



**Borough of Seaside Park
Planning Board**

RE-ORGANIZATION MEETING MINUTES
Tuesday, January 23rd, 2018 7:00 p.m.

A Re-Organization Meeting of the Seaside Park Planning Board was held on Tuesday the 23rd day of January 2018 at 7:00 pm in the Council Chambers with Michael Giuliano presiding.

PRESENT:

Michael Giuliano, **Chair**
Martin Wilk, **Vice-Chair**
Anthony DiCaro
Frank Losey
Thomas Mianulli
Jack Moyse
Anne Pitchell, **Mayor's Designee**
Francis Larkin, **Police Chief**
Ray Amabile, **Councilman**
Dominick Bucci, **Alternate #1**
, Alternate #2

ALSO PRESENT:

Gregory Hock, Esq. **Board Attorney**
Douglas Rohmeyer, PE, **CME Engineering (7:10)**
Susan Connor, **Board Secretary**

EXCUSED:

Robert Matthies, **Mayor**

Mr. Giuliano called the meeting to order and requested that all rise and salute the Flag. The statement of compliance with the New Jersey Open Public Meeting Act was read into the record by Mr. Giuliano.

3. Administer Oath of Office

Mr. Hock administered the oath of office to Chief Francis Larkin, Councilman Ray Amabile and Anne Pitchell the Mayor's Designee.

The roll was called and as a result Mayor Matthies was found to be excused.

5. Re-Organization for 2018

Selection of Board Chairman:

Mr. Giuliano requested a nomination for Board Chairman. Mr. Moyse made a motion to nominate Michael Giuliano as Planning Board Chairman, seconded by Mr. Wilk and unanimously carried by the membership present.

Selection of Board Vice-Chairman:

Chairman Giuliano requested a nomination for Vice-Chairman. Mr. Losey made a motion to nominate Martin Wilk as Planning Board Vice-Chairman. This motion was seconded by Mr. DiCaro and unanimously carried by the membership present.

Appointment of Board Attorney:

Chairman Giuliano requested a nomination for Board Attorney. Mr. DiCaro made a motion to appoint Gregory Hock, Esq. with the firm of D'Arcy Johnson Day as the Board Attorney. This motion was seconded by Mr. Losey and unanimously carried by the membership present.

Appointment of Board Engineer:

Chairman Giuliano requested a nomination for Board Engineer. Motion to appoint Doug Rohmeyer, PE with the firm of CME Associates as the Board Engineer was made by Councilman Amabile, seconded by Mr. DiCaro and unanimously carried by the membership present.

Appointment of Board Secretary:

Chairman Giuliano stated that the Board will hold this nomination till the end of the Meeting because the Board will need to go into a closed session to discuss a letter Ms. Connor had submitted to the Board regarding a pay increase.

Meeting Dates for the Year 2018:

The Board reviewed the meeting dates for the year 2018. Chairman Giuliano read all the dates into the record. Motion to approve the 2018 meeting dates was made by Mr. Losey, seconded by Mr. Moyse and unanimously carried by the membership present.

Resolutions Memorializing Board Decisions.

PB/17-22 Auer, Edna/ Herbert, Michael.....316 N Street (Block 64 Lot 3)

• Filed: 10/05/2017• Certified Complete: 11/02/2017 • Hearing held: 12/12/2017.

Voting to approve: (Mianulli, Larkin, Wilk, Bucci, Giuliano)

The Board Attorney, Mr. Hock summarized the resolution into the record indicating that the applicant was seeking to elevate an existing single family residential dwelling and construct associated decks and stairs onto the rear and side of the house that would necessitate bulk variances.

Motion to approve the resolution was made by Mr. Losey, seconded by Mr. Mianulli

Roll Call Vote:

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

6. Approval of Minutes:

Chairman Giuliano requested a motion to approve the minutes of the December 12, 2017 regular meeting. Motion to approve the minutes were made by Mr. Moyse, seconded by Vice-Chair Wilk.

Roll Call Vote:

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

7. Approval of Invoices:

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

Hock – #PB17-23 Mahoney 1-23-2018 -- \$168.00

Hock – #PB17-22 Edna Auer: 1-23-2018 -- \$364.00

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

Roll Call Vote:

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

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

CME – Invoice #0217359 DTW Properties 12-28-2017 \$138.00

CME – Invoice #0217360 Mahoney 12-28-2017 \$140.00

CME – Invoice #0217361 Central Avenue SSP 12-28-2017 \$70.00

CME – Invoice #0217362 Estate of Auer 12-28-2017 \$140.00

CME – Invoice #0217046 Misc. 12-20-2017 \$ 111.00

CME – Invoice #0217047 South Bayview 12/20/2017 \$70.00

CME – Invoice #0217048 Central Avenue SSP 12-20-2017 \$350.00

CME – Invoice #0217049 GJMPMT 12-20-2017 \$70.00

CME – Invoice #0218205 GJMPMT 1-16-2018 \$ 70.00

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

Roll Call Vote:

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

8. Swearing in of Board Professionals

Doug Rohmeyer, Board Engineer was sworn under oath by the Board Attorney Mr. Hock

Chairman Giuliano read the statement of responsibility of the Board into the record.

9. Pending Applications:

PB/17-23 Mahoney, Sean & Nicole..... 612 South Bayview Avenue (Block: 17, Lot: 1)
Filed: 01/05/2017 – Certified Complete: – 11/20/2017 Hearing Scheduled: 12/12/2017

The record should reflect that Board Members Bucci, Pitchell and Amabile would be stepping down from this application.

Chairman Giuliano stated that this application was a continuation.

Sean & Nicole Mahoney were sworn under oath by the Board Attorney. Mr. Mahoney stated if the Board remembers at the last hearing in December there were some questions as to the proof that the deck existed. Mr. Mahoney submitted an 8-page packet of historic aerial photographs of the site which was marked into evidence as **A-17**. It showed that the deck had been there. Mr. Mahoney said he can't verify the depth of the deck, but the proposed deck is similar in size.

Mr. DiCaro stated that he checked with the Tax Assessor and the deck had been 13x24 and it had been a ground level deck. Mr. Mahoney stated they are proposing a 16x30 deck, with an one step out the door onto the deck that will have railings because of children.

Public Comment:

Sharon Bucci came forward and was sworn under oath by the Board Attorney. Mrs. Bucci stated she is in support of the application. She is happy the Mahoney's bought the property and are respecting the "old boat house" design of the home, which she feels has a great character and is in keeping with the neighborhood.

There being no further public comment this portion of the meeting was closed by Mr. DiCaro, seconded by Chief Larkin and unanimously carried by the membership present.

Motion & Vote:

Motion to approve the was made by Mr. Losey, seconded by Mr. Moyse and unanimously carried by the membership present.

Roll Call Vote:

- For: Losey, Moyse, DiCaro, Mianulli, Wilk, Giuliano
- Against: None
- Abstain: None
- Not Voting: None
- Absent: None

PB/18-01 GJMPMT, LLC..... 1113 North Ocean Avenue (Block: 61 Lot: 27.02CA2)
Filed: 10/20/2016 • Certified Complete: 10/31/16 • Hearing Scheduled: 01/24/2017

The record should reflect that this application is a "D" Variance; the Mayor's Designee and Councilman Amabile would have to step down from this application. Chief Larkin is in conflict and Chairman Giuliano is within 200 FT of the property.

Mr. Hock explained to the Board that there are two parts to this application. The first part is the Board needs to here testimony by the applicant as to whether what they are proposing is permitted under maintenance and there is no expansion of a nonconforming use. If the Board agrees then a determination is necessary.

The second part of this would be if the Board finds that this application is more than maintenance and it's an expansion of a non-conforming use then the Board would need to hear the use variance aspect of the application and make a final decision. Mr. Hock stated Ms. Pitchell and Committeeman Amabile would be able to vote on the first part not on the second.

Lynn Dunn, Esq. Attorney for the applicant came forward to address the Board. Ms. Dunn called upon her witness Gerald Martin.

Board Secretary, Ms. Connor read into the record a number of exhibits (**A-1 thru A-13**) which she had marked into evidence on behalf of the application.

Gerald Martin came forward and was sworn under oath by the Board Attorney. Mr. Martin testified that he purchased the property on September 13, 2017, with his wife under an LLC, known as GJMPMT. Mr. Martin stated he had been in front of the Board back in November to construct a 2nd floor elevated deck but was denied. He is

here this evening for the construction of second story deck but just a different design. The new proposal is to have the deck recessed into the house where he feels this would not require any variances; but then he was told he was changing the functional use of the structure. He would be cutting into the house 6 FT x 12 FT which is bedroom space; approximately 72 SF. This balcony space will no longer be living space, it will be totally exposed to the outside elements. He explained that when sitting on the 1st floor deck the only view you have is of the dunes and you can't see the ocean at all. He explained that this the reason for this 2nd story proposed balcony.

Allison Coffin, PP, AICP came forward and was sworn under oath by the Board Attorney. Ms. Coffin provided the Board with her educational and professional background. The Board accepted her qualifications. Ms. Coffin stated it was her opinion since the applicant wasn't changing any walls of the bedroom that it was not an expansion of a non-conforming use. There in fact was less interior living space, the total amount of bedrooms was remaining the same, and the number of dwelling units was unchanged. It was more of a technical expansion rather than a substantive one. Light, air and open space was being promoted by the change, a setback violation was being reduced, and interior living space was being replaced with an open balcony.

Public Comments:

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.

Mr. Hock stated the Board needs to consider the facts presented. He did state that maintenance is not defined clearly in the ordinance. "keep in existing state". The Board needs to determine whether it's more than maintenance and the Board has a uniqueness and expertise with knowing its own community.

Ms. Dunn stated the building itself is not being changed. Some of the Members felt the building/structure was being changed even though it might not be a detrimental change or have a negative impact. Some of the Members felt the Board should hear the D Variance aspect of the application.

Motion & Vote:

Motion to uphold the zoning decision was made by Mr. Losey, seconded by Mr. DiCaro.

Roll Call Vote:

- For: Losey, DiCaro, Mianulli, Moyse, Wilk, Bucci
- Against: Pitchell, Amabile
- Abstain: None
- Not Voting: None
- Absent: Matthies

Allison Coffin, continued with her testimony stating the expansion of a non-conforming use – the two units will not be discontinued. The balcony is along Ocean Avenue and because its now being proposed recessed into the dwelling unit, it provides for light, air and open space along Ocean Avenue. It enhances the character of the structure as well. She testified that the variances being requested by the applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinances.

Public Comments:

The meeting was open to public comment. There being no public comment this portion of the meeting was closed by Mr. DiCaro, seconded by Mr. Losey and unanimously carried by the membership present.

Motion & Vote:

Motion to approve the application was made by Mr. Losey, seconded by Mr. Moyse and unanimously carried by the membership present.

Roll Call Vote:

- For: Losey, Moyse, DiCaro, Mianulli, Wilk, Bucci
- Against: None
- Abstain: None
- Not Voting: Pitchell, Amabile
- Absent: Matthies

PB/18-02 Brennan, Michael..... 37 E Street (Block: 46, Lot: 21)
 Filed: 01/02/2018 – Certified Complete: 11/02/2018 – Hearing Scheduled: 01/23/2018

The record should reflect that Vice-Chair Wilk would be stepping down from this application.

Michael Brennan applicant came forward and was sworn under oath by the Board Attorney.

Mr. Brennan stated he would like to enclose an existing carport and turn it into a garage.

Board Secretary, Ms. Connor read into the record a number of exhibits **(A-1 thru A-14)** which she had marked into evidence on behalf of the application.

Dan Governale, Architect came forward and was sworn under oath by the Board Attorney. Mr. Governale provided the Board with his educational and professional background. The Board accepted his qualifications. Mr. Governale stated the applicant is seeking to close in an existing carport that exists directly below the living space. The existing footprint will remain the same. The new enclose garage area will maintain the same 4.1 FT side yard setback.

Mr. Brennan stated wants to be able to put his car in the garage; to keep it out of the salt air.

Mr. Governale stated the applicant is also requesting to legalize an existing shed that has been on the property since 1983, that appears to be built slightly larger than what is required by code.

Public Comments:

The meeting was open to public comment. A member from the public came forward and questioned the addition that had been put on the house. Mr. Brennan stated the addition had been but on in 1977. Mr. Losey stated for the record that throughout the years the codes change and years ago properties didn't need variances.

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

Motion & Vote:

Motion to approve the application was made by Mr. Bucci, seconded by Councilman Amabile and unanimously carried by the membership present.

Roll Call Vote:

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

9. Review of Correspondence: - INFORMATIONAL PURPOSES ONLY

- Letter dated December 19, 2017
From Coastal Environmental / Coastal General Permit 4 Application/ Henry Mezzetti
- December 21, 2017
Ocean County Soils/ NJNG South Seaside Reinforcement
- December 11, 2017
Ocean County Planning Board/ Proposed Amendments to Ocean County Master Plan/
Notice of Public Hearing

Executive Session (8:36pm)

Chairman Giuliano asked for a motion to enter into an executive session to discuss Board personal.

A motion was made by Mr. Moyses, seconded by Mr. Losey and unanimously carried by the membership present.

The Board came out of executive session at **8:45pm** on a motion made by Mr. Wilk, seconded by Mr. Mianulli and unanimously carried by the membership present. The Board reconvened the public hearing.

Appointment of Board Secretary:

Chairman Giuliano read the letter submitted by the Board Secretary, where she is requesting a monthly increase from \$225 per meeting to \$275 per meeting.

Chairman Giuliano asked for a nomination for Board Secretary with the requested pay increase for the year 2018. Mr. Moyses made a motion to appoint Ms. Susan Connor with the increase of \$275 per meeting, this motion was seconded by Mr. Losey.

Roll Call Vote:

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

10. Unfinished Business:

11. New Business

- Return of Escrow Deposits Monies -

The Board Reviewed the list of escrow accounts requesting the release of their monies to be returned. Motion to approve was made by Mr. Losey seconded by Mr. Mianulli and unanimously carried by the membership present.

Roll Call Vote:

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

Board Comments:

The Board briefly discussed that in December they had sent the "curb-cut" ordinance to Council for their review. Jim Anderson had called to say that possibly this ordinance should be looked at by other Departments to have some input including the Water Department and Public Works before sending it for final adoption by Council.

Mr. Losey stated that he wanted to mention the great work done by CME. They brought a lot of grant monies to the Borough which allowed for all the Master Plan Revisions. He thanked Mr. Rohmeyer for meeting all the deadlines thru DCA and appreciated all his hard work.

The Board reviewed the 2017 Annually Report.

13. Adjournment

With no additional business to be discussed at this time, the meeting was adjourned at 8:55 pm on motion by Mr. DiCaro seconded by Mr. Mianulli and unanimously carried by the membership present.

Approved:

Planning Board Chairman

Board Secretary