

**PLANNING BOARD OF ADJUSTMENT
BARNEGAT LIGHT
MAY 17, 2023**

THE PLANNING BOARD MEETING was called to order at 5:00pm by Chairman Gutowski who stated that notice of this meeting has been published and posted in accordance with requirements set forth in the New Jersey Open Public Meetings Act.

The Pledge of Allegiance followed.

ROLL CALL: Manookian, Gutowski, Mescolotto, Snieckus, Sulock, Patterson, Mikuletzky, Washburn, Larson

ABSENT: None

Also present, Board attorney Joe Coronato and Secretary Cecile Hodgson

MINUTES OF FEBRUARY 15, 2023 MEETING

AT THIS TIME, Chairman Gutowski asked for a motion to approve the minutes of the February 15th 2023 meeting.

MOTION: Manookian

SECOND: Washburn

VOTE: Manookian, Gutowski, Sulock, Patterson, Mikuletzky, Washburn, Larson

ABSTAIN: None

NAYS: None **ABSENT:** None

NEW BUSINESS

2023-01 Minor subdivision Seventh St. LLC, Block 14 Lot 29.

Jim Raban approached the board as the attorney representing the applicant. He explained that during the pandemic the state passed a law permitting outdoor dining for bars and restaurants with the condition they do not take up more than 75% of their parking spaces. When the law was initially passed the governor set it to expire in November 2022 or when the limitations were lifted with respect to the indoor seating, whichever date was later. The governor then extended the time frame to November 2024. He explained that the applicant is seeking to continue to have outdoor seating in the same fashion as they've had in the past couple of summers. They are applying specifically to have a tent on the south side of the building and picnic tables on the north east. The picnic tables are not for food service, they will be used as a waiting area for patrons. Mr. Raban explained that this is not considered a variance application, it is a request for an extension to continue outdoor seating for this summer and the next summer.

Mr. Raban introduced Michelle Egan to speak on behalf of the applicant. Michelle Egan, part owner and restaurant manager was sworn in. Michelle explained that the hours for outdoor seating would be 11:30am to 9:00pm and that there are 50 seats on the outdoor deck and 50 seats inside the tent. In regards to parking, Michelle explained that she has not noticed an issue with parking. She stated that many patrons as well as employees live in town and tend to walk or bike. Michelle then explained that the restaurant utilizes the cellphone app "Yelp" which allows patrons to view wait times from their homes, put their names in and arrive at their scheduled time which helps alleviate parking issues.

Joe Coronato asked to clarify the total number of indoor dining seats. Mr. Raban stated that there is a total of 145 indoor seats. Mr. Coronato asked about the additional employees the outdoor seating would require. Ms. Egan stated that only two additional employees would be needed during a shift. Mr. Coronato expressed that he is concerned about the two tables that are in the 7th Street right of way and recommended that the board not approve the tables in the right of way. Ms. Egan assured the board that the tables could be moved. Mr. Coronato asked how many parking spaces would be eliminated with the addition of the tent. Ms. Egan responded that 14 would be eliminated. Mr. Coronato then asked about the overhead wires going over the tent and advised the board to require the applicant to have the wires properly inspected to ensure the wires are not a safety hazard.

Mayor Larson asked Ms. Egan about possibly making more parking available along the west-side of the building. Ms. Egan responded that this would be a possibility. Chairman Gutowski also felt that this would be a good idea but was concerned about parking spaces being too close to the tent. Ms. Egan stated that she would be happy to put signage and safety cones out so that patrons could park a safe distance from the tent. The board concluded their questioning.

AT THIS TIME, Chairman Gutowski asked for a motion to open to the public

MOTION: Manookian

SECOND: Larson

Ms. Joy Luedtke approached the board and was sworn in. Ms. Luedtke expressed her support for Kubels and stated that she believes it is beneficial for the overall welfare of the town.

AT THIS TIME, Chairman Gutowski asked for a motion to bring discussion back to the board.

MOTION: Manookian

SECOND: Larson

Mr. Coronato explained that if the board were inclined to approve the application, he suggested that the board make a motion to approve the number of seats that are inside the restaurant and the number of seats that are under the tent. These approvals will be granted with the contingencies that the applicant will remove the tables that are currently in the right of way, they will make parking spaces available on the westerly side of the property and they will make sure the overhead wires are safe.

Mayor Larson recommended that the allowances be granted for one year and then the applicant can come back for administrative approval for 2024. Mr. Coronato said that the applicant can write a letter to the board next year asking for an extension.

AT THIS TIME, Mayor Larson asked for a motion to approve the additional seating for one year with the contingencies that the picnic tables are removed to add more parking, that the overhead wires pass inspection and more parking be made available on the westerly side of the property.

MOTION: Larson

SECOND: Washburn

ROLL CALL: Manookian, Gutowski, Sulock, Patterson, Mikuletzky, Washburn, Larson

AT THIS TIME, Chairman Gutowski asked for a motion to adjourn

MOTION: Manookian

SECOND: Larson