

MINUTES

Seaside Heights Planning Board
Wednesday, February 27, 2019
6:00pm
Court Room over Fire House

Opening: *Chairperson Frank C. Gorman opened the meeting at 6:06 pm.*

Roll Call: *Present: Frank C. Gorman, Chris Vaz, Frank Santora, Peter Jarkezian, Michael Carbone, Robert Triano, Vito Ferrone*

Absent: Steve Sanzone, Ted Szejnrok, Tom Faragalli

Approval of Minutes: January 30, 2019 & February 4, 2019 Meeting

A motion to approve Minutes from January 30, 2019 and February 4, 2019 was made by Vito Ferrone, second by Robert Triano. All were in favor.

Block 12 Lot 1 - 315 Boulevard - Robert J. Bennett - Zone: Retail Business – Minor Site Plan

Applicant recently constructed an ice cream parlor on this property. As instructed by the Board and per Resolution 2017-09, applicant is coming to the Board for site plan approval to add an arcade and party room to this property. In addition, applicant will be seeking a design waiver and a variance for parking.

PUBLIC HEARING

Frank C. Gorman stepped down as he has a conflict.

Harvey York, Esq. appeared on behalf of the applicant. Application was approved on a prior occasion for the business that currently exists on this property. He stated that there will be minimal changes to the property. The applicant is going to take the area where the canopy for the drive-thru is and will close it in to create a room. They will be taking away the drive-thru and adding 5 parking spots. Where there was no parking whatsoever, there are now 5 spaces. York stated that the original plans called for 10 parking spaces and was approved without any. He asked the Board to take into consideration that they are adding spaces and that there is a parking lot directly across from the property. Their intention, York stated is to increase use and viability of the site as a family destination.

James Giordano, Engineer was sworn in.

Doug Klee pointed out that Hamilton Ave. and the Boulevard is a county road. York assumed that there was originally a parking variance granted on the first resolution but there was not. York stated that they will amend the plans to reflect that.

2.

Rob Greitz stated that he reviewed the certified notice, which stated that the applicant requested waivers and any variances necessary to comply and approve the application. Greitz pointed out that on the certified notice and on the maps the roads are designated properly. The Board accepted Giordano's qualifications.

Giordano went on to testify there will be no change in the size of the roof overhang and it will dictate the size of the addition (360 sq. ft.) No new roof structure will be built and the walls will be built from that existing structure. York asked how many new employees will they be expecting to have on site. Giordano said 3-4 employees and the hours will be 10 am to 12 am. Everything that was discussed and approved in the prior application will stay the same with regard to the deliveries and storage. The dumpster for solid waste is being moved to the back of the building to accommodate parking. York asked Giordano if there is a parking lot across the street. He responded that there is a lot across the street. He also asked Giordano if the driveway is sufficient to service the building. Giordano said yes, but that it is just a little bit tight. York asked Giordano if he thought that adding 5 spaces to the site was an improvement. Giordano stated that it would be. He further explained that if they were to widen the driveway, it would take away from parking spaces on the street.

York asked Giordano to explain any other important elements of the request. Giordano stated that the signage will not change and there will be nothing additional. There will also be no change in the grading of the property. Giordano's opinion was that if the Board granted the variances requested, it would be of no detriment to the community.

Chris Vaz asked Giordano if they relocated the additional room to the back (west) side of the building instead of where the overhang was located, would that provide more parking spaces. Giordano said it wouldn't. Vaz also asked about the bathrooms. Giordano stated that there are plenty as-is, but they will be adding 4 more.

Doug Klee asked if the driveway on Franklin Ave and the Boulevard was eliminated, could that add another parking space. Giordano responded that Mr. Bennett wants and access driveway to drop kids off in front of the building.

Doug Klee requested a formal, written description of the business operations. Mr. York said that the operations of the business had already been approved in the last resolution, but he will submit them again. Mr. York reminded the Board not to forget that this was an abandoned, old bank and Mr. Bennett turned it into something nice.

There were no questions from the audience or 200' Radius list.

3.

Board member Frank Santora asked how long they thought it would take to build this? They are hoping 6 months or less so they can be open mid-Summer.

All members of the Board were in favor of adopting a resolution to approve this application.

Resolution to be memorialized at the March 27, 2019 meeting.

**Block 6.02 Lot 1.02-500 Boardwalk-AFW 500 LLC, "SPICY"-Zone: Resort Recreational
Project Title: Midway Restaurant and Bar**

The applicant proposes to remove the amusement games on the south east corner of the property (Webster Ave. and Ocean Terrace) replacing them with a full service, fast-food restaurant and bar. This facility will seat 84 people. The current Coin Castle signage would be removed and additional Spicy's signage would be added over the new area.

MEMORIALIZE RESOLUTION 2019-06

A motion to memorialize the above resolution approving improvements was made by Vito Ferrone and seconded by Robert Triano.

All were in favor: Vito Ferrone, Robert Triano, Chris Vaz, Frank C. Gorman

**Block 69 Lots 1, 1.01, & 1.02- Dupont Ave. Pier-Seaside Ocean Terrace LLC-Zone Resort Rec.
Minor Site Plan**

ADMINISTRATIVE APPROVAL

This applicant received approval to construct this project in March 2018 in two phases, with directions to go back to the Planning Board with any additional construction and or if there is any deviation from the approved design plans.

Applicant is proposing to build (6) 30' x 18.5ft. boardwalk kiosks on the boardwalk, a restaurant, an in-ground pool, a 7500 sq. ft. Beach Bar, 10' x 12' cabanas, (2) 40' x 25" Club buildings, and a banquet space/facility ocean side on existing boardwalk. This is a conforming use of the property and will not be asking for variances.

Refer to letter by Mark Schneider dated February 17, 2018 (not sure if that was a typo or the actual date the letter was written). The applicant will be requesting administrative approval to utilize the type of awning that has already been constructed on the 6 kiosks, which are different than those which were approved from the plans and designs submitted to the Board in March of 2018.

The applicant requested administrative approval to utilize the type of awning that has already been constructed on the 5 kiosks, (the applicants constructed 5 instead of 6 for access to the pool area, when built) which are different than those that were approved from the plans and designs submitted to the Board in March of 2018. The attorney, Mark Schneider explained that the original design of the awnings looked aesthetically pleasing, but were not practical. The awnings were essentially slats with openings. The object of the awnings was to keep the rain and harsh sun off of patrons and employees, but this design was not effective. The applicants

4.

*decided to construct the awnings as a type of hip roof to accomplish the protection they were looking for. A motion to administratively approve was made by: Vito Ferrone, Second by Robert Triano. Yes votes by: Frank C. Gorman, Chris Vaz, Frank M. Santora, Peter Jarkesian, Vito Ferrone, Robert Triano. * Mike Carbone did not vote due to conflict. **The Board agreed with the applicant and approved the change in design.***

BL. 55 Lots 1, 2 & Part of 9 – 1515 Ocean Terrace - FIRETTO CONDOMINIUMS- Melchiorre, Joseph and Paul Firetto- Resort Recreational Zone

Applicants are proposing to construct an 8 unit, 3 story condominium building with garaged parking underneath. The ground floor would be a street level garage. The first floor will contain 3 condominium units. The second floor will contain 3 condominium units. The third floor will contain 2 condominium units. All units are on floor in height. All units are accessed by common stairways originating within the garages. Each unit shall have 2 garage parking spaces on the first level. The building shall be positioned 1 foot off the southerly property line. Storm drainage is proposed under the driveway to collect all site runoff. Lighting and landscaping are proposed around the site. The condominium building is to be serviced by municipal water and sewer services.

ADMINISTRATIVE APPROVAL

*These applicants received approval in 2016 to construct these condominiums memorialized in Resolution #2016-15. They are coming before the Board for administrative approval to modify the approved design to the entrance of the building. The impetus for this modification was subsequent to a state inspection of the elevator system. The inspector reported that there needs to be a “stair egress from the second floor” in order to pass the inspection. Board members verified with the applicants’ architect, Dario Pasquariello, that the stairs will be within the approved setbacks for the building and agreed that they should make the required design/construction changes to satisfy the safety requirements for the state inspection. A motion to administratively approve the changes was made by Mike Carbone, second by Peter Jarkesian. All in favor: Frank C. Gorman, Chris Vaz, Peter Jarkesian, Mike Carbone, Vito Ferrone, Robert Triano. **The Board agreed with the applicant and approved the change in design***

DISCUSSION:

ORDINANCE NO. 2019-01: AN ORDINANCE OF THE BOROUGH OF SEASIDE HEIGHTS PROHIBITING APPROVAL OF APPLICATIONS WITHING THE BOROUGH OF SEASIDE HEIGHTS THAT REQUIRE BOROUGH GOVERNMENT APPROVAL WHICH ARE VIOLATIVE OF FEDERAL LAW AND AMENDING CHAPTER 246 SO AS TO PROHIBIT THE SALE OR DISPENSING OF MARIJUANA OR ANY CANNABIS-BASED PRODUCTS.

5.

The Mayor and Council would like a discussion of the above ordinance by the Seaside Heights Planning Board prior to the second reading and passage of said ordinance.

Rob Greitz explained that the sole purpose of the discussion is to decide if this ordinance complies with the Master Plan of the town. The ordinance will prohibit the sale or dispensing of any goods, which contain marijuana or have a cannabis base.

Vito Ferrone stated that some Board members can't understand why the wording about the Federal Law has to be included in the ordinance.

Frank Santora explained that the Attorney General can prosecute a municipality if they approve the sale of marijuana/cannabis, because there is Federal law that prohibits it. Santora went on further to question, would it be compatible with the Master Plan if you are running "illegal" businesses.

Peter Jarkesian feels that the Federal government should not be able to dictate what towns can do.

Chris Vaz said he felt that the ordinance read like "a preamble".

Board members raised a question about section 1 about parts of the plant extraction and CBD oil. The members stated that CBD is available everywhere and should be left out of the ban, the wording should say there is a ban on THC, however.

All members agreed to have Rob Greitz draft a letter to the Mayor and Council on behalf of the Seaside Heights Planning Board.

A motion to adjourn the meeting was made by Robert Triano, Second by Vito Ferrone at 6:55 pm.

Minutes of this meeting are not verbatim, but highlight that events that took place. A recording of this meeting is available at the Borough Hall in Seaside Heights.

Submitted by:

*Sherri R. Sieling
Planning Board Secretary*