

2600 Bayshore Road
Villas, New Jersey 08251



(609) 886-2005

DUE TO COVID-19 AND SOCIAL DISTANCING REQUIREMENTS, THE MEETING WAS CONDUCTED THRU THE GO TO MEETING FORMAT AND WAS VIDEO AND AUDIO

A regularly scheduled meeting of the Zoning Board of Adjustment was held on February 4, 2021 at the Lower Township Municipal Building. The meeting was called to order at 6:00 P.M. by Chairman James Hanson. The Recording Secretary stated that adequate notice of said meeting was given in compliance with the Open Public Meetings Act of 1975.

STAFF PRESENT: Anthony J. Harvatt, II, Board Solicitor
William Cathcart, Board Engineer
Scott MacPherson, Mott MacDonald
William J. Galestok, Board Secretary
Lisa A. Schubert, Recording Secretary

CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated January 26, 2021.

List of Mott MacDonald vouchers dated February 4, 2021.

Chairman Hanson read the agenda for the benefit.

Mr. Utsch made a motion to approve the January 7, 2021 minutes. The motion was seconded by Mr. Kennedy. Motion carried.

Mr. Brand made a motion to approve the Board Solicitor vouchers. The motion was seconded by Mr. Sweeten. Motion carried.

Mr. Kennedy made a motion to approve Mott MacDonald vouchers. The motion was seconded by Mr. Brand. Motion carried.

Mr. Brand made a motion to approve the resolutions from the January 7, 2021 meeting. The motion was seconded by Mr. Kennedy. Motion carried.

1. Use & variance & revised site plan applications to expand the building footprint to include an elevator and pool equipment storage area, utilize the existing grass parking facility located on Block 703, Lots 1-7 & 30-32.01 for valet parking only. Use variance needed for off-site parking. Variance for four-foot high landscape buffer for the off-site parking, submitted by Achristavest Pier 6600, LLC for the location known as Block 710.01, Lots 1-12.02, Block 710.02, Lots 1.01-1.03 & Block 703, Lots 1-7 & 30-32.01, 9701 Atlantic Avenue & Seaview Avenue.

Mr. Frank Corrado, Esq., represented the applicant.

Chairman Hanson explained at the last meeting, there were some Board members questioning the lease of the parking area from the Township. Chairman Hanson read a letter from Mr. Belasco, Township Solicitor dated January 27, 2021. He explained this should answer any questions the Board and public should have.

Mr. Corrado explained he has provided the Board with the Resolution and agreement of

sale from the Township. These were marked as A-1 and A-2. He also provided a plan of survey which was marked as A-3. He explained when they received the survey, they noticed the lots were consolidated into one lot. He explained there would be a 20' buffer from the playground.

Chairman Hanson explained that Mr. Orlando was still under oath.

There was a discussion it was discovered there was an error with the previous survey and a new accurate survey was submitted.

Mr. Orlando explained there is still adequate room for the parking area and the surface remains the same.

Mr. MacPherson summarized Engineer comments dated January 29, 2021.

This portion of the hearing was opened to the public.

Mr. James Sanford was sworn in by Chairman Hanson.

Mr. Sanford explained adjacent to the proposed parking area is the playground and also the bike lanes. He explained there is parking on both sides of the street and there is barely 20' of drive aisle. He explained there is a lot of pedestrian traffic. He explained the valets will be rushing back and forward from Icona to the remote parking and this could be a dangerous situation. He explained there is a lot owned by Icona adjacent to the hotel that he could receive approval to park that would be safer.

Mr. Andrew LoGuercio was sworn in by Chairman Hanson.

Mr. LoGuercio explained he agreed with everything Mr. Sanford stated. He read a statement into the record opposing this application.

Mr. France McGovern was sworn in by Chairman Hanson.

Mr. McGovern explained he felt the public notice was deficient and questioned who owns the lots.

Mr. Carl Perri was sworn in by Chairman Hanson.

Mr. Perri explained there is no lighting proposed at the parking area and questioned if the lot was not going to be used at nighttime? He asked if a traffic study was preformed? He explained Icona does not have sufficient parking for the hotel and questioned as to where the employees would park.

Mr. Jim Yost, General Manager of SeaPointe Village and The Grand Associations was sworn in by Chairman Hanson.

Mr. Yost explained SeaPointe Village and The Grand neither support nor oppose this application. He explained in the past they did have concerns with noise, but that has been improving.

Mr. Joe Panepinto was sworn in by Chairman Hanson.

Mr. Panepinto explained the original Pier 6600 was a nightmare. He explained once that was sold, Icona has greatly made improvements and feel Icona is an asset to Diamond Beach.

Mr. Phil Petrone was sworn in by Chairman Hanson.

Mr. Petrone explained he doesn't feel Icona is a good neighbor by putting a parking lot next to a playground. He explained there is flooding on Seaview Avenue. He explained the applicant is not proposing any surfacing on the lot and feels it will turn into a swamp.

Mr. John Sarcone, of Diamond View Condo, was sworn in by Chairman Hanson.

Mr. Sarcone explained he doesn't feel the Icona site isn't large enough to accommodate every thing that they have. He explained there is a lot of traffic in this area.

Mr. Tom McNulty was sworn in by Chairman Hanson.

Mr. McNulty explained Icona is a great hotel, but feels the town will be exposed to great liability with this remote parking. He explained he feels a lot of accidents will happen. He read a section from the agreement and explained he raised objections five years ago.

Ms. Melaine Sessa was sworn in by Chairman Hanson.

Ms. Sessa explained the property values have increased in this area. She explained Icona has brought a lot of positives to the community.

Ms. Toni DeFilippo was sworn in by Chairman Hanson.

Ms. DeFilippo explained she is in support of this application. She explained she has no issues with the remote parking.

Mrs. Ann Petrone was sworn in by Chairman Hanson.

Mrs. Petrone explained she refutes Ms. Sessa's claims of Icona raises property values in the area. She explained the playground is all Diamond Beach has for the kids.

Ms. Anna Marie Millili was sworn in by Chairman Hanson.

Ms. Millili explained she's sure Icona will take the proper safety precautions. She explained the traffic will exist with or without the remote parking.

Mr. Al Turse was sworn in by Chairman Hanson.

Mr. Turse explained denying the remote parking is not going to elevate the problem. He explained the remote parking will help take some car parking off the street. He explained the valet parking knows what they are doing.

Mr. Matthew Wolferman was sworn in by Chairman Hanson.

Mr. Wolferman explained he recently purchased in the area. He explained in this time, the traffic in the area has increased.

Ms. Carole McCarraher was sworn in by Chairman Hanson.

Ms. McCarraher explained she is in support of this application. She explained Icona has been using the lot for the past five years and there's been no negative impact to the area.

Mr. Ben DeScala was sworn in by Chairman Hanson.

Mr. DeScala explained he is in support of the application. He explained the lot has been used for the past five years with no problems. He explained Icona pays taxes and has provided employment. He explained this is a high-end hotel the clientele spends money locally.

Ms. Diana LoGuercio was sworn in by Chairman Hanson.

Ms. LoGuercio explained there is reckless driving on any given day. She explained she is opposed to this application. She explained she feels it's detrimental to the area children.

Ms. Erica Young was sworn in by Chairman Hanson.

Ms. Young explained she is in favor of this application. She explained Icona has taken care of their property.

Mr. Robert Ross was sworn in by Chairman Hanson.

Mr. Ross explained he is a new owner in the area. He explained with stack parking, there will be a lot of maneuvering around and the valets have to be quick for their tips. He explained there are other alternatives than what is proposed.

Mr. Jonathan Price was sworn in by Chairman Hanson.

Mr. Price explained Icona is a first class operation. He explained they have really put a lot of thought into what they have done to the property.

Ms. Stacey Phiney was sworn in by Chairman Hanson.

Ms. Phiney explained she has no problem with Icona, but just learned the remote parking area was leased to Icona. She explained they want the property back. She explained there is no green space in this area.

Ms. Michelle Delaney was sworn in by Chairman Hanson.

Ms. Delaney explained she has vacationed in this area for 17 years. She explained she supports this application. She explained through the years there has been a lot of positive changes.

Ms. Maria VanWormer was sworn in by Chairman Hanson.

Ms. VanWormer explained there is a parking issue everywhere. She explained the remote parking is beneficial to the area.

Ms. Dolores Turse was sworn in by Chairman Hanson.

Ms. Turse explained there have been many improvements over the years. She suggested that maybe the Board could provisionally approve the application, but then have the applicant come back to submit safety reports.

This portion of the hearing was closed to the public.

Mr. Corrado explained the applicant has been using the remote parking area for five years. He explained the lot is suited for this use. He explained the notice that was provided was adequate. He explained the Township consolidated the lots and the applicant just found that out.

Mr. Eustace Mita, applicant, was sworn in by Chairman Hanson.

Mr. Mita gave the history of this property from a not so nice hotel to a hotel that has been voted as one of the best in New Jersey.

The Board discussed adding an additional 45 parking spaces on the same lot is beneficial to the area. There was a discussion about adding additional landscape buffers between the playground and the parking area.

Mr. Brand made a motion to conditionally approve the use variance application. The motion was seconded by Mr. Kennedy.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Basco	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Kennedy made a motion to approve the variance for the landscape buffer. The motion was seconded by Mr. Sweeten.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Basco	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Utsch made a motion to approve the parking variance. The motion was seconded by Mr. Kennedy.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Basco	YES
	Chairman Hanson	YES		

Motion carried.

There was a discussion about adding additional landscaping and bollards between the parking area and playground. Mr. Orlando explained they can provide additional landscaping, but does not think the bollards would be necessary. The Board explained they would for the added safety to for the playground, they want the bollards.

Mr. Brand made a motion to conditionally approve the site plan application. The motion was seconded by Mr. Kennedy.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Basco	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Sweeten made a motion to approve the waiver for lighting. The motion was seconded by Mr. Brand.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Basco	YES
	Chairman Hanson	YES		

Motion carried.

A memorializing resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting.

3. Hardship variance to construct a 30 x 30 detached garage in the front yard, submitted by Andrew & Sonja Polash for the location known as Block 508.01, Lot 8.14, 4 Rossi Drive.

Mr. Andrew Polash and Mrs. Sonja Polash, applicants, were sworn in by Chairman Hanson.

Mrs. Polash explained they would like to construct a 30 x 30 detached garage in the front yard. She explained they need a variance for an accessory use in the front yard. She explained there are wetlands in the back of the property and the well is also located in the back. She explained the septic system is in the front yard.

Mrs. Polash explained the garage would house vehicles and equipment. She explained they would want electric, but no plumbing in the garage.

Mrs. Polash explained the garage would meet the 50' front yard setback and would be 10' from the side yard. She explained there is a wooded area that would hide most of the garage from others and they could add more.

The Board asked what the height of the garage would be? Mr. Polash explained it would be 18'. The Board asked what the height of the house was? Mr. Polash explained he did not know, but the garage would not be higher than the house.

This portion of the hearing was opened to the public.

Ms. Valerie Newman was sworn in by Chairman Hanson.

Ms. Newman explained there is nothing in the neighborhood like this and does not know why they need a 30 x 30 garage because they have a two-car garage. She explained what is proposed would be an eyesore and have a negative impact to the beauty of the neighborhood.

This portion of the hearing was closed to the public.

Mr. Polash explained there is a property in the neighborhood that has sheds in the front yard that are about 10' from the property. He explained they need a place to store their stuff. He explained they wanted the garage in the back yard but they can't because of the wetlands. He explained they spoke with an Engineer who explained because of the wetlands and well in the back yard, the garage would not be able to be placed there.

The Board discussed with the irregular shape of the lot and the wetlands, this would be

the best place to place the garage.

Mr. Brand made a motion to conditionally approve this application. The motion was seconded by Mr. Sweeten.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Basco	YES
	Chairman Hanson	YES		

Motion carried.

A memorializing resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting.

4. Hardship variance application to construct an 8 x 24 front porch encroaching into the front yard setback, submitted by Charles Ritter for the location known as Block 576, Lot 3, 1603 Washington Blvd.

Mr. Charles Ritter and Mrs. Diane Ritter, applicants were sworn in by Chairman Hanson.

Mrs. Ritter explained they would like to construct an 8 x 24 front porch encroaching into the front yard setback approximately two feet. She explained there would be a roof, railings and have two steps. She explained there would be no electric.

This portion of the hearing was opened to the public. There were no public comments. This portion of the hearing was closed to the public.

Mr. Kennedy made a motion to conditionally approve this application. The motion was seconded by Mr. Brand.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Basco	YES
	Chairman Hanson	YES		

Motion carried.

A memorializing resolution will be prepared by the Board Solicitor for the Board to review at the next scheduled meeting.

6. Hardship variance application to construct an addition connecting the house to the detached garage encroaching into the side yard setback, submitted by Roy & Deborah Ramsey for the location known as Block 676, Lot 3, 705 Atlantic Avenue.

Mr. Charles Sandman, Esq., represented the applicant.

Mr. Roy Ramsey, applicant, was sworn in by Chairman Hanson.

Mr. Sandman explained his clients would like to construct an addition that would attach the house to the garage. He explained the garage currently has a 4' side yard setback. He explained this would not change. He explained the garage area would consist of a living area/den.

Mr. Ramsey explained to the Board there is a utility room on the back of the house that is rotted. He explained that would be fixed and then the addition would connect the house and garage. He explained this would be used as additional living area for family. He explained this would not be used as a living unit.

Mr. Ramsey explained there is a bathroom in the garage now. He explained he has no problem with a deed restriction that it would not be a rental.

Mr. Galestok explained the proposed addition is 9.6' x 15'. He explained it should be 10' or less width by the 15'.

This portion of the hearing was opened to the public. There were no public comments. This portion of the hearing was closed to the public.

Mr. Brand made a motion to conditionally approve this application. The motion was seconded by Mr. Kennedy.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Basco	YES
	Chairman Hanson	YES		

Motion carried.

A memorializing resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting.

7. Use variance application to construct a duplex, submitted by Robert Penza & Michael Penza for the location known as Block 764, Lots 46-49, 1200-1202 Wilson Drive.

Mr. Ron Gelzunas, Esq., represented the applicants.

Mr. Gelzunas explained the Board approved two single family dwellings on two separate lots in 2016. He explained the dwellings have not been built yet. He explained they would like to combine the two lots and construct one duplex.

Mr. Vince Orlando, PE, PP, was sworn in by Chairman Hanson.

Mr. Orlando explained there were two old single family dwellings that were demolished. He explained the bulkhead was reconstructed. He explained in 2016, Mr. Massaro, Mr. Penza and Mr. Penza were before the Board with three separate applications. He explained Mr. Massaro received approval for a duplex on one lot. Both Penza's received approval for single family dwellings.

Mr. Orlando explained the Penza's would like to combine their properties and construct one duplex that would meet the required setback, coverage and height. He explained adequate parking would be provided. He explained what is proposed does not have a negative impact to the adjacent properties. He explained what is proposed is not increasing the density of what was already approved.

The Board explained this is an MGB zone and there is a tackle shop, bar and marina in the general area of what is proposed. He explained all of these operations will have a lot of noise. It was explained with previous applications in this area, a condition of approval was a deed restriction about the noise etc. Chairman Hanson read a sample of deed restriction that would include but not limit, noise, smells, music, etc.

There was a discussion regarding height. Mr. Gelzunas explained the proposed duplex would meet the height limit. He explained they will do a deed of consolidation.

Mr. Gelzunas explained Mr. Massaro did not receive a certified notice, but he did sign an affidavit that he waived notice. He explained Mr. Massaro is also present on the meeting tonight.

This portion of the hearing was opened to the public.

Mr. Stephen Barry, Esq., representing Spicer Bar.

Mr. Barry explained to the Board that his client wanted to make sure there would be a deed restriction and request wording there is a bar in the area so there will be noise, etc.

Mr. Brian McEwing, Esq., represented Miss Chris/Dolphin Dock.

Mr. McEwing explained his client does not oppose this application but he wanted to make sure there would be wording in the deed restriction regarding noise and odors.

The applicants had no objection to the deed restrictions.

This portion of the hearing was closed to the public.

Mr. Brand made a motion to conditionally approve this application. The motion was seconded by Mr. Kennedy.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Basco	YES
	Chairman Hanson	YES		

Motion carried.

A memorializing resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting.

Mr. Brand made a motion to adjourn at 8:34 P.M. The motion was seconded by Mr. Kennedy. Motion carried.

Respectfully submitted,

Lisa A. Schubert,
Recording Secretary

A verbatim recording of said meeting is on file in Township Hall.

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE PUBLIC BODY AT ITS NEXT MEETING. THIS BOARD WILL NOT BE RESPONSIBLE FOR ANY MIS-STATEMENTS, ERRORS OR OMISSIONS OF THESE MINUTES, AND CAUTIONS ANYONE REVIEWING THESE MINUTES TO RELY UPON THEM ONLY AT THEIR OWN RISK.