

PLANNING BOARD
October 19, 2015

PRESENT: Mr. Meyer, Ms. Sheridan, Mr. Campbell, Mr. Windas, Mr. Forte, Mr. Doherty, Ms. Rokoszak, Mr. Burke and Mr. Hoffman

ABSENT: Mr. Reynolds and Mr. Magovern

ALSO PRESENT: Board Attorney Douglas Kovats, Board Secretary April Claudio, 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 December 22, 2014 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Hoffman made a motion to waive the reading and approve the minutes of the September 21, 2015 meeting, which was seconded by Mr. Meyer and approved by the following vote:

AYES: Mr. Meyer, Ms. Sheridan, Mr. Campbell, Mr. Windas, Mr. Burke and Mr. Hoffman

NAYS:

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

Mr. Hoffman made a motion to waive the reading and approve the resolution granting approvals to Coastal Jersey Properties Inc., 805 12th Avenue, which was seconded by Mr. Burke. Mr. Kovats stated the applicant's attorney has advised him of some typos in the resolution which he has corrected. He has also advised that the home will now only be two bedrooms instead of three bedrooms which he has changed. Mr. Meyer made a motion to adopt the revised resolution, which was seconded by Mr. Campbell and approved by the following vote:

AYES: Mr. Meyer, Ms. Sheridan, Mr. Campbell, Mr. Windas, Mr. Burke and Mr. Hoffman

NAYS:

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

JOSEPH SZODFRIDT – 1402 C STREET

Appearing for this application was Mr. Szodfridt's wife Helen, his contractor James Alburtus, and engineer/planner Michael Cannon. Mr. Alburtus stated the property owner is also present. He has given Mr. and Mrs. Szodfridt written permission to appear before the Board. He submitted a revised plot plan to address some of the Borough Engineer's concerns.

Mrs. Szodfridt stated her and her husband would like to purchase this property which is adjacent to their home on 14th then subdivide it, demolish the rooming house, and build two single family homes.

Mr. Alburtus stated both homes will have three bedrooms and two bathrooms. They will be modular homes. The interior designs have not been decided on yet. He submitted several photos of the existing property.

Mr. Cannon stated the property currently as a non-conforming rooming house. The proposal is to subdivide the property into two undersized lots which requires a variance. The proposed front yard setback will be 5 feet to the porch which will be further back than the rooming house and in line with Mrs. Szodfridt's house. Also need a variance for rear yard setbacks and side yard setbacks. No variances needed for height, impervious coverage, and floor area ratio. Building coverage will be slightly over the 30% maximum on both properties which requires a variance. Two parking spaces are required for each property and will have driveways to comply with that. He added that although they are seeking many variances the proposal is consistent with the neighborhood. There are a lot of lots in the area that are undersized.

Mr. Cannon discussed the Board Engineer's review letter. The interior lot will need to have a new curb cut and driveway apron constructed. Sidewalks and curbs will be replaced as needed. They will conform to all of the requirements addressed by the engineer.

Mr. Windas asked if the rooming house was rented out this past summer. Mr. Alburtus stated there is an apartment on the site that was rented.

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Mr. Meyer asked how many apartments are on there now. Mr. Alburtus stated there is one apartment and 13 bedrooms in the rooming house.

Mr. Forte asked for the total footprint of the rooming house versus the total footprint of the proposal. Mr. Cannon stated the proposal will be 200 square feet less than the existing. Mr. Alburtus added that the neighborhood will not miss the rooming house as it has been an eyesore.

Mr. Campbell asked Mrs. Szodfridt where her property is. She stated this site is in her backyard. Mr. Campbell stated since she lives so close he would imagine she wouldn't build anything that she wouldn't want to look at. He agrees the rooming house won't be missed by the neighborhood.

Mr. Kovats asked about drainage. Mr. Cannon stated it currently flows from the rear of the property of the street and will not change.

Public: none

Board Comments:

Mr. Meyer stated he has seen the existing property and it is an eyesore. He is concerned about the size of the lots but feels the proposal will greatly enhance the area.

Ms. Sheridan stated she has concerns about creating undersized lots but it would be an improvement over what is there.

Mr. Campbell stated he has no problem with it; it will improve the neighborhood.

Mr. Forte stated the total footprint and square footage is smaller than what is there and the variances are minor and has no problem with it.

Mr. Doherty stated it will be great for the neighborhood.

Ms. Rokoszak was concerned about the small lot sizes but there are other small lots in the neighborhood.

Mr. Burke stated the lots are small but appear to fit in with the neighborhood. Mr. Hoffman agreed.

Mr. Windas stated there are a lot of variances but the proposal would be better than what is there and it appears to fit in with the neighborhood.

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

AYES: Mr. Meyer, Mr. Campbell, Mr. Windas, Mr. Burke, Ms. Rokoszak, Mr. Forte, Mr. Doherty and Mr. Hoffman
NAYS: Ms. Sheridan,

LOKO CO. LLC – RIVER AVENUE

Appearing for this application was the developer Greg Kapalko, his tenant Tim Harmon, and attorney Roger McLaughlin.

Mayor Doherty recused himself from this application and left the meeting.

Mr. McLaughlin stated the developer came before the Board in 2013 for phase I of his redevelopment. Tonight they are here to seek approval on the amended plans for phase I. Phase I consists of a temporary outdoor dining/bar space. They would like to modify the layout of the property.

Mr. Kapalko stated since he was previously before the board he demolished the building on the site and did some street and site work and cleanup. In the spring of 2014 he did some additional

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site work to accommodate safety issues brought up by the Borough Police Department and engineer which he complied with. It involved a new crosswalk and some changes in striping.

Mr. McLaughlin stated this is all still part of phase I and is temporary until phase 2 is started which is the building with the condominiums.

Mr. Campbell expressed concern about the sewers in that area because Klein's already has problems and has to consistently clean out the pipes. He would like to have some agreement with Mr. Kapalko or Mr. Harmon to also do clean outs and clean out the grease traps like Klein's does now. Mr. Kapalko stated if he has to contribute to clean up they will do so but doesn't think that the type of cooking they are doing will create a lot of grease.

Mr. Harmon stated he is the principle of Dockside Dining who is the tenant of the site. He stated they made some field changes to the site to address the flow of the property. A walk in cooler was not listed on the previous plan and now is indicated. The number of structures stayed the same; they were just moved around. The previously approved gas fire pits were moved towards the Riverwalk that goes under the bridge and added landscaping to create a security buffer. The westerly bar is the same size however had to add in a service bar and access. The other bar was slightly changed to allow for service areas. The original plan showed the bars in the center of the property only a few feet from the sidewalk. They shifted the bars slightly north west to be more away from the sidewalk. A food service trailer was moved from the right side to the left side. He felt instead of having one big open space the new layout creates carved out areas for people to go to. Two of the structures on the westerly border would be food trucks that would work on a rotating daily schedule. The food trucks would tie into electric on the site and not use generators and they would not be a burden on the town sewer system. The food trailer on the site is a glorified deli counter to sell pre-made food, there will be no cooking. There will be one bathroom trailer on site which he feels will accommodate the site. Instead of having a second bathroom trailer they are proposing a fenced in handicap accessible port-o-john.

Mr. Windas asked about total capacity. Mr. Harmon stated the proposed seating is on the plan but hasn't gotten to the point with the town to determine the actual occupancy yet. He estimates 300-400 people.

Mr. Burke questioned why they didn't come before the Board when they knew the originally approved plans weren't going to work. Mr. McLaughlin stated they didn't feel the changes were significant enough to require them to come back before the Board. Mr. Harmon stated he felt these changes were minimal. Mr. McLaughlin stated they tried to come before the Board informally but was told they needed new plans to submit which took some time to obtain.

Mr. Forte asked Mr. Harmon if he had any say in the original plan. Mr. Harmon replied yes. Mr. Forte asked how he didn't see that the changes would have to be made. Mr. Harmon stated when they put it on paper it looked like a great plan. Mr. Forte felt Mr. McLaughlin seemed cavalier about changing things but when the board approves a plan that's the plan that's approved. Mr. McLaughlin stated they feel the changes that were made were not major changes. He added that there are always field changes and up to a certain point the code officials were okay with it until they said there were too many changes and they had to come back before the Board. He stated they tried to argue that but was told they needed to come back before the Board. Mr. Forte asked why the size of the parking spaces was reduced. Mr. Kapalko stated the changes were discussed with the Borough Police Department and engineer. Mr. McLaughlin stated they have actually added more spaces.

Mr. Burke referenced a note in the engineer's letter that as-built drawings were received in July and he noticed discrepancies in the plan and questioned Mr. McLaughlin's timeline and why they didn't come before the Board sooner.

Mr. Burke questioned when the three year temporary use agreement expires. He thought it would be next year. Mr. McLaughlin stated that this something his client will have to discuss with the town as part of the developer's agreement.

Mr. Kovats asked for clarification on the proposed number of structures on the original plan versus the revised plan. Mr. Harmon stated he doesn't count the two food trucks in his building count because they will leave at the end of each day. Mr. Kovats asked if there is a design plan

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for the food trucks. Mr. Harmon stated they would all be differently designed. Mr. Kovats stated the food trucks were not part of the original plan.

Mr. Windas asked about the fence between their property and Klein's. Mr. Harmon stated there is a vinyl fence to make sure people using Klein's walkway can't walk into their area. Mr. Windas asked if the food trucks will be in compliance with the Fire Official's code. Mr. Harmon stated he would make sure they comply with any requirements.

Mr. McLaughlin discussed the Borough engineer's review letter. The landscaping plan is now shown on the plans. Will submit a lighting plan to the engineer to ensure it is sufficient. Mr. Harmon stated there are now seven lights on the site not eight. The number of handicap parking spaces has not changed. Everything is ADA compliant. There are no changes to the original environmental impact study.

Mr. Venezia stated he would like to see more information on the lighting levels, specifically in the bar area. He would also like a certification from the applicant's engineer that the gravel on site is ADA compliant. He asked how the trucks would get in and out. Mr. Harmon stated there is a construction apron there. Mr. Venezia asked what would happen if someone is parked in the parking spots in front of the apron. Mr. Harmon suggested he could have employees park there so they can move when the trucks need to go in and out. Mr. Kovats suggested using simple signage indicating it a loading zone instead.

Mr. Campbell asked if the plan discussed tonight would be the working plan or would there be additional changes. Mr. Harmon stated there would not be any additional changes as they are almost finished with the project.

Captain Andrew Huisman of the Belmar Police Department discussed some concerns that the Police Department has in regards to public safety. One concern is the fire pits. What type are they, what do they look like, are they approved by the fire official? Another concern is the occupancy. The concern is with parking for an establishment that could have an occupancy of 300-400 people. Another concern is lighting, doesn't feel there is enough. Another concern is the type of fencing around the perimeter; it may not be enough to deter people from entering or leaving. He asked what the hours of operation are for the bar and the food trucks. He stated there are no bike racks on the plan which should be considered. Mr. Huisman suggested additional security at the rear perimeter if they choose to use the existing fence proposed, if not he would suggest a higher fence. His concern about the lighting was that there is a lot of low level lighting and would they be a trip hazard. Mr. Kovats suggested submitting a detailed lighting plan. Mr. McLaughlin stated he already agreed to that as part of the engineer's report.

Mr. Harmon stated the hours would be from about 10 am or 11 am to whatever time would be allowed. He added they would not be open until 2 am and doesn't see them serving food past midnight.

Mr. McLaughlin stated all fire pits will meet code requirements. He asked Captain Huisman if he would rely on the Borough Engineer stating the lighting is adequate. Captain Huisman replied yes. Mr. McLaughlin felt the security issues should be addressed during the liquor license transfer process. Captain Huisman stated the fencing is a concern along the rear because it's only a one foot high fence with a rope. His concern is people going in and out of the area easily.

Mr. McLaughlin asked if there were any specific issues in town that would justify Captain Huisman's concerns. Captain Huisman replied no. Mr. Campbell stated Captain Huisman has been a police officer for a long time and his experience should be enough to warrant some concern. He added the only issue is the height of the fence so he asked them to just build a higher fence. Mr. McLaughlin stated they would build a higher fence.

Mr. Kovats asked for clarification on the type of fire pits. Mr. Harmon discussed them. Captain Huisman asked about the hours of operation for the fire pits. He is concerned about the safety of people as they become more intoxicated. Mr. Harmon stated the design of the fire pits is to create an area for people to sit, not stand around them. He added they probably won't be on during the day.

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Public: none

Board comments:

Mr. Meyer stated he has no problem with the food trucks since it's a temporary use.

Ms. Sheridan stated she is glad to hear bike racks will be added and there will be better fencing along the walkway.

Mr. Campbell stated as long as Captain Huisman is okay with his public safety concerns then he has no issues.

Mr. Burke stated he wished we had all of this information back in January when the application was originally approved. He doesn't like to see plans not being followed.

Mr. Hoffman agreed, however those issues have been aired out this evening.

Mr. Windas stated he does believe the modifications did warrant them coming back before the Board. Mr. Meyer is right this is a temporary use which we have to keep in mind. Wished them good luck with the project.

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

AYES: Mr. Meyer, Ms. Sheridan, Mr. Campbell, Mr. Windas, Mr. Burke, Ms. Rokoszak,
Mr. Forte, and Mr. Hoffman

NAYS:

ABSTAIN:

Public Comments: None

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