

PLANNING BOARD
JANUARY 13, 2014

A regular meeting of the Planning Board of the Borough of Belmar was held on the above date at 7:30 p.m., in the Municipal Complex.

Present: Messrs. Meyer, Campbell, Windas, Magovern, Doherty, and Burke; and Ms. Rokoszak

Absent: Mr. Hoffman, Ms. Sheridan, and Mr. Forte

Also Present: Doug Kovats, Board Attorney, Borough Engineer Paul Calabrese, and Board Secretary April Claudio

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2014 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Kovats administered the Oath of Office to the following members: Mr. Magovern, Mr. Campbell, Mr. Windas, Mr. Burke and Ms. Rokoszak

Mr. Meyer made a motion to nominate Mr. Windas as Chairman of the Board, which was seconded by Mr. Doherty and approved by the following vote:

AYES: Messrs. Meyer, Campbell, Windas, Magovern, Doherty, and Burke; and Ms. Rokoszak

NAYS:

Mr. Magovern made a motion to nominate Mr. Meyer as Vice Chairman of the Board, which was seconded by Mr. Windas and approved by the following vote:

AYES: Messrs. Meyer, Campbell, Windas, Magovern, Doherty, and Burke; and Ms. Rokoszak

NAYS:

Mr. Meyer made a motion to waive the reading and approve the minutes of the December 16, 2013 regular meeting, which was seconded by Mr. Windas and approved by the following vote:

AYES: Messrs. Meyer, Campbell, Windas, Magovern, and Doherty

NAYS:

ABSTAIN: Mr. Burke & Ms. Rokoszak

Mr. Campbell made a motion to waive the reading and approve the resolution appointing Douglas Kovats as Board Attorney, which was seconded by Mr. Meyer and approved by the following vote:

AYES: Messrs. Meyer, Campbell, Windas, Magovern, Doherty, and Burke; and Ms. Rokoszak

NAYS:

Mr. Meyer made a motion to waive the reading and approve the resolution establishing the Open Public Meetings Act procedures, which was seconded by Mr. Campbell and approved by the following vote:

AYES: Messrs. Meyer, Campbell, Windas, Magovern, Doherty, and Burke; and Ms. Rokoszak

NAYS:

LOKO CO. INC. – RIVER AVENUE

Appearing for this application was the applicant and property owner Greg Kapalko, his attorney Michael Rubino, and engineer Daniel Caruso.

PLANNING BOARD
JANUARY 13, 2014

Mr. Rubino stated they are only seeking approval for final site plan for Phase I. They will come back in a few months for Phase II. The developer's agreement is now in place. Phase I consists of demolishing the building, extending the River walk, and constructing a temporary outdoor dining area similar to the restaurant on the pier in the marina. This will operate while CAFRA approvals are obtained for Phase II. Once all outside approvals are obtained, Phase II will begin to be constructed which consists of two mixed use buildings. The Board already granted preliminary approval for Phase I back in May 2013. They are now seeking final site plan approval for Phase I.

He stated he would like to discuss the Engineer's review letter and any outstanding issues listed in the preliminary site plan resolution. In reference to the first two paragraphs on page four of the engineer's review letter, these items are addressed in the redeveloper's agreement. Mr. Calabrese confirmed this would satisfy.

In regards to signage Mr. Kapalko stated he would be requesting a variance for signage for Phase I, but in Phase II they will comply with the sign requirements in the seaport redevelopment plan. The two temporary signs would be located near the entrance and facing the River walk. Size and design of the signs are shown on page 5 of the plans. In regards to the notes about the zoning chart, it will be amended to reflect the property is street fronting on River Avenue and not river fronting since they don't own the property between their property and the river.

Mr. Rubino went through each additional item in Mr. Calabrese's review letter. He stated they will comply with paragraph five and will amend the plans accordingly. In regards to paragraph six, Mr. Kapalko stated he will not dedicate two parking spots for NJ transit workers so that he can comply with the parking requirements, but he will allow them to use those spots if needed. In regards to paragraph seven, additional parking is addressed in the developer's agreement. In regards to paragraph eight, Mr. Rubino stated he felt this was addressed at the preliminary site plan hearing. Mr. Kapalko stated the reason the sidewalk is further from the parking spaces is because of the grade and to allow for handicap ramps for Phase II. It will be no different than like walking through a parking lot at any other retail site. Mr. Rubino stated he thought the Board had approved this at the last meeting. In regards to paragraph nine, Mr. Kapalko stated he would address putting the electric underground during Phase II. Mr. Kapalko also stated he spoke to JCP&L about putting the electric underground but it requires an additional transformer being installed which cannot be done at this time because he will not be making any changes to the grade until construction for Phase II starts. In regards to paragraph ten, storm water, Mr. Kapalko stated they haven't decided if they will address it in Phase I or Phase II but think they will most likely wait for Phase II to confirm they will get CAFRA approvals first. Mr. Calabrese stated he has no issue with that however there will have to be some form of temporary easement with the Borough since the pipe will remain on his property until it is permanently moved. Mr. Rubino stated he has no problem with that.

In regards to paragraph 11, occupancy, Mr. Kapalko stated there will be no picnic tables on site and the proposed occupancy is listed on the plans. The proposed temporary structures will be as shown in exhibit A5 or a better quality type structure. In regards to paragraph 13, Mr. Caruso is working on addressing this and will submit a plan. In regards to paragraph 14, Mr. Kapalko stated the perimeter fence would be as depicted on page 2 of A5 with planters near the seating area. In regards to paragraph 15, landscaping, Mr. Kapalko stated he proposes to have palm trees, sea grass and some other small plantings. Also had planned to have red maple shade trees for the street side, but will look at something else since the Borough engineer doesn't think they will last.

Mr. Caruso stated he is working on a lighting plan. Mr. Kapalko stated it would mirror the Borough's street lighting.

Mr. Rubino stated they will comply with paragraphs 18 and 19 and the outdoor dining requirements.

In regards to paragraph 20, Mr. Kapalko stated the dumpsters will be enclosed. He is also looking into a sanitation spray that is put in the dumpsters/compactors to reduce odor.

PLANNING BOARD
JANUARY 13, 2014

In regards to paragraph 22, Mr. Kapalko stated there is no official easement but he has a verbal agreement with Ollie Klein to allow Klein's restaurant to use the trash compactors. He will also tell the tenant and Klein's that they have to use a Cushman to transport garbage from the businesses to the trash dumpster area. In regards to paragraph 23, handicap access ramp details will be provided as a condition of approval.

Mr. Kovats referenced a note in the preliminary approval resolution regarding depressed curbs. Mr. Kapalko stated there will no longer be depressed curbs.

Mr. Kapalko stated he will use a licensed contractor for demolition and anticipates it will take 10 days from start to finish to clear the site.

Mr. Rubino stated Mr. Kapalko ordered an environmental impact statement per the engineer's request but has not received it yet. They will have it in place for Phase II.

Mr. Kovats expressed concern about not seeing the EIS and not knowing if Mr. Calabrese will have requirements that need to be met. Mr. Kapalko suggested making it a condition of approvals that the EIS be submitted prior to the issuance of a certificate of occupancy.

Mr. Calabrese stated he is satisfied with all of the testimony that was provided.

Public Comments: None

Board Comments:

Mr. Meyer stated he is satisfied with the testimony and conditions discussed.

Mr. Campbell agreed and added he is in favor of the project.

Mr. Magovern stated he has seen the work the applicants have done in town and believes this project will be just as good if not better.

Mr. Burke stated he had the opportunity to witness the proposed project when it was presented to the mayor and council and is in favor of the plan.

Ms. Rokoszak stated she will be thrilled to see the building demolished and looks forward to Phase I.

Mr. Windas agreed.

Mr. Kovats summarized and clarified there are only two variances being requested which are for the two proposed temporary signs.

Mr. Meyer made a motion to grant final site plan approvals for Phase I, which was seconded by Mr. Campbell and approved by the following vote:

AYES: Messrs. Meyer, Campbell, Windas, Magovern, Doherty, and Burke; and Ms. Rokoszak

NAYS:

Mr. Windas opened the meeting to the public again, there were no public comments.

Mr. Campbell made a motion to adjourn the meeting, which was seconded by Mr. Meyer and approved unanimously.

**PLANNING BOARD MEETING
FEBRUARY 10, 2014**

PRESENT: Messrs. Meyer, Burke, Windas, Magovern, Campbell, Doherty, Hoffman, Reynolds and Ms. Rokoszak and Ms. Sheridan

ABSENT: Mr. Forte

ALSO PRESENT: Douglas Kovats, Esq., Board Attorney, Board Secretary April Claudio, and Board Engineer Paul Calabrese

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2014 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Kovats administered the oath of office to members Christopher Hoffman and Larry Reynolds.

Mr. Meyer made a motion to waive the reading and approve the minutes of the January 13, 2014, which was seconded by Mr. Campbell and approved by the following vote:

AYES: Messrs. Meyer, Burke, Windas, Magovern, Campbell, and Ms. Rokoszak

NAYS:

ABSTAIN: Mr. Doherty, Mr. Hoffman, and Ms. Sheridan

Mr. Campbell made a motion to waive the reading and approve the resolution granting approvals to LOKO Co. LLC, for Phase I Final Site Plan approval, which was seconded by Mr. Meyer and approved by the following vote:

AYES: Messrs. Meyer, Burke, Windas, Magovern, Campbell, and Ms. Rokoszak

NAYS:

ABSTAIN: Mr. Doherty, Mr. Hoffman, and Ms. Sheridan

Mr. Windas announced the application of Michael Schappert, 513 Ninth Avenue, will be carried to the March 24th meeting without any further notice.

CHEF'S INTERNATIONAL – BELMAR MARINA

Appearing on behalf of this application was Robert Cooper, President of Chef's International, Attorney John Jackson, Architect Greg Sonnenfeld, and Engineer John Palus.

Mr. Jackson stated the application is for Chef's International to build a building in the Belmar Marina that would hold a restaurant/bar, retail space, and a marina office. Chef's International is working on a lease agreement with the Borough for the property. This building would complement the existing restaurant/bar on the pier.

Mr. Cooper stated Chef's International is a 10 restaurant chain operating out of Point Pleasant. They currently operate the 9th Avenue Pier and the mini golf in the Belmar marina. The proposed application would be their 11th restaurant and would employ 100 people. The arrangement with the Borough is to lease the land and they will bear all expenses for construction of the building. The proposed lease agreement will be for fifty years and at the end of the term the building would turn over to the Borough. The proposed restaurant/bar will be a similar operation to their Water street restaurant in Toms River with a widely varied menu.

Mr. Cooper understood parking is an issue and he wishes there was more parking. In lieu of parking he is planning on doing valet parking and will purchase a six passenger low speed vehicle to transport people from the municipal lot to the marina via under the bridge.

Mr. Cooper added that besides the restaurant/bar there will be a second adjacent building that will have a retail/bait and tackle space, public restrooms, and an office for the Borough's marina staff.

Mr. Cooper stated there will be a large trash facility for a compactor, recycling collection and grease collection. Deliveries will be handled through the alleyway between the two buildings. Garbage removal from inside the building to the trash area will also be through the alleyway.

**PLANNING BOARD MEETING
FEBRUARY 10, 2014**

Mr. Jackson stated they reviewed the outdoor dining ordinance and will comply with it. Mr. Cooper stated he hasn't fully planned the outdoor dining area but intends on using the entire area between the building and the water.

Mr. Cooper stated this will be a year round operation and the busyness of it and the pier will be weather dependent.

Mr. Magovern asked Mr. Cooper where the employees would park. Mr. Cooper stated he would have them park on the other side of the bridge near the railroad tracks. Mr. Magovern suggested looking into the public parking lot near the railroad tracks on 10th Avenue.

Ms. Rokoszak asked if they considered bicycle racks. Mr. Cooper stated he had not but could add some.

Mr. Campbell, as a representative of the public works department, stated he has spoken to Mr. Cooper several times about issues the Borough has had, particularly with garbage and congratulated Mr. Sonnenfeld with taking into consideration his concerns and incorporating them into the new plan.

Mr. Reynolds asked what the occupancy would be for the restaurant. Mr. Jackson stated it would be 423.

Mr. Rokoszak asked what the hours of operation would be. Mr. Cooper stated it would be 11 am to 2 am.

Mr. Burke stated the Board approved another restaurant use near the municipal parking lot and asked if that area runs out of parking will there be an alternate plan. Mr. Cooper stated he was unaware of the other restaurant opening but feels the valet parking will be helpful.

Mayor Doherty stated there is also parking on the pier at the other end of the marina towards Maclearie Park that could be utilized.

Mr. Burke was concerned about trucks being able to access the alleyway for deliveries because it looks like it would be a tight turn for them. Mr. Jackson stated his engineer would be able to respond to that.

Mr. Sonnenfeld explained the interior layout of the building. There will be handicap accessibility in the front and rear of the building. The interior would have on the first floor a lobby, elevator to the second floor, kitchen/service area, dining area, and outdoor dining deck. The second floor would have additional indoor and outdoor seating. Mr. Sonnenfeld described the architectural design of the exterior of the building as shown on the plans.

Mr. Burke asked if the roof connecting the two buildings has any purpose. Mr. Sonnenfeld stated it will hold the mechanicals so they are not visible from the street.

Mr. Palus stated their application complies with the seaport redevelopment plan and no variances are being requested. This proposal is smaller in size as compared to the original design of the building the Borough had approved by CAFRA. There will be no loss in parking, in fact the existing parking areas will be altered and better delineated to create a better traffic flow. The site will have all new utilities. They also intend to incorporate additional landscaping through the property. The proposed buildings will comply with FEMA regulations and be above the base flood elevation. Propose to start construction in September and will coordinate it with the Borough's engineer. Mr. Palus stated they will comply with and address the Borough Engineer's items in his review letter.

**PLANNING BOARD MEETING
FEBRUARY 10, 2014**

Mr. Sonnenfeld submitted an elevation rendering with proposed signage. The sign for the restaurant would be raised lettering with a backlight facing Route 35 and another small engraved wood sign near the entrance.

Ms. Sheridan asked about a generator for the building. Mr. Cooper stated he hasn't discussed it but it is a good idea.

Mr. Calabrese stated he feels all items in his review letter have been addressed and he is satisfied.

Mr. Jackson added that he doesn't want to be held to opening at 11 am because there may be the possibility of opening for breakfast. Mr. Campbell stated there is a desire to have breakfast in the marina from the boaters and he would like to see that happen.

Mr. Magovern asked about noise from entertainment. Mr. Cooper stated the outside pier entertainment would move inside later at night. Mr. Jackson added that part of their lease agreement is to comply with the noise ordinance and not create any nuisances.

Mr. Cooper stated he hopes to have the building open by June of 2015.

Mr. Windas stated he encourages them to incorporate a lot of landscaping.

Mr. Kovats asked if the signage once determined could be presented to the sign committee for review. Mr. Cooper agreed.

Public:

Connie Dallaportas, 1002 Main Street, stated this proposal will be done by professional people and there will be no parking and garbage issues unlike other areas of town.

George Komitas, 111 Third Avenue, stated this is a beautiful project.

Board Comments:

Mr. Meyer agrees to the granting of any waivers being requested. Agrees parking will be a concern but doesn't know any shore town that doesn't have parking issues on a busy summer day. Feels they have done a good job to try to mitigate the parking situation. The plan is beautiful and will be an improvement to the area.

Ms. Sheridan agreed and added it will look wonderful in the marina.

Mr. Burke agreed and felt he expressed his concerns about parking and is not sure he agrees with moving the employees to park closer into town and suggested looking into other parking areas.

Mr. Campbell stated he looks forward with working with Mr. Cooper. Stated parking is a curse and a blessing and will always be an issue. Wished Mr. Cooper good luck.

Ms. Rokoszak stated she frequents the marina a lot and looks forward to it being built and agreed parking is an issue in town.

Mayor Doherty stated this will be a great private/public partnership and looks forward to them opening.

Mr. Magovern stated it will be a great building. Suggested encouraging employees to carpool and parking outside of the marina.

Mr. Hoffman stated he has no issues with the application and is impressed with the plan and looks forward to it.

Mr. Windas stated they did a really great job on the design of the building.

Mr. Kovats stated this application is seeking preliminary and final site plan approval along with seeking waivers of the requirements to submit a metes and bounds description and an environmental impact statement.

Mr. Meyer made a motion to approve the application, which was seconded by Mr. Hoffman and approved by the following vote:

**PLANNING BOARD MEETING
FEBRUARY 10, 2014**

AYES: Messrs. Meyer, Burke, Windas, Magovern, Campbell, Doherty, Hoffman; and
Ms. Sheridan and Ms. Rokoszak

NAYS:

ABSTAIN:

GENERAL PUBLIC COMMENTS: None

OTHER BUSINESS: Ms. Claudio asked for two Board members to sit on the sign committee.
Mr. Campbell and Mr. Burke volunteered.

Mr. Campbell made a motion to adjourn the meeting, which was seconded by Mr. Burke and
approved unanimously.

Planning Board

March 24, 2014

PRESENT: Messrs. Meyer, Campbell, Windas, Burke, Doherty (7:31 pm), Forte, and Hoffman; and Ms. Sheridan

ABSENT: Ms. Rokoszak, Mr. Reynolds, and Mr. Magovern

ALSO PRESENT: Douglas Kovats, Esq., Board Attorney, Board Secretary April Claudio, and Board Engineer Joe Venezia

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2014 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Meyer made a motion to waive the reading and approve the minutes of the January 13, 2014, which was seconded by Mr. Burke and approved by the following vote:

AYES: Messrs. Meyer, Campbell, Windas, Burke, Doherty, and Hoffman; and Ms. Sheridan

NAYS:

ABSTAIN: Mr. Forte

ABSENT: Mr. Doherty

Mr. Campbell made a motion to waive the reading and approve the resolution granting approvals to Chef's International, Belmar Marina, which was seconded by Mr. Meyer and approved by the following vote:

AYES: Messrs. Meyer, Campbell, Windas, Burke, Doherty, and Hoffman; and Ms. Sheridan

NAYS:

ABSTAIN: Mr. Forte

ABSENT: Mr. Doherty

Mr. Kovats announced the application of Michael Schappert, 513 Ninth Avenue will be carried to the April 21, 2014 meeting. Mr. Windas made a motion to carry the application, which was seconded by Ms. Sheridan and approved unanimously.

Beach Haus Brewery – MB1 Belmar LLC – 801 Main Street

Appearing for this application was attorney John Giunco, Joel Brudner and John Merkland, members of MB1 Belmar LLC, and architect Mark Parette.

Mr. Giunco stated their application is for site plan approval with some variances and design waivers as well as approval for signage and change of use.

Mr. Parette stated the foot print of the building is approximately 39,000 square feet and housed the former Freedman's Bakery and three other businesses. They are proposing to convert the property into a brewery to be operated by Beach Haus Brewery along with additional office or retail space. The brewery would consist of about 12,000 square feet and the balance is divided over additional retail and office spaces. The entrance of the brewery will be on Main Street with an outdoor deck on the second floor.

Mr. Giunco presented proposed colored elevations of the building.

Mr. Parette stated these drawings show a renovated and modernized façade with a lot of glass windows, an elevator tower, and signage. The existing recessed loading areas will be maintained. The additional retail/office spaces will be on Main Street, south of the elevator tower, and along the rear facing the Borough parking lot. The interior would consist of renovations to create a retail space and a production area for the brewery on the first floor as well as retail/office space at the rear. The second floor would have the tasting area, restrooms, and the brewery equipment/production area. There will be an elevator installed and the existing service elevator will remain. He submitted a photo board showing existing and proposed signage. The total signage will be significantly smaller than what Freedman's Bakery had.

Planning Board

March 24, 2014

Mr. Giunco stated they are asking for waivers from submitting an environmental impact statement. Mr. Parette stated there are only interior and exterior renovations of the existing building and no expansion; therefore, they feel it is not required. Mr. Giunco stated they are also asking for a waiver from the submission of a metes and bounds survey for the same reasons. Also asking for a waiver for a profile of existing and proposed roadways. Mr. Parette stated there are no changes to any roadways. Mr. Giunco stated he is asking for a temporary waiver of the submission of a performance guarantee to allow them time to obtain it and submit it. Mr. Giunco added that there will be no developer's agreement with the Borough, as it is not needed.

Mr. Parette stated the building coverage is being reduced slightly.

Mr. Giunco stated they are seeking several variances for the proposed signage. Mr. Parette explained the design and size of each sign. See exhibit A5.

Mr. Parette stated he obtained a parking study and the analysis stated the former bakery and tenants required 202 parking spaces, the new proposed uses would demand 67 parking spaces. He explained the breakdown of square footage for each portion of the building. All waste removal for the brewery will be managed through the existing loading dock. The waste removal for the retail tenants will be handled according to Borough ordinance.

Mr. Giunco stated there was an easement on 8th Avenue for a proposed awning that was vacated by the Borough Mayor and Council.

Mr. Parette stated the proposed lighting for the site will be sufficient and he feels they do not need to add more when you take into account the existing lighting in the parking lot at the rear of the building. However, if the Borough engineer requires additional lighting they will comply.

Mr. Giunco stated they will obtain appropriate approvals for an outdoor dining area; however, it will not be used for dining as their liquor license from the State does not permit any restaurant type use.

Mr. Parette stated they propose to use approximately 555,000 gallon of water in one year which is the same usage for approximately five households.

Mr. Giunco stated they are seeking a variance for existing conditions: rear yard setback, building coverage, and building height. Mr. Parette stated these existing conditions will not be changed and therefore have no adverse affect on the neighborhood or the Borough.

Mr. Giunco stated they are also seeking approval for a change of use from a bakery to a brewery. Mr. Parette stated the brewery is a permitted use. There are no negative impacts of the proposed application.

Mr. Burke asked if the elevator is to service the tasting area. Mr. Parette stated he anticipates most would use the staircase because it is only one story; however the elevator will be there for whoever needs it.

Mr. Campbell asked if the waste compactors and containers will be sealed. Mr. Parette replied yes.

Mr. Meyer asked if a study was done on how strong the aroma would be while the brewing is occurring. Mr. Parette stated he has been told the aroma has a cereal type smell and should be no different than a bakery.

Mr. Forte asked if a sign analysis was done to compare their signage to the rest of Main Street. Mr. Parette stated he did not do one, however he feels the proposed signage is less than others.

Mr. Meyer asked about any greenery. Mr. Parette stated they would maintain the existing street trees.

Ms. Sheridan asked how often and how many delivery trucks would be accessing the loading areas. Mr. Parette stated trucks would be accessing it three times a week.

Planning Board

March 24, 2014

Mr. Forte asked if the existing murals on the rear of the building will remain. Mr. Parette replied no.

Public

Peter Fallo, representing BMIA LLC, owner of the shopping center to the west, stated his clients have no objection to the application but has some questions on the impact of the renovations to their building. He asked if the applicant would be willing to condition their employee's use the 10 hour parking areas in the parking lot rather than the general parking area. Mr. Giunco stated they would recommend this to their employees and tenants, however if those spaces are full they will use the other spaces. Mr. Parette and Mr. Fallo discussed aroma and ventilation.

Brendan Reed, 100 Ninth Avenue, asked if the existing mural will remain. Mr. Parette replied no. Mr. Reed asked if there will be any changes to the streetscape as far as lighting, utility poles and wiring. Mr. Parette replied no.

Gene Creamer, Fourth Avenue, asked about expectations of production. Mr. Merkland stated they anticipate 3000 barrels of product, which is 31 gallons per a barrel. Mr. Creamer stated he has no objection to the application as long as they purchase their water from the Borough.

Board Comments

Mr. Meyer stated he has no problem with granting the waivers being requested. The site plan is for a good looking building that will improve that corner. The variances are pre-existing conditions and going from manufacturing bread to beer which is no problem.

Ms. Sheridan stated she has no problem with the waivers and the variances; however she would like to see the signs for the other retail spaces comply with the ordinance.

Mr. Campbell stated he has no problem with the waivers and variances. He doesn't think there will be any problems with the aroma. This building will be a positive step for Belmar and stated they did a really good job with the plans.

Mr. Burke stated he has no problems with the waivers, variances, or signage. He likes the fact that all the awnings on the site will be consistent. It is a really good design and will be a major improvement to that building.

Mayor Doherty stated he supports the waivers and variances being asked for and thinks we will be lucky to have them in town.

Mr. Forte stated there is no way to get around the existing variances and has no issues with the signage. He wished them luck.

Mr. Hoffman stated the variances are appropriate and has no issue with the waivers.

Mr. Windas stated he has no problem with the waivers. Had some concerns with the signage but after the presentation he has no concerns. The pre-existing conditions will be improved and the positives of the application outweigh any negatives.

Mr. Hoffman made a motion to approve the application, which was seconded by Mr. Forte and approved by the following vote:

AYES: Messrs. Meyer, Forte, Doherty, Campbell, Windas, Burke, Doherty, and Hoffman; and Ms. Sheridan

NAYS:

ABSTAIN:

ABSENT:

Discussion on ordinance amendments to the permitted/prohibited use section will be postponed until the April meeting.

Planning Board

March 24, 2014

Ordinance 2014-05 signage:

Mr. Kovats stated the ordinance was introduced by the Mayor and Council to propose some changes to the sign ordinance per recommendations from the Special Improvement District. He stated there are sections in the proposed ordinance that list stipulations with language “unless approved by the borough”. He suggested the ordinance be clarified as to what is the “borough”, such as the Zoning Officer, Planning Board or Zoning Board of Adjustment. He suggested if it’s the Zoning Officer then language be added to give the Zoning Officer parameters for granting approval so that he is not granting variances.

Mayor Doherty stated he could speak to the Borough Attorney about clarifying that language but anticipated it would be the decision of the Zoning Officer. He added that there are several businesses in violation of the sign ordinance as it is now so these changes catch up with how signage is looking for the businesses.

Mr. Burke was concerned about the language striking the measurement requirements for a sandwich board sign. Mayor Doherty stated they took out the measurements and added that it cannot obstruct the sidewalk which limits the size.

Mr. Kovats will prepare a report back to the mayor and council.

Mr. Windas made a motion to adjourn the meeting, which was seconded by Mr. Campbell and approved unanimously.

PLANNING BOARD
APRIL 21, 2014

PRESENT: Messrs. Meyer, Windas, Burke, and Magovern; and Ms. Sheridan and Ms. Rokoszak

ABSENT: Messrs. Doherty, Campbell, Forte, and Hoffman

ALSO PRESENT: Board Attorney Douglas Kovats, Esq. and Board Secretary April Claudio

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2014 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Meyer made a motion to approve the minutes of the March 24, 2014 regular meeting, which was seconded by Mr. Burke and approved by the following vote:

AYES: Messrs. Meyer, Windas, Burke, and Ms. Sheridan

NAYS:

ABSTAIN: Ms. Rokoszak and Mr. Magovern

Ms. Sheridan made a motion to waive the reading and approve the resolution granting approvals to MB1 Belmar LLC/Beach Haus Brewery, 801 Main Street, which was seconded by Mr. Burke and approved by the following vote:

AYES: Messrs. Meyer, Windas, Magovern, Burke, and Ms. Sheridan and Ms. Rokoszak

NAYS:

ABSTAIN:

Mr. Windas recused himself because of his personal relationship with Mr. Schappert. Mr. Meyer took over as Chairman of the meeting.

MICHAEL SCHAPPERT – 513 NINTH AVENUE

This application is for a new accessory dwelling which was originally heard at the December 2013 meeting.

Mr. Schappert stated he understood that there were some concerns about the size of the proposed accessory dwelling being larger than the existing accessory dwelling. He decided to revise the plans so the new structure will be smaller than the existing accessory dwelling and in compliance with the Borough's accessory dwelling ordinance. There are no variances required for setbacks.

Mr. Kovats asked if there will be a deed restriction filed. Mr. Schappert stated if the Board were to approve his application he would file a deed that would make the accessory dwelling a conditional use rather than a non-conforming use.

PLANNING BOARD

APRIL 21, 2014

Mr. Kovats asked about stormwater management. Mr. Schappert stated he anticipates a drywell but agreed to discuss this issue with the Borough Engineer.

Board Questions:

Mr. Burke asked if the property is on the south side of Ninth Avenue. Mr. Schappert stated it is. Mr. Burke stated it was incorrectly listed in the Engineer's review letter which said it's on the north side of Ninth Avenue.

Public: None

Mr. Kovats summarized and stated the proposed accessory dwelling is in compliance and no variances or waivers are being requested or required.

Ms. Sheridan made a motion to approve the application, which was seconded by Mr. Burke and approved by the following vote:

Motion to approve: Thea & Tom

AYES: Messrs. Meyer, Windas, Magovern, Burke, and Ms. Sheridan and Ms. Rokoszak

NAYS:

ABSTAIN

Mr. Windas rejoined the Board.

John Giunco, attorney for MB1 Belmar LLC, asked to speak to the Board informally. Mr. Giunco showed the proposed building elevation approved by the Board and a revised proposal showing one of the walls being raised 36 inches to allow for the floors to be on the same level and for new full size windows to be installed on the second floor. Also gives better access into the elevator. The change doesn't affect any of the variances granted by the Board and does not create any new variances. The question is can the Construction Office approve this change or does it need approval from the Board.

Mr. Kovats suggested plans be presented to the Zoning Officer for his review and determination. It may require seeking approval for a site plan waiver which would have to be approved by the Board at a public meeting.

Public Comments: none

Mr. Burke made a motion to adjourn the meeting, which was seconded by Mr. Meyer and approved unanimously.

PLANNING BOARD
SPECIAL MEETING
APRIL 29, 2014

PRESENT: Messrs. Doherty, Reynolds, Forte, Campbell, Windas, Burke, Magovern, Hoffman and Ms. Sheridan and Ms. Rokoszak

ABSENT: Mr. Meyer

ALSO PRESENT: Board Attorney Douglas Kovats, Board Secretary April Claudio, Borough Engineer Joseph Venezia, and Zoning Official Ted Bianchi

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2014 and by posting a copy of said notice at the Municipal Complex on the same date.

WILLIAM AND VICTORIA RENNER – 1006 MAIN STREET – SITE PLAN

Appearing with Mr. and Mrs. Renner was their attorney William Shipers and Engineer Daniel Dougherty.

Mr. Shipers stated this application is for site plan approval for the pavers that were installed by the property owner at the rear of the property and has nothing to do with the restaurant located on the property, Tulipanos.

Ronald Gasiorowski stated he is an attorney representing an objector, Kanelia Dallaportas. He felt the notice for this application was insufficient and the Board does not have jurisdiction. He feels that Tulipanos is part of the application because that is the use on the property.

Mr. Shipers stated he spoke to Mr. Gasiorowski about his concerns and they disagree with each other. He added that his engineer will address all comments made by the Borough's engineer in regards to Tulipanos via their review letter and feels that some items in the letter are not relevant to their application.

Mr. Dougherty submitted photo boards of blown up versions of the site plan submitted to the Board. He stated the property has a mixed use building with a restaurant on the first floor and apartments on the second floor. The existing lot is non-conforming in size and has other non-conformities as far as setbacks. There is no access to the rear portion of the property except through the building. He explained the existing setbacks in comparison as to what is required. He added that the side and rear yard setback requirements are increased because they abut a residential zone at the rear. There is no variance required for impervious coverage. The main variance they are requesting is for the buffer requirement of 25 feet between the pavers and the residential zone. They are proposing 4.1ft. They are also requesting six other variances for existing conditions that are not affected or changed.

Mr. Dougherty stated there were existing pavers at the rear of the property and newer pavers were installed towards the rear property line. There is a significantly large tree in the backyard that has been preserved along with additional planting boxes being added. There is also a perimeter of landscape bedding around the paver area as well as a new vinyl fence around the property. There are trench drains underground, a seepage pit and the gutters and leaders are connected into those to address any water runoff issues.

Mr. Shipers asked Mr. Dougherty to address the Borough Engineer's review letter. Mr. Dougherty stated that while the property abuts a residential zone there is only about 8-10 feet of actual residential use. The rest of the surrounding uses are commercial properties and pavement which he explained in further detail. He feels that while they don't meet the setback for the buffer requirement that the new fence and landscape buffer are in compliance with the ordinance. Going through the review letter, Mr. Shipers felt several comments regarding the use of the paver area, tables and chairs, egress, lighting and other items relating to the restaurant, Tulipanos, were not applicable to this application because they are not seeking approval for outdoor dining or anything relating to the restaurant.

Mr. Dougherty stated he finds the improvements to the site are improvements to the property such as adding aesthetics, addressing water runoff and making an area that is hard to access

PLANNING BOARD
SPECIAL MEETING
APRIL 29, 2014

maintenance free. He added that he feels there are no negative impacts to the neighbors and that a majority of the neighboring uses have similar hard surfaces at the rear of the properties.

Board Questions

Mr. Burke asked if the pavers are not to be used for the restaurant then what are they to be used for. Mr. Renner stated he installed the pavers to create a maintenance free property line.

Mr. Campbell asked how deep the seepage pits are. Mr. Renner stated the pits have 20 tons of gravel and he explained how they are connected to each other.

Mr. Magovern asked if the restaurant has any plans to expand their use for outdoor dining. Mr. Renner stated he does not. Mr. Magovern asked Mr. Renner what he would do if the tenant asked. Mr. Renner stated when he purchased the property it was overgrown and he did not know what tenant he was going to have when he decided to put the pavers in. He also added that he is unsure if he would allow for the tenant to have outdoor dining because he's not sure what his legal rights are. He added that they have not discussed outdoor dining at the rear and there are no plans to do so at this time.

Mr. Kovats asked who designed the drainage system. Mr. Renner stated he is a contractor and did the installation himself. Mr. Kovats suggested drainage calculations be submitted to the Borough Engineer for review. Mr. Renner stated he could probably put together a report. Mr. Venezia suggested those calculations be submitted by Mr. Renner's engineer.

Mr. Venezia asked if there is an overflow mechanism for the roof leaders. Mr. Renner stated the drywells are working properly, hasn't had a problem yet. He also added a sump pump to send overflow water into Main Street if the water table rises. Mr. Venezia stated he would like to see more information on the drainage system. Mr. Kovats suggested that be a condition of approvals if the application were approved. Mr. Shippers agreed.

Mr. Forte asked why they couldn't comply with the 25 foot buffer. Mr. Dougherty stated he would defer to Mr. Renner to comment but his understanding was that he was allowed 100% impervious coverage and was unaware of a buffer requirement. Mr. Forte asked what would happen if the application was denied. Mr. Kovats stated he believes they would have to comply with the ordinance and meet the buffer requirement by removing pavers.

Public Questions: none

Mr. Gasiorowski asked Mr. Dougherty if he is aware the building has a restaurant use in it. Mr. Dougherty replied yes. Mr. Gasiorowski questioned language on one of the documents that referred to the building having retail use in it and not a restaurant. Mr. Dougherty stated that was listed on the property survey which was not prepared by his office. Mr. Shippers added again that their application is for a variance for the buffer and has nothing to do with the restaurant. Mr. Gasiorowski stated he feels the plans should correctly state what use is on the property. Mr. Dougherty stated the documents prepared by his office do indicate there is a restaurant use in the building. Mr. Gasiorowski stated there is a second floor deck being constructed at the rear of the property and asked Mr. Dougherty if he knows the intended use of the deck. Mr. Dougherty stated he does not know the use of the deck. Mr. Gasiorowski asked how anyone in the rear yard would exit the property if there was an emergency. Mr. Dougherty stated he does not know. Mr. Gasiorowski continued to question the use of the rear of the property and how it relates to Tulipanos. Mr. Shippers stated their application is for site plan approval for the pavers that were installed on the property and has nothing to do with the restaurant. Mr. Gasiorowski asked for clarification as to what this application is actually for because Mr. Venezia's letter has several comments regarding the use of the pavers and the restaurant having outdoor dining. Mr. Kovats read the application documents submitted by the applicant. Mr. Kovats stated the use has been identified and doesn't see what other questions Mr. Gasiorowski would have regarding the use. He added that the Borough's engineer is allowed to raise concerns about potential uses at the site but the applicant has testified that their application is not for outdoor dining and anything related to the restaurant.

PLANNING BOARD
SPECIAL MEETING
APRIL 29, 2014

Mr. Gasiorowski asked Mr. Renner about the second floor deck that was constructed and its intended use. Mr. Renner stated the deck is 40 feet long and the second floor tenants are allowed to use 10 feet of it. He added that if Tulipanos wanted use of the deck they would have to obtain approval from the Zoning Office or Planning Board. Mr. Gasiorowski asked if the lease with Tulipanos includes use of the paver area. Mr. Renner stated it is his property and if Tulipanos wants to use that area they would have to ask him and he would have to amend the lease for it. Mr. Gasiorowski asked the lease be submitted as part of this application before any decision is made. Mr. Shippers objected and added that the lease has no relevance to this application and it will not be submitted. Mr. Gasiorowski asked if Tulipanos would be allowed to use the paver area if they wanted to. Mr. Renner replied yes adding only if they obtain approval from the Zoning Office or the Planning Board. Mr. Gasiorowski questioned Mr. Renner about an application he signed off on for outdoor dining for Tulipanos. Mr. Shippers reviewed the document and has the same objection that this relates to the use of the site which is irrelevant to the application.

At approximately 9:01 pm the Board took a 5 minute recess to allow Mr. Renner to review the document submitted by Mr. Gasiorowski.

At approximately 9:08 pm Mr. Kovats stated the document appears to be 16 pages and asked Mr. Gasiorowski what the document is. Mr. Gasiorowski stated it is a document he obtained from the Borough via an OPRA request that is an application by Christina Garcia made to the Borough with consent from Mr. Renner. Mr. Renner stated it was an application for outdoor dining which he signed as the property owner. Mr. Gasiorowski asked if that application showed outdoor dining on the paver area and the second floor deck. Mr. Renner stated he gave consent to Tulipanos to apply to the Borough for outdoor dining as the property owner. Mr. Gasiorowski wanted to discuss the use of the rear deck. Mr. Kovats and Mr. Shippers objected because the deck is not part of their application. Mr. Gasiorowski asked if people are on the paver area and there is an emergency how do they get out. Mr. Shippers stated the application is for a variance for a buffer requirement for the paver area and does not include egress and fire concerns.

Marvin VanHise, attorney and resident, felt he should be allowed to ask questions. Mr. Kovats stated the Board did open the meeting to public questions and nobody came forward. Mr. VanHise objected and felt he should be allowed to speak. Mr. Kovats stated he would allow him to question and asked again if anyone in the public will have questions for any of the witnesses. One member of the public shouted out that they may have questions based on the testimony.

Mr. VanHise asked Mr. Renner if he had any documentation showing the location of the drywells. Mr. Renner pointed them out on the property survey which was submitted as part of his application. Mr. VanHise asked if anyone from the Borough inspected the drywells. Mr. Renner stated he was advised he was allowed to install them without any inspections being required. Mr. VanHise asked if there is a grading plan or topographic survey. Mr. Renner stated it is on the survey presented to the Board. Mr. VanHise asked if there was a grading plan for before the pavers were installed. Mr. Renner replied no. Mr. VanHise asked to explain what grading was done to the site which Mr. Renner did. Mr. VanHise asked for a landscaping plan for the buffer area. Mr. Renner stated he plans to plant evergreens but does not have a plan yet because he needs to obtain approvals first. He added he would submit a landscaping plan to the Board for their review if they so desired. Mr. VanHise questioned the use of the paver area and felt it is relevant to this application. Mr. Shippers objected and added that this application is not for use. Mr. VanHise stated Mr. Renner knew Tulipanos wanted to use the area for outdoor dining and thinks it is relevant. Mr. VanHise asked if there will be any lighting in the buffer area. Mr. Renner stated there is low level ground lighting and no lighting for the large rear area. Mr. Kovats stated there was previous testimony that there will be no lighting. Mr. Shippers stated if any lighting is to be proposed they will submit a plan to the Borough Engineer.

Mr. VanHise asked Mr. Dougherty how he could testify that the pavers are an improvement if he did not visit the site prior to the installation. Mr. Dougherty stated he believes it is an improvement because he does not believe there was any drainage system before and now water runoff will be maintained.

PLANNING BOARD
SPECIAL MEETING
APRIL 29, 2014

Samuel Marzarella, 10th Avenue, asked for clarification on the sequence of events, specifically the seepage pits. Mr. Renner stated the grading work was done prior to the major renovations to the building. He asked if the drainage work and pavers were done with the intent to benefit the tenant Tulipanos. Mr. Renner replied no. He said he did this to have a maintenance free area because he owns a lot of properties and can't cut the grass on all of them. Mr. Marzarella asked if the building was renovated to be used for a restaurant. Mr. Renner stated he made renovations to the building to allow for any type of tenant to move in.

Mr. Windas closed the public question portion of the meeting.

Mr. Gasiorowski asked to make his presentation. He had Gordon Gemma sworn as a witness to present testimony as a licensed planner. Mr. Gemma stated the public notice was unclear as to what the application was as it just referenced the buffer and not what the buffer is for. Mr. Gemma felt the Board has to consider what the intended use is of the pavers especially since they are requesting a variance. He added that the Board needs to consider if more parking will be required if the area is going to be used for outdoor dining. Mr. Gemma read the Borough's definition of rear yard setback for the CBD-1 zone and stated the applicant's engineer spoke incorrectly. He stated they aren't just requesting a buffer variance, they also need a setback variance because the pavers are considered a structure per the ordinance and a parking variance. He stated the Board needs to consider how granting the approvals will affect noise, garbage, odors and the neighbors. He felt the Board should look at the definition of a buffer before considering the application, which he read into the record. He said the Board has the right to condition the variance and say that the paver area cannot be used for anything unless the Board approves it. He added the applicant hasn't shown how their plan won't have any adverse effect on the neighborhood and the master plan and how it falls within in the intentions of the master plan. He feels the burdens outweigh the benefits.

Mr. Shipers asked Mr. Gemma if he ever testified before the Belmar Planning Board. Mr. Gemma stated he did about ten years ago. Mr. Shipers stated Mr. Gemma testified he didn't like the six foot vinyl fence. Mr. Gemma stated it's not that he doesn't like it it's the fact that he doesn't think it's a sufficient buffer. Mr. Shipers asked Mr. Gemma if his objection isn't to the pavers themselves but the use of the pavers. Mr. Gemma stated you have to consider the pavers use and pavers and you can't separate the pavers from an outdoor dining use. Mr. Shipers stated $\frac{3}{4}$ of the rear property can have pavers without a variance.

Mr. Kovats asked Mr. Gemma if he reviewed the ordinance regarding outdoor dining, outdoor eating or sidewalk cafés. Mr. Gemma stated he did not. Mr. Kovats stated that since he did not review the ordinance he would not know if a parking variance would be required because of that ordinance. Mr. Gemma stated he would not.

Mr. Gasiorowski called Patricia Cavanagh as a witness. Ms. Cavanagh is the daughter of Mr. Gasiorowski's client Kanelia Dallaportas and established that she is familiar with Main Street and the surrounding uses near the property being discussed tonight. She stated that all of the buildings in that strip of Main Street have apartments above them except for the last two on the corner of Main Street and 11th.

Mr. Windas asked if anyone from the public had any questions for these two witnesses. There were no questions.

Mr. Shipers stated he had no further testimony.

Mr. Kovats asked that Mr. Venezia speak in regards to his engineering report. Mr. Kovats asked Mr. Venezia if he is familiar with the outdoor dining ordinance, he replied yes. Mr. Kovats asked if additional parking is required for outdoor dining. Mr. Venezia stated it is not. Mr. Kovats asked for an explanation on the difference between a setback and a buffer. Mr. Venezia stated a setback is to a structure. Mr. Kovats asked Mr. Venezia if he has any concerns about the proposed setback and buffer. Mr. Venezia stated he questioned the proposed use of the area because that would help to determine an appropriate buffer because a buffer is to address light, noise and other issues. He stated he is also concerned that there has not been any documentation

PLANNING BOARD
SPECIAL MEETING
APRIL 29, 2014

towards the landscaping and lighting to be placed in the buffer. He would also like to see documentation about the drainage system and how it works.

Mr. Gasiorowski asked Mr. Venezia if he stated that parking calculations would not have to be done for outdoor dining. Mr. Venezia replied yes. Mr. Gasiorowski asked Mr. Venezia if agrees outdoor dining would affect the type of buffer that needs to be in place. Mr. Venezia replied yes. Mr. Gasiorowski asked if landscaping would be considered a noise buffer. Mr. Venezia stated he could not answer that question without seeing a plan. Mr. Venezia stated his comments in his review letter were simply seeking clarification as to the intended use of the site because if outdoor seating was going to be considered then he had some questions but the applicant has stated they are not seeking approval for outdoor dining.

Mr. VanHise asked Mr. Venezia if there were 60 people dining in the back yard could the proposed fence and landscaping buffer the noise associated with those people dining. Mr. Shipers objected and stated that the Borough has a noise ordinance that addresses noise issues for all properties in the town. Mr. Venezia stated he would need more information to make a determination.

Public Comment:

Marvin VanHise, resident behind the subject property, stated he is bothered by the applicant's engineer taking light of the fact that the property only buffers 8-10 feet of his property. He stated he thinks the pavers shouldn't have been put in until a topography was done and experts were involved to determine if the drainage system and the pavers are actually an improvement. The potential of noise affects his property and the work done affects his property value. He is not against them having a successful business but doesn't like them circumventing the board and cutting up the application and asking for approvals in pieces with the intention to apply for outdoor dining. He stated the Board may not have jurisdiction on outdoor dining but can place conditions on the variances being requested.

Christina Garcia, owner/operator of Tulipanos, stated she did file an application for outdoor dining and had the right to but it was denied. Everyone has said there is an application pending but there isn't one. She added that she has never submitted an application to use the second floor deck and understands that she will never be able to use it for various reasons. She stated her website hasn't been updated in several years and doesn't say anything about outdoor dining. She stated she understands that if she were ever to receive approval for outdoor dining that there may conditions as to the times it can be used. She pointed out that there are several properties in the area with commercial use on the first floor and outdoor dining with residential on the second floor. She stated she understands people are upset about the possibility of outdoor dining but that has nothing to do with Mr. Renner's application and feels they should not be giving him a hard time since the outdoor dining is not being discussed.

Sam Marzarella, 10th Avenue, stated one doesn't spend \$40,000 to not have to cut the grass, it was clearly intended to have the area used for outdoor dining and if so what about garbage.

Ronnie Lippsett, 217 11th Avenue and 620 11th Avenue, stated she supports Belmar and Tulipanos, however her tenant has complained to her about the noise level from the employees of the restaurant. Feels the buffer should be met to protect the residents and keep to the rules.

Vickie Renner, 1106 D Street, stated her husband took a dilapidated building that was uninhabitable and renovated it by himself with one helper, working seven days a week. She stated her husband made a mistake he misunderstood the 100% allowable coverage. Their intention was to clean up the property. She stated Mrs. Dallaportas is just upset that her tenants moved out of her building into theirs (Tulipanos). She stated their original intent was to put batting cages or an arcade at the property but in the meantime Tulipanos approached them about moving into their building. The town is on the up an up and storefronts are full which is good for the town and people should be supportive. The other neighbors are supportive of the work they have done; Mrs. Dallaportas is the only one that objects and she has been harassing them since day one. They put the pavers down to have a maintenance free area because it was hard to get a lawn mower back there and they didn't want to have to cut the grass regardless of what anyone

PLANNING BOARD
SPECIAL MEETING
APRIL 29, 2014

else believes. She feels Belmar wants to encourage businesses in town and improvements to Main Street.

Mr. Windas closed the public comment session and allowed Mr. Gasiorowski and Mr. Shipers to give final comments.

Mr. Gasiorowski stated he thinks Mrs. Renner went above what public comment is about but understands it's an emotional thing. He stated the Board has to consider that Tulipanos made an application to the board for site plan and change of use but withdrew the site plan at the meeting and said they would be back for site plan. He feels this whole situation is ridiculous and doesn't understand why they don't have to submit a full site plan application and discuss buffers, garbage, noise and outdoor dining. He feels they never intend to do so. He feels Mr. Renner knew that the outdoor area was going to be used by Tulipanos. He still feels that the Board does not have jurisdiction to hear this application because proper notice was not given.

Mr. Shipers stated the maximum impervious lot coverage is 100% and they propose 83%, they are under the allowable building coverage and floor area ratio as well. His client made a mistake to proceed with the pavers as he was unaware of the buffer/setback requirement. The Renners did not challenge the Zoning Officer's decision to have them seek approval from the Board but in fact came before the Board to rectify the issue. He believes his clients would be in favor of installing appropriate buffering material whatever that may be to satisfy the Borough engineer. They want to be good neighbors. All of the emotional battles are not his concern and should not be the concern of the Board.

Board Questions/Comments:

Mr. Forte asked if the Board is voting to approve or deny in the entirety the seven variances being requested. Mr. Kovats stated the Board would vote in its entirety. Mr. Forte stated he has no problem with the existing variances being requested but does have a problem with the buffer variance. He feels it was put in there for a reason to create a buffer from light and noise between a commercial business and a residential use. He feels there is no hardship present to allow him to vote in favor of the relief. If they gave up the right to have the outdoor dining there then the buffer would not be as much of an issue because it would be just like a residential backyard.

Ms. Sheridan stated she understands that the buffer issue is only a small part and that 25 feet might be too much but 4 feet might not be enough. She is unsure how she will vote.

Mr. Campbell stated he has seen the site before and after and they have done a good job improving the site. He feels that a full buffer won't stop noise from the surrounding areas and won't make a difference. He suggested they follow Mr. Shiper's recommendation of installing a more appropriate buffer.

Mr. Burke stated he has no problem with the first six variances. He said the Board's role is to minimize adverse effect but not eliminate things. He agreed that maybe 25 feet is too much but 4 feet is not enough. He feels that if outdoor dining is going to be placed there the Board should be able to take into consideration garbage and noise.

Ms. Rokoszak stated she believes there is noise coming from all of the commercial buildings and not just the one building and maybe 25 feet is too much but she's not sure what the magic number is.

Mr. Doherty stated he remembers the building how it was with two retail businesses and how it sat for years rundown. Bill Renner risked his personal capital to renovate the building. The backyard looks great and the Borough should advocate for more commercial backyards to look like theirs. Almost all of the outdoor dining areas in town come into play with a residential area. The Board's role is to work with property owners to help them fix up their properties. He understands the concern about noise but he hears noise complaints all the time because Belmar is a noisy town. He feels this is an opportunity to work with a small hometown developer to develop the town block by block, lot by lot without any redevelopment plan and master developers.

PLANNING BOARD
SPECIAL MEETING
APRIL 29, 2014

Mr. Magovern stated he has no problem with the first six variances and believes Mr. Renner put the pavers in to make it maintenance free. He thinks the buffer is sufficient if the area is to be used just for the second floor residents, however, if they want to put outdoor dining he would like to see them file an application to the Board. Mr. Kovats explained Tulipanos is not the applicant tonight and that condition could not be placed on them. Mr. Magovern stated he could not vote for the buffer then.

Mr. Hoffman stated he would prefer Mr. Venezia review the drainage plan before voting on this.

Mr. Windas stated he is okay with the first six variances but feels the buffer will have to be addressed eventually with taller trees or whatever it may be. He also understands the amount of work Mr. Renner put into the building and how important it is to Belmar's downtown.

At approximately 11:55 pm Mr. Shipers stated he would like a five minute recess to speak with his clients.

At approximately 12:00 am, the meeting went back on the record.

Mr. Shipers stated his clients would like to have an opportunity to come back before the Board with an amended plan to reflect the thoughts and comments from the board regarding the buffer situation and incorporate additional buffer plans. They would like to come back before the Board at the next available meeting.

Mr. Gasiorowski feels the Board heard enough testimony and feels they should vote rather than come back with another plan and debate over what is an appropriate buffer.

Mr. Shipers stated they would like to come back with an amended landscaping plan whether it's within the next 30 or 60 days depending on the availability of the Board's agenda.

Mr. Kovats stated if the Board desires they can vote to approve them to come back at another meeting. Mr. Doherty asked if they come back will we have to go through all of this testimony again. Mr. Kovats stated it could be a possibility. Mr. Doherty asked if the Board could vote in favor with a contingency that a buffer plan be approved by the engineer. Mr. Kovats stated given the nature of the application and concerns about drainage he doesn't see how that could be done.

The Board voted in favor of carrying the application to another meeting to allow the applicant to submit revised plans and additional information.

Mr. Windas made a motion to adjourn the meeting, which was seconded by Ms. Sheridan and approved unanimously.

**PLANNING BOARD
MAY 19, 2014**

PRESENT: Messrs. Meyer, Forte, Windas, Reynolds, Burke, Hoffman; and Ms. Sheridan and Ms. Rokoszak

ABSENT: Mr. Doherty, Mr. Magovern, and Mr. Campbell

ALSO PRESENT: Board Attorney Douglas Kovats, Board Secretary April Claudio, and Borough Engineer Joseph Venezia

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2014 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Meyer made a motion to waive the reading and approve the minutes of the April 21, 2014 regular meeting, which was seconded by Mr. Burke and approved by the following vote:

AYES: Messrs. Meyer, Windas, Reynolds, Burke; and Ms. Sheridan

NAYS:

ABSTAIN: Mr. Hoffman, Mr. Forte, and Ms. Rokoszak

Mr. Hoffman made a motion to waive the reading and approve the minutes of the April 29, 2014 special meeting, which was seconded by Ms. Sheridan and approved by the following vote:

AYES: Messrs. Meyer, Windas, Reynolds, Burke; and Ms. Sheridan

NAYS:

ABSTAIN: Mr. Hoffman, Mr. Forte, and Ms. Rokoszak

Mr. Meyer made a motion to waive the reading and approve the resolution granting approvals to Michael Schappert, 513 Ninth Avenue, which was seconded by Ms. Sheridan and approved by the following vote:

AYES: Messrs. Meyer, Reynolds, Burke; and Ms. Sheridan

NAYS:

ABSTAIN: Mr. Hoffman, Mr. Forte, Mr. Windas, and Ms. Rokoszak

KATHLEEN HEATH – SWEET TEASE- 604 MAIN STREET

Appearing with Ms. Heath was her husband, Tom Walters, who is the property owner. This application is for a change of use, turning an existing retail/office space into a bakery/tea shop. Currently operate the business in Manasquan and are looking for a second location. There will be no structural changes to the building. Will handle all baking and prepping in her Manasquan store so can be up and running for the summer. The size of the space is approximately 600 square feet. In the fall would like to take an additional 600 square feet of the first floor to add a kitchen and dining area for tea. After all of this there would still be approximately 600 square feet of space to be rented out to another business on the first floor. The rear building is not being touched and is a garage being used for storage, has no bathroom facilities. The front building has two residential apartments on the second floor which are currently rented and there will be no changes to those. Their leases only provide them parking in the evening not during the day. There are currently ten parking spaces on site.

Mr. Windas asked about trash, recycling and deliveries. Ms. Heath stated she has a contract with Delisa in Manasquan but hasn't contracted with anyone for this location yet. She would use three yard dumpsters that would be at the north east end corner of the garage with fencing around. Deliveries would be once a week, Tuesday, via a small box truck that would go to the back door for access to drop off perishables. Also will get a delivery of coffee once a week on Fridays and a paper delivery once a month and a UPS delivery every three weeks.

Mr. Forte asked if there would be any outdoor dining. Ms. Heath stated she hasn't considered outdoor dining because they don't serve anything but thought about setting up a couple small tables outside for people to sit at after they purchased something inside.

PLANNING BOARD
MAY 19, 2014

Mr. Reynolds asked how many employees there would be. Ms. Heath stated it would probably be her and her son to start and at the most four people.

Mr. Meyer asked what the hours of operation would be. Ms. Heath stated it would be 7-5 on weekdays and 7-1 on Saturday.

Ms. Sheridan asked about signage. Ms. Heath submitted photos showing awning samples that would have signage on it.

Mr. Windas asked if there is any proposal for additional greenery. Ms. Heath stated she did plant some pansies and is trying to bring back the existing rose bushes.

Mr. Kovats asked if there would be any additional lighting. Ms. Heath replied no, there is sufficient parking on site. Mr. Kovats asked if there is a handicap parking space. Ms. Heath stated there is not one designated but has an area that could be.

Mr. Kovats asked if the parking spaces are lined. Ms. Heath replied no. Mr. Burke asked if they could be lined. Ms. Heath replied yes.

Mr. Venezia stated there is no increase of demand for parking spaces and the seaport redevelopment plan requires eleven onsite parking spaces and ten are proposed, which would be a variance. He feels given the driveway is tight the parking area would be better suited to be used by employees and residents only and not visitors.

Mr. Kovats suggested submitting a schematic to Mr. Venezia showing the location and design of the dumpster area.

Ms. Heath questioned the parking calculation because she thought the parking requirement for the residents could be shared with the commercial use because their leases state they can only use the parking in the evening and the business is not open in the evening. Mr. Venezia stated there are provisions that allow for 50% shared. Mr. Kovats stated that language could justify the Board granting a variance for parking.

Public: none

Board Comments:

Mr. Meyer stated he has no problem with the conditions agreed to; it looks like a good plan.

Ms. Sheridan stated she has no problems with the application and wished them the best of luck.

Mr. Forte asked if there is a variance that needs to be granted. Mr. Kovats stated the engineer has stated there is a variance for two parking spaces.

Ms. Rokoszak stated she has no issues with the application and wished them well.

Mr. Reynolds stated this is what Main Street needs and wished them well. Mr. Burke and Mr. Hoffman agreed.

Mr. Windas stated it will be a nice improvement to the downtown.

Mr. Meyer made a motion to approve the application, which was seconded by Mr. Hoffman and approved by the following vote:

AYES: Messrs. Meyer, Forte, Windas, Reynolds, Burke, Hoffman; and Ms. Sheridan and Ms. Rokoszak

NAYS:

JOHN & FRANCES COLIE – 1710 SURF AVENUE

Appearing for this application was architect Paul Amelchenko and Mr. and Mrs. Colie. Mr. Amelchenko stated the proposal is to subdivide the lot which has two homes on it into two lots making them conforming single family lots. Then leave the 18th Avenue property as is and build

PLANNING BOARD
MAY 19, 2014

a new house on the Surf Avenue lot for Mr. and Mrs. Colie to live in. Mrs. Colie stated her and her husband have owned the property for 35 years. The existing home was used as their summer home for many years before retiring there. Her husband is very ill and the existing house makes it difficult for him to maneuver. She would like a larger home to accommodate his condition and allow for her family to visit. Mr. Amelchenko submitted revised plans to the Board to show the zoning chart for the property to be known as 110 18th Avenue as well as to show there will be no floor area ratio variance for either lot. Mr. Amelchenko discussed the several variances being requested for both lots. He stated 110 18th is partially in a flood zone however 1710 Surf Avenue would not be in a flood zone if subdivided. There would be four bedrooms in 1710 Surf Avenue which requires three parking spaces, there are two existing, and can propose an additional space in the front. There are two parking spaces at 110 18th Avenue which will not change. Mr. Amelchenko explained the interior layout of the new house.

Ms. Rokoszak asked for clarification of the number of bedrooms in the new home. Mr. Amelchenko stated it would be four. He also clarified there would be no bedrooms or closets in the basement, it would be an open room.

Mr. Rokoszak asked if the proposed veranda on the second floor would be covered. Mr. Amelchenko replied no.

Mr. Burke asked that they address the review letter from the Environmental Commission. Mr. Amelchenko stated they are not proposing any storm water management at this time however he believes Mr. and Mrs. Colie would probably agree to a drywell installed in the front of 1710 Surf Avenue. He also agreed to the installation of some trees per their request.

Mr. Forte asked if any of the rooms are ADA compliant. Mr. Amelchenko stated yes, on the second and third floors but not the first floor.

Ms. Sheridan asked if the two homes have separate utilities. Mrs. Colie replied yes.

Mr. Windas asked how the proposal relates to the other homes on Surf Avenue. Mr. Amelchenko stated there are many undersized lots within a four block radius that have two story homes. Many of them have side and rear yard setback violations.

Mr. Kovats asked if there is any reason why both houses can't be demolished and one new house be built to accommodate their needs besides the financial burden. Mr. Amelchenko stated it would create an oversized lot and the applicants are not willing to take on such a large construction project at this time.

Mr. Venezia stated a lot of the variances being proposed for the corner lot are created because it is a corner lot which has different standards.

Ms. Rokoszak asked if the subdivision has to happen in order for the new house to be built. Mr. Kovats stated it could not be done without approval for a use variance for a non-conforming use that is heard by the Zoning Board of Adjustment and not this Board. He added that by subdividing they no longer need that use variance because there are two single family residences on two single lots, however it creates 14 "c" variances for the lot conditions and setbacks. Mr. Amelchenko added that only five of the 14 variances are new, the remaining are existing conditions.

Public: none

Board Comments:

Mr. Meyer stated this is a tough one for him. He empathizes with their situation but struggles with balancing out the size of the property while maintaining the integrity of the master plan. He added that they could get a much bigger nicer home if they just went with one home on the property.

Ms. Sheridan stated she too is struggling with this because it is a lot of variances. Agrees they could just build one big home to accommodate all of their needs.

Mr. Forte stated he would be in favor of the subdivision because there are two homes there now and it's not in an area with large size lots.

PLANNING BOARD
MAY 19, 2014

Ms. Rokoszak stated she is struggling with the subdivision as well and was concerned about variances being needed if improvements were ever made to the other lot.

Mr. Reynolds stated he sees the dilemma they are in but it is a very tight area. He suggested renovating the existing structure to accommodate Mr. Colie's needs instead. He is struggling with the application.

Mr. Burke stated he is not struggling with the application and feels it's a no brainer, it's too much for that area.

Mr. Hoffman stated any approvals granted run with the property and he has a problem with the number of variances.

Mr. Amelchenko asked if there is anything in particular that seems to be a problem with the Board.

Mr. Hoffman stated he would agree with some of the other members that they could just build one new house on the lot that would be big enough.

Mr. Windas stated he understands their plan and realizes that much isn't changing compared to the existing conditions it's just being split into two lots. He understands it's a tight area but doesn't see that changing. He stated he would be in favor of the application if the additional proposed parking space in the front yard was removed.

At approximately 9:20 pm the Board took a brief recess to allow Mr. Amelchenko to speak with his clients.

The Board reconvened at 9:30 pm.

Mr. Forte asked what the difference is between the sizes of the existing home and the new proposed home. Mr. Amelchenko stated the foot print is the same except for a 1.4 extension in the front yard.

Mr. Amelchenko stated they would like to carry their application to the next meeting to perhaps come back with modified plans.

This application is carried to the June 16th meeting.

Public: none

Mr. Kovats asked to go into executive session, Mr. Meyer, and Mr. Windas.

At approximately 9:45 pm the board reconvened in the public session.

Ms. Sheridan made a motion to close the executive session and return to the public meeting, which was seconded by Mr. Meyer and approved unanimously.

Mr. Burke made a motion to adjourn the meeting, which was seconded by Mr. Forte and approved unanimously.