



**Borough of Seaside Park
Planning Board**

**REGULAR MEETING MINUTES
TUESDAY, SEPTEMBER 25, 2018 *7:00p.m.**

A Regular Meeting of the Seaside Park Planning Board was held on Tuesday the 25th day of September 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**
 Lt. James Boag
 Anne Pitchell, **Alternate #1**
 Karen Kroon, **Alternate #2**

ALSO PRESENT:

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

Chairman Giuliano called the meeting to order and requested that all rise and salute the Flag. The roll was called, all members present.

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

Chairman Giuliano announced the resignation of Mr. Thomas Mianulli.

Oath of Office

James Boag was sworn in by Mayor Matthies as a Class II Member, term expiration 12/2018.

4. Resolutions Memorializing Board Decisions.

Chairman Giuliano announced there are no memorializing resolutions.

5. Approval of Minutes.

August 28, 2018 (DiCaro, Losey, Amabile, Mayor Matthies, Bucci, Kroon, Pitchell, Wilk, Giuliano)

Chairman Giuliano requested a motion to approve minutes of August 28, 2018.

Roll Call Vote: Motion to approve August 28, 2018, Regular Meeting Minutes was made by Ms. Kroon, seconded by Mr. Wilk and unanimously carried by the membership present.

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

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-	Messano Associates, INC	Invoice#0230053	9/18/18-	\$280.00
CME-	This Is Yoga	Invoice#0230056	9/19/18-	\$140.00

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

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

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	9/25/18-	\$357.00
Hock-	General File	Board Attorney	9/25/18-	\$259.00
Hock-	PB/18-18: Wacha	1409 Central Ave.	9/25/18-	\$182.00

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

For: DiCaro, Losey, Amabile, Mayor Matthies, Boag, Bucci, Kroon, Pitchell, Wilk, Giuliano
 Against: None



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Abstain: None
Not Voting: None
Absent: None
Vote of acclamation with unanimous consent, motion carried.

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

Sandra Martin- Invoice#9/25/2018 Secretary 9/25/18- \$250.00

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

For: DiCaro, Losey, Amabile, Mayor Matthies, Boag, Bucci, Kroon, Pitchell, Wilk, Giuliano
Against: None
Abstain: None
Not Voting: None
Absent: None
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/18-18 * 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.**

*** Lynne A. Dunn Esq., Attorney representing the applicant. Request: Mixed Use Variance.**

The record should reflect that Board Members Mayor Matthies, Mr. Amabile, and Ms. Kroon would be stepping down from this application.

Board Attorney, Hock read into the record a number of exhibits (A1-A13) which he marked into evidence on behalf of the application.

Lynn Dunn Esq., Attorney representing the applicant came forward to address the Board indicating the applicant, Lisa Wacha, seeks to further accommodate the customers of Ocean Organics by providing yoga classes which are currently not zoned in the Borough of Seaside Park.

Lisa Wacha, Applicant came forward and was sworn under oath by the Board Attorney. Ms. Wacha feels by offering yoga classes a beneficial service would be provided to the community. She indicated a denial was issued after filing for a zoning permit in June of 2018 because yoga is not zoned in the Borough. She described the classes being strictly indoors for one-hour long, taught by a single instructor with approximately ten to eleven participants per class, offering eight classes per day. The hours of operation would be concurrent with Ocean Organics starting at 6:00 am ending at 9:00 pm, year round. Yoga related merchandise will be sold in a designated area, no food products. She stated she does not anticipate an additional garbage load.

Matt Wilder, Engineer came forward and was sworn under oath by the Board Attorney. Mr. Wilder provided the Board with his professional and educational background. The Board accepted his qualifications. Mr. Wilder stated the applicant seeks a D(1) Use Variance for a specific use that the Zoning Ordinance is silent on. He explained both the positive and negative criteria of the application by comparing the goals of the 2008 Seaside Park Master Plan with the benefits the application may bring to the community. He believes the building and tenant space are conducive to this type of use by explaining the tenant space is vacant for over four years. Mr. Wilder stated the total rental space is 645 sq feet. Exhibit (A-14) depicts a fully compliant ADA restroom. The restroom dimensions are 7.5 x 6.25 which he states accommodate the minimum turning space for a wheelchair and a 10 ft x 4.5 retail area for the sale of yoga-related merchandise. Mr. Wilder explained the proposed operation would not negatively impact any of the existing non-conformities identified in the report submitted by Mr. Rohmeyer.

Mr. Wilder stated there is no request for onsite parking and the sign will be fully compliant. The air conditioning unit was described as very small having to cool only a 600 sq ft. area, imposing no impact. The flood prevention measures would be to elevate the air conditioning unit. He believes no other outside agency approval is applicable.



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Submitted to the Board and marked into evidence:
(A-14) Tenant Space Layout exhibit dated 9-25-18

Discussion by the Board took place in regards to screening off the air conditioning unit with lattice as a visual and noise buffer, trash remaining on the south side of the building, and the building rear door usage.

Mr. Losey indicated the property was significantly flooded after Super Storm Sandy asking if it was tested for mold. Ms. Wacha indicated the property owner did test for mold resulting in the replacement of drywall and insulation.

Motion & Vote:

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

Roll Call Vote: Motion to carry application PB/18-18 was made by Mr. Losey, seconded by Mr. Bucci and unanimously carried by the membership present.

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

Public Comment:

Chairman Guiliano opened the floor to the public.

Mitchell Koppelman of 204 Tenth Avenue inquired about an occupancy number for fire safety aspects of the Wacha application.

Chairman Giuliano explained that fire regulations are governed by its own entity.

Gerald Rotonda of 209 Eleventh Avenue asked the Board to do a courtesy review explaining he needs an interpretation from the zoning officer in regards to elevating his house in a nontraditional manner.

Chairman Giuliano stated the procedure requires Mr. Rotonda to apply with the zoning office.

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

8. Review of Correspondence.

* State vs. Kelly Ann Dixon letter from Borough Attorney Zabarsky

9. Unfinished Business.

* None

10. New Business.

Mr. Rohmeyer explained a discussion with the Zoning Officer who requested clarification regarding building height when the maximum building height is set by an average of the top of curb elevation. He explained that some properties of the Ocean block regulate the building height by the top of curb elevation, set at 35ft from the average top of curb grade.

Chairman Giuliano stated the acting Zoning Officer requested clarification to interpret the average top of curb elevation for corner lots. The Board members discussed the intent of the ordinance concluding the ordinance is clear and concise reading to take the average, not the lowest spot. Mr. Rohmeyer will clarify with the zoning officer.

11. Adjournment.

With no additional business to be discussed at this time, the meeting was adjourned at 8:15 pm on a motion by Mr. Wilk, seconded by Mr. Amabile and unanimously carried by the membership present.

Date Approved: _____

Planning Board Chairman

Board Secretary