve the application. This motion was seconded by Mr. Losey.

Roll Call Vote:

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

PB/16-15 Heck, Mark & Trisha ..... 203 K Court (Block 52, Lot 31)  
• Filed: 8/4/2016 • Certified Complete: 9//16 • Hearing scheduled: 9/27/16.

Harvey York, Esq. Attorney representing the applicant came forward indicating his client is seeking permission enlarge their driveway and curb cut from 12 FT to the proposed 20 FT. The applicant's home is substantially large with a substantially large driveway. Two cars will be able to park perpendicular and not hangover into the street. Mr. York stated that even with the enlarged curb cut there will still be room to park two cars in the street as well

Robert Klaus, builder came forward and was sworn under oath by the Board Attorney. Mr. Klaus stated that as the builder he received the C.O for this project in May of 2015; whereas the pavers were already constructed as per the plan and he didn't realize the curb cut couldn't be 20 in width. He explained that even with the 20 FT curb cut there still will be space for two cars. He explained that currently the owners are parking there and they don't hang over the side walk and it doesn't eliminate any parking on the Street either.

Mr. Rohmeyer questioned the impervious coverage. Mr. York stated that shouldn't be an issue because the applicants are only here for the curb cut and have obtained their C.O for the structure from the Borough already. Mr. Wilk state that as he is looking at the plan submitted it indicates that the existing driveway cut is 14.5 FT and not even the required 12 FT. This was discussed by the Board. Mr. Rohmeyer stated if the curb cut was to be approved it would be his recommendation that it be improved 3 FT to the east and 3 FT to the West.

The Board Secretary Ms. Connor marked the exhibits A-1 through A-10 into the record.

Public Comment: None. Closed to public comment on a motion made by Mr. DiCaro, seconded by Chief Larkin and unanimously carried by the membership present.

Mr. York summed up his application by indicating that the whole purpose to this clients application is to add off street parking and if this application is approved it will do just that. The benefit will be added parking. He explained that each variance case stands on its own merits and there is no adverse effect on the area if approved.

Motion & Vote:

Mr. Bucci made a motion to approve the application. This motion was seconded by Council Member Koury.

Roll Call Vote:

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

PB/16-16 O'Connor, Kenneth & Roberta. ....31 North Avenue (Block 35, Lot 19)  
• Filed: 8/26/2016 • Certified Complete: 9/16 • Hearing scheduled: 9/27/16.

*The record should reflect that Chief Larking would be stepping down from this application.*

Lynn Dunn, Esq. Attorney representing the applicant came forward and addressed the Board

Kenneth O'Connor aka "Chip" came forward and was sworn under oath by the Board Attorney. Mr. O'Connor stated his family has been coming to Seaside Park since he was three years old; when his Grandparents had built here. In 1998 he purchased a home and he would now like to retire here but needs extra room for his family. The proposal to add an addition off the back of the house. Since he has lived in the house he has replaced the second story deck and steps to the left; which he had gotten permits for.

Joseph A. Gates, Architect with Gate Designs came forward and was sworn under oath by the Board Attorney. Mr. Gates provided the Board with his educational and professional background. The Board accepted his qualifications.

The Board Secretary Ms. Connor marked the exhibits A-1 through A-10 into the record.

Mr. Gates continued with his testimony indicating the proposal is to construct a second story addition off the back of the house that will be approximately 660 SF per floor with an overall total of 1,320 SF. Mr. Gates described the architectural plans into record stating that once the additions are finished the new total square footage of the house will be 2,770 SF. The new proposed additions will conform to all the required setbacks; it's the roof over hang over the existing deck in the rear that needs the variance relief. Mr. Gates stated the property is situated within an AE7 flood zone; whereas the existing house sits at an elevation of 8.31 FT. The original elevation certificate indicates the house is at 9.8 FT. During the storm this property stayed dried. Mr. Rohmeyer pointed out that under the new laws based on the elevations and the work to be done to the house; the applicant might have to come back to the Board to actually raise the house. Ms. Dunn stated she understands, but would like to proceed with the understanding that if the plans are submitted to the Borough and it's determined that that house will have to be raised that the applicant will meet the height requirements and would not have to return to actually duplicate the application this evening. Mr. Rohmeyer stated that by looking at the plans; it would be his determination that it would probably go over the 50% and the house would need to be raised. Mr. Losey stated if approved and raised he would like a condition that the attic space be conditioned for storage space only; since there are walk-up stairs. Mr. Gates stated that during the raise he will make sure the applicant meets the height requirements even if that means changing the pitch of the rooflines to make the house conform. The applicants agreed to stack the parking on the site, reverse the stairs and move the rising station located on the site.

Allison Cofone, Professional Planner came forward and was sworn under oath by the Board Attorney. The Board accepted her qualifications. Ms. Cofone submitted photographs of the property which were marked into evidence by the Board Secretary as A-11 through A-14. These photographs were described into the record by Ms. Cofone, indicating they depict the visual character of the neighborhood revealing that a lot of the homes on the street are close to the roadway. The lot is totally developed and the applicant is proposing to construct an addition needing no variances. The variances being sought are pre-existing in the front for an existing roofline that the applicant would like to remain because it give the house character. There is no negative impact to the area if this variance was to be approved. Ms. Cofone stated it's her professional opinion that the positive outweighs any negative in this case and feels the variance can be granted and it will be an improvement to the site.

Public Comment: The meeting was open to public comment. Fritz McCue, Kathy Massari, Phil Casciano, Virginia Stefancci, John Kovacs and Larvin D'Arienzo, neighbors on the street came forward and all separately being sworn under oath indicated on the record what great neighbor's the O'Connor's were and how they were happy the O'Connor's were going to be full time residents to the area, the proposal would not take away from the street; as a matter of fact the proposal should be granted because it's a wonderful upgrade.

Closed to public comment on a motion made by Mr. DiCaro, seconded by Mr. Wilk and unanimously carried by the membership present.

*The Board took a short recess.*

The Board resumed the hearing.

Vice-Chair Giuliano announced that *Chief Larking would be stepping down from this application.*

Mr. Gates stated he spoke to the owners and they have no problem with raising the house. It was recommended that if approved the house would have to be raised to comply with the BFE and would have to comply with the height requirement. The plot plan would need to be revised. The parking will be located to the west.

Motion & Vote:

Mr. Losey made a motion to approve the application with conditions. This motion was seconded by Council Member Koury.

Roll Call Vote:

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

PB/15-14 Bellu, Juan & Amy. .... 120 Sixth Avenue (Block 18, Lot 5)  
• Filed: 6/5/2015 • Certified Complete: 7/22/15 • Hearing scheduled: 8/25/2015 & 10/27/2015.

*The record should reflect that Chief Larkin would be stepping down from this application*

Mr. Hock, Board Attorney provided the Board with a brief overview of this application and how the Board should proceed with this application. He stated if the Board recalls this application was previously heard by the Board as a pre-existing non-conforming use application and denied. The applicants filed suit and during the settlement proceedings it came about that a possible settlement could be made. A modified plan was designed by the applicant and reviewed by the Board. The plan is now before the Board this evening which required the applicant to provide notice, public comment is necessary and the Board will have final vote on the settlement agreement after reviewing the modified plan.

Anthony Pagano, Attorney representing the applicant came forward to address the Board and also provided a brief background indicating the applicant is here to have the Board address the modified plan and settlement.

Charles Lindrom, PE Professional Engineer came forward and was sworn under oath by the Board Attorney. Mr. Lindrom provided the differences between the two plans on the record. There are certain impervious areas on the modified plan that are being removed, decreasing the coverage from 77.3% to 70.1%; whereas 65% is allowed. One of the concrete aprons, being 12 FT wide is being closed off and a portion of the sidewalk where the handicap ramp is located will be replaced. This modified plan is dated June 19, 2016. Mr. Losey placed on the record that he felt this plan was a good compromise. It was stated that a final as built would need to be submitted.

Public Comment: The meeting was open to public comment. There being no 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:

Mr. Losey made a motion to approve the settlement agreement and conceptual plan. This motion was seconded by Mr. DiCaro

Roll Call Vote:

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

9. Review of Correspondence: NONE

10. Unfinished Business. NONE

11. New Business

A motion to authorize the return of the designated Development application escrow deposit for PB13-14 Trinity 15, LLC was made by Mr. Wilk, seconded by Mr. Losey and unanimously carried by the membership present.

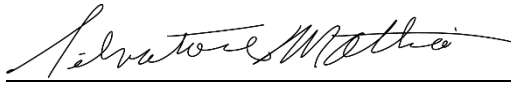
12. Master Plan/Land Use Ordinance Committee (Mattia, Giuliano, Koury)

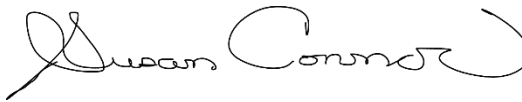
14. Adjournment.

With no additional business to be discussed at this time, the meeting was adjourned at 9:30 pm on motion by Mr. Wilk, seconded by DiCaro and unanimously carried by the membership present.

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Approved: 10-25-2016

  
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Planning Board Chairman

  
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Board Secretary