

MINUTES
Seaside Heights Planning Board
Wednesday, June 27, 2018
6:00pm
Court Room over Fire House

Opening: 6:05PM BY FRANK C. GORMAN, CHAIRMAN

Roll Call: *PRESENT: FRANK C. GORMAN, STEVE SANZONE, CHRIS VAZ, MICHAEL CARBONE, ROBERT TRIANO*

ABSENT: PETER JARKEZIAN, KIMBELY PARKER, PAT CALINDA, VITO FERRONE, TED SZEJNROK, THOMAS FARAGALLI

A motion was made by Steve Sanzone, second by Robert Triano to approve the minutes from the meeting held on June 4, 2018. Chris Vaz had to abstain since he was not present for the June 4th meeting. All others were in favor.

***The following applications were carried from May 30, 2018 as there was no quorum. The new date of June 27, 2018 was advertised in the Asbury Park Press.**

**Block 40 Lot 9 – 1004 Boulevard – Hephaestus Enterprises, LLC. – Zone- Retail
Business/Residential
Major Site Plan**

Applicant is requesting preliminary and final major site plan approval to construct (2) 2-unit, 3-story townhouse buildings with parking underneath, a pool, and outside seating barbecue area. This is a conforming use of the property and is currently a vacant, gravel lot. They will be asking for a Front Setback variance for this project asking for a 5 foot setback, where 10 feet is permitted by code.

PUBLIC HEARING

Martin J. Buckley, Esq. of Dasti, Murphy, McGuckin, et al Law Firm appeared on behalf of the applicant, Haphaestus Enterprises, LLC. They are requesting preliminary and final site plan approval with one variance. This property is currently a vacant lot. The variance which they are asking for is a 5' front setback as opposed to the 10' required front setback.

Jason Marciano, Lic. Engineer of East Coast Engineering was sworn in. It was at this time that Frank C. Gorman realized he could not participate in this application as a Planning Board Member. Rob Greitz stated to the attorney that there are four remaining Planning Board members who can vote. Mr. Buckley stated that they would like to continue on with the hearing. Richard Luthringer, Lic. Architect and Joseph Mackolin, Applicant were both sworn in as well.

Jason Marciano explained that this is an “L” shaped lot on the corner just north of the 7-11 convenience store. It is 40’ long running east/west and there is a 20’ long strip running to the north. Just north of this vacant lot is the Coral Sands Motel. They propose to build 2 buildings with 4 living units that will be 3 stories high. There will be 4 driveways (highlighted in purple) with 2 parking spots for each unit. Ocean county reviewed the site plan because the Boulevard and Sheridan Ave. are County roads. **Highlighted original plans** submitted April 19, 2018 were marked A-1. The County asked for revisions in the plan because they did not want cars to have to “back out” onto the street. Plans have since been revised showing **highlighted alternate driveway plan** marked (dated May 30, 2018) as A-2. There will be (8) 11 foot wide parking spaces. Ground level entry with stairs going up had to be changes to accommodate parking. A/C units will be in each corner of the building. Marciano stated that the Ocean County Planning Board was meeting tonight, June 27th to memorialize their resolution of approval of the plans.

Mr. Marciano spoke in reference to the Engineer’s report by Doug Klee. On page 2 section A Doug Klee states that the plans for this property are all conforming except for the front setback. So that there will be enough parking the stairs will need to be in front of the building necessitating the request for a 5’ front setback as the lower portion of the stairs will extend 8’ from the front of the building. The height of the building, the lot density and the off street parking are all conforming with zoning codes. *The applicant will have to follow-up with the town mayor and council regarding securing 3 parking spots that will be lost by the town because of a planned driveway on the Boulevard. Marciano explained that with regard to drainage, there will be a 25 foot long trench for rain run-off for each unit. There will be the typical residential lighting, for porches and stairs. Landscaping will be decorative stone, some plants and vinyl privacy fencing. Right now, a pool will be optional and if decided to install one, it will be maintained by an outside company with no chemicals stored on site and will be secured by fencing. For solid waste, there will be residential cans for each unit underneath the carport area. There will be no signage. Requesting a waiver from street trees because they will interfere with the stairs.

Buckley asked Marciano in his opinion if this building will be aesthetically pleasing. Marciano said that it will be including very nice architectural elements that Mr. Luthringer will show in his drawings.

Richard Luthringer , Architect showed A-3 **Colored Architecturals**, A-4 **Non-colored**, and A-5 **Non-colored architectural with revised staircase**. Luthringer testified to the placement of the stairs. He also showed that the first floor of the unit will be open plan. The second floor will have 2 bedrooms and a bonus room which could be used as an office. There will be identical side-by side units. Luthringer also stated that this will be a pleasing building for the community.

Steve Sanzone asked if there will be elevators. Luthringer stated that there will only be stairs, and the stairs are the only reason for the variance.

Chris Vaz asked if there will be a homeowner's association. Mackolin stated that the units will be sold separately. Vaz pointed out that they will be required to have separate meters for each unit for their utilities (electric and water/sewer).

Doug Klee the revised plans with new driveways need to be submitted. He stated that any approval will be contingent upon securing the parking spaces from the governing body of the town and County approval.

There were no questions from the 200' radius, members of the audience, or the Board. Rob Greitz reviewed the list of conditions that will be placed on the resolution to approve this project.

A motion to adopt a resolution approving this project was made by Mike Carbone, seconded by Chris Vaz. Yes votes from Steve Sanzone, Chris Vaz, Mike Carbone, and Robert Triano.

Resolution to be memorialized at the July 25, 2018 meeting.

**Block 22 Lot 1- 201 Sumner Ave. White Pearl Hotel- Crown Real Estate Holdings, Inc.- Zone Retail Business
Minor Site Plan**

Applicant is proposing to bring back the hotel that once operated at this property. The current use of this property is non-conforming. The proposed usage, a hotel, will make this a conforming use of that property. There are 34 existing units on the property. The applicant is proposing to increase it to 36 units. There are 24 on-site parking spots. Applicant is not asking for any variances.

The applicant was before the Board on prior occasions. They are bringing in new plans to show that they will be going back to the original plans, which were approved several years before.

PUBLIC HEARING

Anthony Pagano, Esq. appeared on behalf of the applicant. Rob Greitz questioned Frank C. Gorman, since he stated that at one time he had interest in purchasing this property. Rob Greitz, Planning Board Attorney asked if he has any interest at this time. Gorman responded that he does not. No bids were made or contracts. Greitz asked Pagano if he has any problems with this or feels there is a conflict. Pagano stated that he was fine with continuing with Gorman sitting.

Pagano stated that this is a Minor Site Plan approval which the applicant wants to go back to the 2008 plans. He gave a brief procedural history. Originally there were 22 rooms.

The following resolutions were marked: A-1 Planning Board Resolution 05-15, A-2 Planning Board Resolution 08-18, A-3 Planning Board Resolution 09-18, and A-4 Planning Board Resolution 10-8.

-May 11, 2005 was the original resolution approving to build a hotel with 22 rooms, a conference room, and enclosed indoor swimming pool, and a contractor's office with 22 parking spaces in garage and 2 additional spots on property line on Sumner Ave. **A-1**

- November 24, 2008 they were granted a variance to convert existing office space into additional hotel rooms making a total of 34 rooms with 24 on-site parking spaces with an option of the owner to rent 3 more spaces on Sumner Ave. and 3 spaces on Central Ave. bringing the total to 30 parking spots. Pagano highlighted that in this ordinance, it stated that the lack of parking is not a sufficient reason to deny the application. **A-2**

-January 27, 2010 the applicant was granted modification of a previously approved plan to add additional retail space on the ground floor, enclosed existing roof top deck and added an additional bathroom by the pool. **A-3**

-April 28, 2010 a resolution passed granting a reduction of the roof top space creating a flat space to provide for a seating area for hotel customers. **A-4**

Mr. Pagano stated that after Superstorm Sandy, the property had numerous illegal changes, made without permits. The applicant is here tonight for minor site plan approval, to put it back to its originally, legally approved plans, but he "respectfully feels that they should not even be at this meeting" "if they ask for permits and are denied, then that is a taking by the town" because they are not asking for any relief that has not already been granted in the past and the variances run with the property. Pagano feels that this is the path of least resistance to get their application approved.

Ken F. X. Schlatmann, Lic. Engineer was sworn. Schlatmann was the original engineer hired for the hotel plans. He prepared the site plan for the original building. He explained all of the above information that was presented during the procedural history including the past resolutions.

At the request of Pagano, Schlatmann compared what was then (original) and what is now.

Chris Vaz asked a procedural question "what standard are we using"? What is happening right now? Grietz stated that they are here for site plan approval seeking to make this a hotel. There is back history from past a meeting in January with a disagreement between Grietz and Pagano and a decision by Ken Roberts, Zoning Officer stating that this application does not comply with the town zoning. The applicant had two options, either appeal Ken Robert's decision or go before the Planning Board for site plan approval. Chris Vaz wanted to know if there are variances required, how do they do the next step? There is no engineer report to

provide guidance to the Board as is customary. Doug Klee stated that this is already an existing building, that there isn't much to review in terms of engineering. Doug Klee said that it is more the use of the building that is at issue and the parking situation. Chris Vaz then wanted to know if there is a variance? Vaz feels that there should be a variance for parking.

Ken Schlatmann reviewed the application again regarding the resolution in 2008, which provided the conversion of space so that there would be 34 rooms in the hotel. Also discussed how the parking was arranged; 22 parking spaces under the building plus additional 2 spaces outside.

Steve Sanzone asked wasn't there another spot to park cars? He recalled this from being a Planning Board Member for the original approval in 2008. Schlatmann stated that that area is not a part of this application. Sanzone asked if there is any additional parking now, Schlatmann stated there is not. Pagano pointed out that the last Board did not make parking a specific condition of the approval of their project for the 34 units.

Pagano asked Schlatmann what are the differences between now and then (2008). Garage doors on Central Ave. were replaced with standard, overhead doors, work on interior was basically cosmetic. The building structure still operates as it was originally approved. There is a space in the driveway where additional vehicles can be parked. Schlatmann stated that there was mention that there should be valet parking in this building. He said that if the hotel gets to full occupancy, they would be able to park all vehicles on-site with the use of valet parking. Parking would only be done by professionals working at the hotel not by the guests themselves.

Rob Greitz asked Schlatmann to clarify the parking situation again. Schlatmann stated that there are 24 spots on the property; 22 in the garage and 2 on Sumner Ave. With the availability of valet parking, Schlatmann feels that they would definitely be able to accommodate all parking for all hotel rooms. Pagano asked Schlatmann if it was his opinion that valet parking would be sufficient to park the cars. Schlatmann stated that it would.

Pagano asked Schlatmann what variances they are asking for. He also mentioned that in the prior approval, it stated that there was plenty of parking, including public parking for the patrons of the hotel. Schlatmann stated that area has not changed significantly in terms of parking. There are dedicated handicap parking areas, but nothing marked out for specific addresses. Schlatmann said that at the time, 2005, 2006, and 2008 there were variances for the parking (1 stall per hotel room).

Frank C. Gorman interjected stating that he is confused because of the use of the property. Rob Greitz stated forget everything else you know, we are only here for site plan approval for a hotel with 34 rooms with a variance for parking so that there will be one parking space per unit. Even though Pagano and Greitz have a disagreement about the application, the applicants are here to clear this up and get approval to complete their project.

Steve Sanzone wanted to know if there is an option of getting additional spots by leasing a property or something. Schlatmann said the garage is the standard height and size. Planning Board members are commenting that there should be a plan for handling the parking. Schlatmann stated that if valet parking is not acceptable to the board, they will have to look into purchasing property or finding a place to put the rest of the cars.

Chris Vaz stated there is another option, go to the 24 number of units, if there is enough parking for 24 rooms, then why can't you do that? "That would make it a very clean application"

Pagano is stating that it would be going backward and that the resolutions should run with the property.

Chris Vaz wanted to know if there will be a café in the hotel? And if so is that going to serve just hotel guest or the public.

Jacinto Rodrigues was sworn- he stated that they just want to put the hotel back to original state and to sell it. There are offers for small banquet businesses etc. Parking will definitely be affected if the café was being utilized. Rodrigues stated that Crown lent the money to the existing hotel as it is. Since it was not making money, they took the property back. They just want to restore to previous condition. The bank does not want to run a hotel.

Chris Vaz asked if there are any other types of business proposed for this property. Rodrigues stated that there is a banquet facility possible. Chris stated/asked will this burden the parking even further. Doug Klee responded that yes it would increase the need for parking spaces.

Mike Carbone asked if they considered making the rooms into suites with 2 bedrooms for families; one room for the kids and one for the parents. That could decrease the need for parking. Rodrigues stated again, they want to restore the property back to original, which they received a certificate of occupancy for.

Chris Vaz stated that he feels that this is a sloppy application and does not want to make a determination on anything that is not clear in black and white.

The members also stated that other businesses running within the hotel are going to create more of a parking problem. According to Doug Klee and Rob Greitz, there will be 35 spaces required if the café will be running. They also mentioned what will happen to the office space in the hotel? Rodrigues was told by Grietz that the office space will be restricted SOLELY for use of the hotel office management purposes and nothing else. It cannot be rented to anyone for use as a professional office.

At approximately 7:19 pm, the Board took a break so Rob Greitz could review a copy of the legal notice made by the applicant. The addition of a café is not in the legal notice.

The Board reconvened at approximately 7:27pm. Greitz asked does the café appear on the plans? Joseph Feltz, architect, was sworn. He said there is a notion for the café on the plans.

Pagano brought Schlatmann back up to say that they could accommodate all parking with the use of valet parking and that he would make an updated plan to show such. Pagano stated that this could be condition of the approval.

Doug Klee feels pessimistic that this can be accomplished.

Rob Greitz stated there are 3 options:

- 1 Revise parking plan and come back*
- 2 Continue along this way with Doug and have him review the changes.*
- 3. Proceed as is.*

Chris Vaz does not feel that the change is going to satisfy him regarding this application.

Rob Greitz advises that making a revised parking plan for review would be beneficial.

There was a question by a member of the public.

John Walsh was sworn. He lives at the Bayshore Condos on Webster Ave. Listening to the testimony by all previous speakers, his concerns have been put to rest. He hopes that Seaside Heights makes a great comeback. He wanted to be assured that this property was going to be used strictly as a hotel. Mr. Pagano said 100% exclusively as a hotel.

Since there are items that need to be addressed by the applicants, there was a motion by the Board to carry this application to the following meeting on July 25, 2018 to continue the matter.

These minutes are not verbatim, however a recording is available in the Borough of Seaside Heights.

Submitted by :

*Sherri R. Sieling
Planning Board Secretary*

