



**Borough of Seaside Park  
Planning Board**

**REGULAR MEETING MINUTES  
TUESDAY, MARCH 23, 2021 \*7:00 p.m.**

A Regular Meeting of the Seaside Park Planning Board was held on Tuesday the 23rd day of March at 7:00 pm via Zoom Meeting with Michael Giuliano presiding.

PRESENT:

Roll Call of Board Members.  
Michael Giuliano, **Chairman**  
Martin Wilk, **Vice Chairman**  
Anthony DiCaro  
Dominick Bucci  
Anne Pitchell  
John Peterson Jr., **Mayor**  
Chief Boag, **Police Chief**  
Matt DeMichele, **Council Member**  
Karen Kroon, **Alternate #1**

ALSO PRESENT:

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

ABSENT

Frank Losey

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.”

**5. Swearing in of Professionals**

Board Engineer, Rohmeyer was sworn in under Oath by Board Attorney Hock.

**6. Resolutions Memorializing Board Decisions**

**PB/2020-06\*** DiGiorgio.....207 N Street (Block 63 Lot 53) \* Filed October 2020

The Board Attorney, Mr. Hock summarized the resolution and conditions into the record.

*Chairman Giuliano announced that Ms. Kroon is not eligible to vote.*

*Chairman Giuliano requested a motion to approve Resolution PB/2020-06 with a number of conditions.*

**Roll Call Vote:** Motion to approve Resolution PB/2020-06 with a number of conditions was made by Mr. Bucci, seconded by Vice-Chairman Wilk, and carried.

For: Bucci, Wilk, Peterson, DeMichele, DiCaro, Pitchell, Giuliano

Against:

Abstain:

Absent: Losey

Not Voting: Kroon

**7. Approval of Minutes:** February 23, 2021

*Chairman Giuliano announced that the approval of minutes for February 23, 2021 would be carried to the next meeting.*

**8. Approval of Bills**

*Chairman Giuliano requested a motion to approve the three (3) invoices submitted by Board Engineer, Mr. Rohmeyer.*



**Borough of Seaside Park**  
**Planning Board**

REGULAR MEETING MINUTES  
TUESDAY, MARCH 23, 2021 \*7:00 p.m.

**Voice Vote:** Motion to approve the invoices submitted by Mr. Rohmeyer was made by Vice-Chairman Wilk, and seconded by Mr. DeMichele, and unanimously carried by the membership present.

*Vote of acclamation with unanimous consent, motion carried.*

*Chairman Giuliano requested a motion to approve one (1) invoice submitted by Board Secretary, Ms. Marin.*

**Voice Vote:** Motion to approve the invoice submitted for Ms. Martin made by Vice-Chairman Wilk, and seconded by Mr. DeMichele, and unanimously carried by membership present.

*Vote of acclamation with unanimous consent, motion carried.*

*Chairman Giuliano requested a motion to approve five (5) invoices submitted by Board Attorney, Mr. Hock.*

**Voice Vote:** Motion to approve the invoices submitted by Mr. Hock was made by Vice-Chairman Wilk, and seconded by Ms. Pitchell, and unanimously carried by the membership present.

*Vote of acclamation with unanimous consent, motion carried.*

**9. New Business**

Chairman Giuliano summarized the Borough's request to update the Flood Damage Prevention Ordinance.

Chairman Giuliano recommended holding off recommendations until it is formalized by the Borough and requested the Board to review the ordinance.

**10. Pending Applications**

*"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 on the applicant to show proofs that satisfy both the negative and positive criteria as provided in the Municipal Land Use Law. Only when the applicant has satisfied these tests can 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."*

---

**PB/2020-08 \* Major Boardwalk Trust\* (Block 63, Lot 14)**

Location: 291 N Street

Zone: Boardwalk

Attorney Representing Application: Michael Jedziniak Esq.

**Michael Jedziniak, Esq., Carluccio, Leone, Dimon, Doyle, & Sacks**, Attorney representing Major Boardwalk Trust, d.b.a. Funtown Pier Amusements, Inc., summarized the application for the record, which includes beginning the first phase of the reconstruction of Funtown pier, rebuilding the office building, adding portable locker units and bathrooms, and food trailers. The applicant is also withdrawing permission to sell food in the tiki hut.

**Douglas Klee**, Engineer, came forward and was sworn under Oath by the Board Attorney, Mr. Hock. Aerial photos were shared with the Board, as well as the site plan, floor plan, and elevation plan. Mr. Klee testified the concerns expressed to the board and how they were addressed in the site plan.

Chairman Giuliano noted that the site plan needs amendment to depict that no playground equipment will be within 15 ft. of the property line.



***Borough of Seaside Park  
Planning Board***

**REGULAR MEETING MINUTES  
TUESDAY, MARCH 23, 2021 \*7:00 p.m.**

Mr. Klee testified that the height of the building is 35 ft. from the boardwalk, and 12 ft. from the top of the curb. Chairman Giuliano noted that the Board interprets the building height to be measured from the boardwalk. Chairman Giuliano requested clarification of the applicant that a height variance is not being sought.

Mr. Rohmeyer requested modifications shown on the plans such as the dunes, and areas of disturbance.

Mr. Klee testified that the sewer would be operational before the bathroom trailers are installed. There will be no holding waste on site. Mr. Klee also testified that the bathrooms cannot fit in the suggested area because there was not enough room to make them ADA compliant.

*Chairman Giuliano requested Mr. Rohmeyer, Board Engineer, to discuss the 2019 permit.* Mr. Rohmeyer discussed the permits that are specific to the previous plan it approved and what was included, with several provisions such as any modification to the dune fence and excavation or grading. Mr. Rohmeyer gave opinion that the proposed site plan would require an amendment to the permit or potentially a different individual permit.

Mr. Klee testified that he was aware, but the Department of Environmental Protection does not want to weigh in until the local authority approves the plan. In the event that the plan is approved at the meeting, Mr. Klee would submit the plans to the Department of Environmental Protection. *Mr. Rohmeyer said that he suspects he would receive an updated permit if the application is approved at this meeting.*

**Board Questions:**

Mr. DiCaro asked if there was an intention to excavate five more feet of the dune. Mr. Klee testified that they would excavate the dunes to the elevation approved by the Army Corps of Engineers for the pier to be 15.1 ft.

Mr. DiCaro asked if the new boardwalk will match the elevation of the surrounding boardwalk. Mr. Klee testified that it would.

Mr. Bucci asked if the food trailer would be open to the public. Mr. Klee testified that wristbands would be required to access the food trailer.

Mr. Bucci asked if the food trailer would require utilities. Mr. Klee testified that the trailer was self-contained and would not require utilities.

Mayor Peterson asked if the office building was permanent because the permit specifically allows for temporary structures. *Mr. Klee testified that the office building was permanent and part of the pier reconstruction and would be included with the permit amendment to authorize its construction.* Chairman Giuliano clarified that the building could not be constructed until the Department of Environmental Protection authorizes construction.

Mayor Peterson expressed concerns about the permanent nature of the office in the event that the pier was never built.

**Gregory McLaughlin**, Operations Manager, came forward and was sworn under Oath by the Board Attorney, Mr. Hock. Mr. McLaughlin addressed the questions regarding the refuse and recycling plan and submitted a new plan to the Recycling Coordinator of Seaside Park, which was deemed acceptable by the Recycling Coordinator.



***Borough of Seaside Park  
Planning Board***

**REGULAR MEETING MINUTES  
TUESDAY, MARCH 23, 2021 \*7:00 p.m.**

Chairman Giuliano clarified that there was no

bulk storage on site.

Mr. McLaughlin described into the record the process for disposing of the water, as well as the oil from the friers. Mr. McLaughlin also described into the record the self-contained fire suppression system and noted that they would comply with the Ocean County Board of Health regarding the propane tanks.

**Board Question:**

Mr. Bucci clarified that no utilities would be needed in the trailer. Mr. McLaughlin confirmed.

**Public Question:**

**Steven Ward, Esq., Giordano, Halleran, & Ciesla, P.C.** asked for more testimony about the access mats and maintenance of the ADA compliant walkway. Mr. Klee answered that the property line, the dunes, and the boardwalk will be graded to 15 ft. *Chairman Giuliano requested that this be indicated on the site plan.*

Mr. Ward read into the record the site plan from April 2, 2014 prepared by Owen, Little & Associates. Discussion ensued around the language on the plans.

Mr. DiCaro asked the location of the exterior racks holding the propane tanks. Mr. McLaughlin answered that they were located on the rear of the food trailer.

Mr. DiCaro asked if they would be secure and enclosed so no one could accidentally open them. Mr. McLaughlin said that they would be locked and enclosed to the extent that the Ocean County Board of Health allowed. *Chairman Giuliano clarified that it would be a condition of approval.*

Mr. DiCaro asked the number of gray and fresh water holding tanks. Mr. McLaughlin answered there will be one 120 gallon tank.

Chairman Giuliano asked how it would be emptied. Mr. McLaughlin answered a service truck will empty the tank and bring it to the sewer.

Chairman Giuliano recommended moving the application along as they complied with the requests from the February 23<sup>rd</sup> meeting, but expresses that the plan itself has to be referenced in the approval of the Department of Environmental Protection.

**Public Statement:**

Mr. Ward gave a statement emphasizing the need for proper permits before construction.

There being no further public comments, this portion of the meeting was closed by a motion was made by Mr. DiCaro, and seconded by Vice-Chairman Wilk, and unanimously carried by membership present.  
*Vote of acclamation with unanimous consent, motion carried.*



***Borough of Seaside Park  
Planning Board***

**REGULAR MEETING MINUTES  
TUESDAY, MARCH 23, 2021 \*7:00 p.m.**

*Chairman Giuliano requested a motion for application PB2020-08 with a number of conditions.*

**Motion & Vote:** Motion to approve application PB2020-08 with a number of conditions, made by Ms. Pitchell, seconded by Mr. Bucci, and the motion is denied.

Mayor Peterson expressed concern over the dunes, the permanence of the office building, the location of the bathrooms, and did not feel the testimony was adequate regarding the weather conditions and temporary structures.

Chief Boag also expressed concern over the dunes.

Vice-Chairman Wilk expressed concern over the dunes if the office was constructed before the pier was reconstructed.

For: Pitchell, Bucci, Giuliano

Against: Peterson, Boag, DeMichele, Kroon, Wilk, DiCaro

Abstain:

Absent: Losey

Not Voting:

**Stephen Leone, Esq., Carluccio, Leone, & Sacks**, Attorney representing the applicant, expressed disappointment that misinformation regarding the dunes was the basis for the decision.

---

**PB/2021-02 \* Berner (Block 49, Lot 13)**

Location: 18 G Street

Zone: R (Residential)

Attorney Representing Application: Lynne Dunn Esq.

*Mayor Peterson recused himself because he lives within 200 ft. of the residence and had been noticed.*

*Chairman Giuliano announced that Ms. Kroon would be eligible to vote for this application.*

**Lynne Dunn, Esq., Hierung, Dupignac, Stanzione, Dunn & Beck**, Attorney representing the applicant, summarized the request for a front setback into the record.

**Blase Berner**, the Applicant, came forward and was sworn under Oath by the Board Attorney, Mr. Hock. Mrs. Berner described her education and history with the area into the record. Mrs. Berner testified that she bought a 90-year-old home in Seaside Park, where the cost renovations would be cost-prohibitive. Mrs. Berner requested a front setback and described the reasoning behind the request.

**Jason Marciano, PE, PP, CME, CFM**, Engineer, came forward and was sworn under Oath by the Board Attorney, Mr. Hock. Mr. Marciano testified for the record that the home is 90-year-old, two-story home with five bedrooms and a covered front porch on a 5,000 sq. ft. lot. Mr. Marciano testified to the condition of the foundation and the slope of the floor, and expressed structural concerns with elevating the house. Mr. Marciano testified the proposed new home be two-and-a-half stories with a crawlspace foundation, and proposes adding an inground pool (10 ft. by 18 ft.) and a detached garage with a width of 10 ft.



***Borough of Seaside Park  
Planning Board***

**REGULAR MEETING MINUTES  
TUESDAY, MARCH 23, 2021 \*7:00 p.m.**

The revised plot plan was shared with the Board.

Mr. Marciano outlined the requested a variance for a front yard setback into the record. Mr. Marciano addressed the storm water management concern expressed by Mr. Rohmeyer, proposing grading to handle the run-off and adding wood-ties to ensure the run-off does not go into the neighboring property. Mr. Marciano testified that the placement of the air conditioners and electric meters meet FEMA codes.

Ms. Dunn read for the record that the applicant would update architectural plans to show the modifications of the building and lot coverages that required.

Mr. Marciano testified that the home is a single-family home with four bedrooms and four-and-a-half bathrooms and the western driveway apron would be removed and a new driveway apron, curb, and sidewalk would be constructed on the eastern side of the property.

The elevation plans were shared with the Board.

**Allison Coffin**, the Professional Planner for the applicant, came forward and was sworn under Oath by the Board Attorney, Mr. Hock. Ms. Coffin summarized the proposed new home into the record, which requires a bulk variance for a 15 ft. front yard setback. Ms. Coffin gave opinion that the setback being requested would be under the C (2) standard in Municipal Land Use law. Ms. Coffin testified that the proposed setback matches adjacent homes on this side of G Street and there are positive reasons for the granting of the variance, and it can be granted without detriment to the health, safety, and general welfare of the public.

Ms. Coffin testified that the removal of the tree in the front yard is necessary as it obstructs light, air, and open space. An exhibit is shared with the Board showing the current front yard setbacks of adjacent properties and a map of the front setbacks.

**Board Question:**

Chairman Giuliano asked which bulk setback is most important to setting the character of the neighborhood. *Ms. Coffin answered that it would be the front and side setbacks.*

Chairman Giuliano explained that most of the houses are as old as he is and asked if it was Ms. Coffin's opinion that the Board grant front side setbacks every time a house is torn down and rebuilt on that street.

Discussion ensued regarding granting setbacks to homes rebuilt on the street between Chairman Giuliano and Ms. Coffin.

Vice-Chairman Wilk asked if the detached garage would fall into the definition of a garage if it does not fit the legal parking spot for a car. *Mr. Rohmeyer answered that a minimum parking space is 10 ft. by 20 ft. but recognizes the garage parking space is not required to meet the minimum.*

Vice-Chairman Wilk expressed concern about the storm shutter on the side of the garage.



***Borough of Seaside Park  
Planning Board***

**REGULAR MEETING MINUTES  
TUESDAY, MARCH 23, 2021 \*7:00 p.m.**

Mr. DeMichele asked for clarification on the C(2) standard and expressed concern that if the lot is being cleared completely, why is the property compliant with current Zoning laws. *Ms. Coffin reiterated that the setback allows for light, air, and open space that would be obstructed without it.*

Ms. Pitchell commented about the tree noted as an obstruction to light and air but expressed that she was agreeable to its removal.

**Public Questions:**

**Kate Rooney, 16 G Street**, asked for clarification if the third-floor porch is included in the setback.

**Public Comment:**

**Bill Denlinger, 17 G Street**, came forward and was sworn under Oath by the Board Attorney, Mr. Hock. Mr. Denlinger expressed that he is in favor of the variance because it keeps to the character of the neighborhood.

**Kate Rooney, 16 G Street**, came forward and was sworn under Oath by the Board Attorney, Mr. Hock. Ms. Rooney expressed concern over the necessity of the over 50% setback, and instead suggested a compromise. Ms. Rooney also expressed concern that the setback would not match the setbacks of the newer houses as they are constructed and rebuilt.

**Jim Silvester, 24 G Street**, came forward and was sworn under Oath by the Board Attorney, Mr. Hock. Mr. Silvester expressed that the newer home built had an oversized lot and did not have a need to apply for a setback. Mr. Silvester expressed that he was in favor to the approval of the setback and expressed that the removal of the tree improves his home's line of sight.

*Attorney Dunn requested a five-minute recess. The recess was granted.*

*Chairman Giuliano requested Board opinion on carrying PB/2021-01 to the next meeting due to the time. Ms. Kroon expressed that she would be in favor of hearing another meeting. Vice-Chairman Wilk expressed*

Chairman Giuliano expressed that this application maximizes each aspect. He noted that taking down structures and building to conforming setbacks has been the trend, but in his opinion, if the structure is being removed and rebuilt, it should conform to the setback. The setback was amended from 20 ft. to 15 ft. Granting any kind of bulk setback on a lot that is to be cleared and setback, he would not be in favor.

Attorney Dunn requested that the application be carried to the next meeting.

Vice-Chairman Wilk was in agreement with Chairman Giuliano and requested clarification on the plans.

Mr. DiCaro commented that the front yard setback and side yard setback should be according to Zoning and expressed concern over the detached garage.

Mr. DeMichele expressed concern that the application does not meet the standards to approve the setback.

Mr. Bucci expressed agreement with Mr. DeMichele and is not in favor of granting the setback.



***Borough of Seaside Park  
Planning Board***

**REGULAR MEETING MINUTES  
TUESDAY, MARCH 23, 2021 \*7:00 p.m.**

Ms. Kroon expressed agreement with Mr. DeMichele and Mr. Bucci.

Attorney Dunn reiterated her request to review the Board's comments and considerations but asks if the required 8 ft. separation between the house and pool is less significant from a planning setback. *Chairman Giuliano expressed that the pool is a self-created situation because it is not an existing pool on the property. The ordinance had been amended to shorten the setback to allow for pools.*

*Chairman Giuliano requested a motion to carry PB/2021-02 to the next meeting and an extension of time.*

**MOTION TO VOTE:** The motion to carry PB/2021-02 to the next meeting and grant an extension of time was made by Mr. Bucci, seconded by Ms. Pitchell, and carried unanimously by all membership present.

*Vote of acclamation with unanimous consent, motion carried.*

---

**PB/2021-01 \* Hummer (Block 63 Lot 14)**

Location: 291 N Street

Zone: R (Residential)

Attorney Representing Application: Robert McGowan, Esq.

Chairman Giuliano requested the Board's opinion on moving forward with the application of PB2021-01 due to the time. The Board agreed to move forward.

**Robert McGowan, Esq., Law Offices of Robert J. McGowan**, Attorney representing the applicant, expressed that notice was submitted and proof of notice was submitted that the jurisdiction would be accepted. *Board Attorney, Mr. Hock, agreed that it was appropriate.*

Mr. McGowan summarized the application into the record, requesting a rear yard setback, that is less than what currently exists, and the applicant is eliminating side yard setbacks, front yard setback, and eliminating impervious lot coverage.

**John Amelchenko, A.I.A.**, Architect, came forward and was sworn under Oath by Board Attorney, Mr. Hock. Mr. Amelchenko is a practicing licensed architect in the State of New Jersey and has been for approximately 35 years. Mr. Amelchenko summarized the existing structure into the record and gave opinion that the home is not a good candidate for renovations because the home sits about 8 ft. below the FEMA finished floor elevation. Mr. Amelchenko outlined the elimination of several nonconformities in the redesign into the record. Mr. Amelchenko also expressed that the existing curb cut will be removed, and the curb cut and depressed apron will be moved West, and in his opinion, does not result in a loss of any public parking on N Street.

Chairman Giuliano expressed concern that the curb cuts were not compliant to Zoning. Mr. Amelchenko said that the firm was given incorrect information, but the resubmission has plans with the correct dimensions.

Mr. Rohmeyer, the Board Engineer, expressed that the site plan conforms, but the wording underneath needs to be clarified to conform.

Mr. Amelchenko testified that he is in the process of applying for a CAFRA permit. Mr. Amelchenko testified that the home is a single-family home.

**Board Questions:**



***Borough of Seaside Park  
Planning Board***

**REGULAR MEETING MINUTES  
TUESDAY, MARCH 23, 2021 \*7:00 p.m.**

Vice-Chairman Wilk asked the deed restriction. Attorney McGowan answered that it was regarding the title.

Attorney McGowan asked Mr. Amelchenko questions regarding his testimony to emphasize the elimination of nonconformities on the existing structure and the new structure's conformity with FEMA.

**Public Question:** None

**Public Comment:**

**John Schuyler, 289 N Street**, came forward and was sworn under Oath by Board Attorney, Mr. Hock. Mr. Schuyler expressed that he and his wife are in favor of this application as their neighbors to the east and expressed that they believe the new design will improve the aesthetics of the neighborhood.

There being no further comments, a motion was made to close the public comment by Mr. Wilk, seconded by Mr. DeMichele, and carried by unanimously carried by membership present.

Chairman Giuliano expressed that he is in favor.

Ms. Kroon is a neighbor, thought not in the notice zone, expressed that she is in favor as well.

Chairman Giuliano announced that Ms. Kroon is eligible to vote on this application.

*Chairman Giuliano requested a motion for PB/2021-01 with conditions.*

**Motion & Vote:** A motion to approve PB/2021-01 with conditions was made by Vice-Chairman Wilk, seconded by Ms. Pitchell, and carried.

For: Wilk, Pitchell, DiCaro, Bucci, Peterson, Boag, DeMichele, Kroon, Giuliano

Against:

Abstain:

Absent: Losey

Not Voting:

**10. Review Correspondence:** None

**11. Unfinished Business:** None

**12. Adjournment**

With no additional business to be discussed at this time, the meeting was adjourned by a motion made by Ms. Pitchell, seconded by Mr. Wilk, and unanimously carried by membership present.