

**PLANNING BOARD OF ADJUSTMENT
BARNEGAT LIGHT
NOVEMBER 15, 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: Gutowski, Snieckus, Sulock, Patterson, Washburn, Larson, Mikuletzky, Mescolotto

ABSENT: Manookian,

Also present, Board attorney Joe Coronato and secretary Cecile Hodgson

MINUTES OF JUNE 21, 2023 MEETING

AT THIS TIME, Chairman Gutowski asked for a motion to approve the minutes of the June 21, 2023 meeting.

MOTION: Washburn

SECOND: Larson

VOTE: Gutowski, Patterson, Washburn, Larson

ABSTAIN: Mikuletzky, Mescolotto

NAYS: None **ABSENT:** Manookian

**APPLICATION 2023-02
ZIMAN DEVELOPMENT
BLOCK 55, LOT 13
11 E 28TH ST.
MINOR SUBDIVISION**

The attorney representing the applicant, Mr. James Raban approached the board. He explained that the existing lot is 100ft wide and 125ft deep and the applicant is proposing to subdivide the lot in half to make two 50ft by 125ft lots. The lots would conform to the zoning ordinance. The single-family home that is constructed on site would be demolished and two single family homes would then be constructed, one on each lot. There are no variances required as part of the application.

James Brzozowski, licensed professional planner and engineer in the state of NJ was sworn in to give testimony on behalf of the applicant. Mr. Brzozowski verified that this will be a conforming subdivision. Mr. Coronato asked Mr. Brzozowski if there would be any issues with drainage. Mr. Brzozowski responded that it is standard for grading to be done from the rear of the property to the street, so as not to affect neighboring properties. Mr. Brzozowski then requested a waiver for curbs and sidewalks and stated that there are none currently present on 28th St.

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

MOTION: Larson
SECOND: Washburn
ALL IN FAVOR

Steven Weinrebe of 10 East 28th St. was sworn in and expressed his support for the application, however also expressed concern about a utility pole directly in front of the property that might be an issue. Mr. Brzozowski responded that the pole may have to be relocated or the driveway should be placed as far away from the pole as possible. Ultimately, the utility company will have to work something out with the homeowner.

AT THIS TIME, Chairman Gutowski asked for a motion to close to the public
MOTION: Larson
SECOND: Washburn
ALL IN FAVOR

AT THIS TIME, Jeffrey Washburn made a motion to approve the subdivision for 11 East 28th
MOTION: Washburn
SECOND: Mescolotto
VOTE: Gutowski, Sulock, Patterson, Washburn, Larson, Mikuletzky, Mescolotto

APPLICATION 2023-03
SEVENTH ST. LLC
BLOCK 14, LOT 29,33,34 &35
28 W 7TH ST.
MAJOR SITE PLAN/VARIANCE

The attorney representing the applicant, Mr. James Raban approached the board. Mr. Coronato explained that there was a previous resolution passed in 2016 in regards to the property and also that the applicant came before the board earlier in the year and received administrative approval for a temporary extension of outdoor dining that would expire in November of 2023. Mr. James Raban explained that the applicant is requesting an extension of the existing deck. The extension requested is approximately 15ft x 46ft, however it will vary in width on the south side. The proposed number of seats will be 213 and proposed parking will be 44, where 71 are required. Raban explained that the previous resolution allowed 245 seats with the tent but with the addition of the proposed deck and removal of the tent there will be less seats and more parking. A variance will still be required for parking.

Mr. Coronato pointed out that in the 2016 resolution it was represented that there were 45 parking spaces and now it is represented that there are 44 parking spaces. He asked Mr. Raban what happened to the one spot. Mr. Raban responded that he would like to review the seating changes before discussing parking and that the proposal would be to increase the total number of seats to 213 at all times.

Mr. Brzozowski, licensed professional planner in the state of New Jersey was sworn in to give testimony on behalf of the applicant. He explained that the property has 200ft of frontage on 7th Street and 150ft of frontage on Bayview and 27,625 square ft. of area. There are 43 existing parking spaces according to the 2015 site-plan and not 45 as previously mentioned. Mr. Brzozowski explained that the applicant is proposing to extend the deck an additional 15ft to the south. He mentioned that the applicant was previously approved for 191 seats with 155 inside and 36 outside and is seeking approval from the board for an additional 22 seats, totaling 213 seats. A parking variance is requested to allow 44 parking spaces where 71 is required. He noted that in recent years other modes of transportation, other than cars have been made available in an effort to reduce DWI's. He explained that many people will walk or uber to bars and restaurants, which, in turn decreases the need for parking. He also mentioned that there is ample public parking in the surrounding area that can be used and believes a parking variance could be granted without causing substantial detriment to the public.

Mr. Raban asked Mr. Brzozowski if there would be any benefits from the extension of the deck from the perspective of the Municipal Land Use Law. Mr. Brzozowski responded that the demand for outdoor seating has increased and is imperative for restaurants to make it for 3 months out of the year.

Mr. Coronato asked for clarification on the number of indoor seats and made the point that the board was previously told that there were 145 and now the applicant is representing that there are 155. Mr. Raban asked the applicant, Ms. Egan to explain the seating to the board.

Michele Egan was sworn in. Ms. Egan explained that the number of seats will remain the same overall. There are days where some seats are taken from the outside and put inside and vice versa, which might explain the discrepancy of the previously represented number of indoor seats. Mr. Brzozowski summarized that the applicant is proposing a total of 213 seats and that the maximum on the deck would be 76. Ms. Egan also clarified that indoor seating would not exceed 149 in the off season.

Mayor Larson asked the applicant what the fire Marshal standard is for inside seating. Ms. Egan responded that it was 250.

Paul Sulock asked if the awning was a permanent structure. Ms. Egan explained that the awning needs to be replaced and said she is hoping to replace it with something sturdier like fiberglass. Jeffrey Washburn explained that he would like to see architectural plans of how the covered deck is going to be constructed. Chairman Gutowski agreed with Mr. Washburn, stating that he would like to see plans, depicting what the structure will look like and what the lighting plan will be.

Ms. Egan clarified that no changes would be made to the awning structure prior to submitting plans to the board and getting approval at a later date. She explained that her plan was to obtain approval for the deck extension and then come back to submit plans for the new awning/deck covering.

Chairman Gutowski asked what the net gain of parking spaces would be with the removal of the tent and extension of the deck. Ms. Egan stated that there would be 12 more parking spots and 28

less seats. Ms. Egan noted that the picnic tables on the north side of the property will be removed for 3 parking spaces.

There were no other questions from the board.

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

MOTION: Larson

SECOND: Mescolotto

ALL IN FAVOR

Mr. Brian Raughter from Sandcastle Bed & Breakfast was sworn in and expressed his support for the applicant's request. He stated that they have been respectful neighbors and that they haven't encountered any issues as far as excess noise or lack of parking.

James Peavy of 26 west 7th St. was sworn in. He explained that seventh street has become packed with cars since the start of covid and since the approval of the tent. He noted that the applicant has been a good neighbor in the past and supports them, however he is concerned about parking and pedestrian safety on 7th St.

Mayor Larson suggested possibly making additional parking restrictions on 7th St. and agreed that parking on 7th St. has increased. Washburn also suggested marking out no parking areas so that homeowners are protected from getting their driveways blocked in.

Allan Canter from 1 West 29th St. was sworn in and expressed his support for the applicant.

Michael Weiss of 27 West 8th St. was sworn in and also expressed his support, however asked the board to consider moving the time for the last party seated outside from 9:00pm to 8:30pm.

Diane Barone of 24 West 7th St. was sworn in and expressed her concern for safety of pedestrians on 7th Street.

Mr. Coronato explained that the issue with street parking would have to be dealt with by the Mayor and Council.

Ken Egan, owner of Kubel's, Seventh St. LLC was sworn in. He asked the board to make a determination of the deck extension and explained that there would be no awnings or coverings installed until they come back to the board with architectural plans and are approved by the board.

AT THIS TIME, Chairman Gutowski asked for a motion to close to the public and come back to the board.

MOTION: Mikuletzky

SECOND: Larson

ALL IN FAVOR

Mr. Raban asked the board to consider approving and memorializing a resolution for an open deck extension and then allowing the applicant to submit architectural drawings of the proposed construction of the covered deck at a later date. Chairman Gutowski asked if they would have to submit an entirely new application or if they could amend the resolution. Mr. Coronato answered that the board should make a motion stating that they are open to amending the resolution and also noted that the applicant would need to provide public notice again because the deck covering was not included in the initial application.

AT THIS TIME, Jeffery Washburn made a motion to accept the open deck with the possibility of amending the resolution for a roof within 60 days.

MOTION: Washburn

SECOND: Larson

Chairman Gutowski asked if the tent will still remain after the deck is approved. Ms. Egan responded that the tent will be removed after approval.

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

AT THIS TIME, there being no further business, Chairman Gutowski asked for a motion to adjourn.

MOTION: Larson

SECOND: Washburn

ALL IN FAVOR.