

**PLANNING BOARD OF ADJUSTMENT  
BARNEGAT LIGHT  
MARCH 20, 2024**

**THE PLANNING BOARD MEETING** was called to order at 5:00pm by Chairman Mescolotto 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:** Mescolotto, Larson, Washburn, Mikuletzky, Patterson, Sulock, Snieckus

**ABSENT:** Manookian, Brindley

Also present, Board attorney Joe Coronato and secretary Cecile Hodgson

**MINUTES OF JANUARY 17, 2024 MEETING**

**AT THIS TIME,** Chairman Mescolotto asked for a motion to approve the minutes of the January 17, 2024 meeting.

**MOTION:** Washburn

**SECOND:** Patterson

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

**ABSTAIN:** Snieckus

**NAYS:** None      **ABSENT:** Manookian, Brindley

**NEW BUSINESS**

**APPLICATION 2024-01  
BAYVIEW HARBOR LLC, 1301/1501 BAYVIEW**

Attorney representing the applicant, James Raban introduced the application to the board. He explained that the Marina consists of three properties and the southerly lot is the subject of this application. The building is mixed used with an apartment on the second floor with access by staircase on the southerly side of the building. The applicant is proposing to put a deck on the second floor and would like to keep the existing staircase however the applicant is open to building a new stair case if deemed necessary. There is a pre-existing non-conforming front yard setback and the height of the building is a pre-existing non conformity. The new deck and stairs will not require any new variances.

Stuart Challoner Licensed professional engineer and planner was sworn in. He explained that the applicant is proposing to construct a 12'x18' exterior deck and new conforming stairs.

Mr. Coronato pointed out a typo in the application. In one part of the application, it says Bayview Harbor LLC and in another section it says Bay Harbor LLC. Mr. Raban confirmed that this was in fact a typo.

Thomas MacArthur, the applicant was sworn in. He confirmed that Bayview Harbor LLC is the correct name and operates the Marina.

Stuart Challoner explained that the only Variance being requested is an existing front yard setback variance where 50ft is required and the existing set back is 43.71ft. Mr. Raban also mentioned that the height also exceeds what is permitted, where 30ft is allowed and 33.5ft exists, which is a pre-existing variance.

Mr. Coronato explained that because there is residential on the second floor there needs to be 2 dedicated parking spaces for the occupants. Mr. Challoner explained that they could easily meet this requirement. Mr. Coronato also pointed out that new ADA regulations require 3 handicapped spaces, where 2 currently exist. Mr. Challoner stated that they will mark out an additional handicapped space.

Madden, licensed architect was sworn in and explained that the existing staircase is really well built to residential standards but is on the submitted plans to be built as a commercial staircase. He expressed that if the building department would require a commercial staircase, they would build a new one, but if the building department would allow them to keep the residential staircase, they would install new treads and possibly a new handrail.

Chairman Mescolotto asked why the deck is needed and Mayor Larson asked who would be living in the apartment. Mr. MacArthur explained that his intentions for this summer season would be to have the captain of The Lady Grace (the yacht docked at this location) live in the apartment and then eventually he would like for it to be used as a rental property. He explained that a lot of money has been invested into Bayview Harbor and it has not been profitable. MacArthur explained that he hopes that this may generate some earnings.

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

**MOTION:** Larson

**SECOND:** Washburn

**ALL IN FAVOR**

There were no questions from the public

**AT THIS TIME**, Chairman Mescolotto asked for a motion to close to the public

**MOTION:** Larson

**SECOND:** Washburn

**ALL IN FAVOR**

Mayor Larson expressed that this should be the final apartment for this location. Chairman Mescolotto responded that unless they plan on using the retail space downstairs, there would be no room for an additional apartment. Chairman Mescolotto stated that if they had plans to do this they would have to come before the board. Mayor Larson expressed concern about the creation of condos at this location. Mr. Coronato stated that if there was an attempt to do this, it could create a parking issue. There was no further discussion from the board.

**AT THIS TIME**, Mayor Larson made a motion to approve application 2024-01

**MOTION:** Larson

**SECOND:** Mikuletzky

**VOTE:** Mescolotto, Larson, Washburn, Mikuletzky, Patterson, Sulock, Snieckus

## **DISCUSSION ITEM**

### **605 BROADWAY ANA CARES SENIOR SERVICES LLC ACCURATE STATEMENT OF OPERATIONS**

Owner of 605 Broadway, Manuel Jomarron is seeking approval to put in a homecare agency. Washburn explained that the main concern for this was about the residency upstairs, including who would live there and how big it is. There were also questions about how many employees there would be. Washburn suggested that the owner and the staff occupy the two-car garage and the driveway. Business owner, Manuel Jomarron has expressed that customers will rarely, if ever come to the location. He stated that nurses might come to the property to drop off time cards. There is ADA compliant parking at the location. Washburn added that it will be put in writing that if the scope of business changes from what was provided in his statement of operations, he will have to come before the board. The statement of operations is available at the Borough Hall and at the Building Department. The agreement and terms signed by Manuel Jomarron will also be on file at the Borough Hall and Building Department. There were no questions from the board.

## **NEW BUSINESS**

Mayor Larson brought up concerns about mother daughter homes. He expressed concern about residents building a house and creating a section for their living space and another, separate section for someone else to live.

Washburn explained that the towns ordinance should be updated to state that to connect the houses it needs to be conditioned space. Mr. Coronato explained that as long as there is a free-flowing connection from one section of the house to another, it is considered mother-daughter. He explained that as soon as the area is blocked off, where you cannot access one section from another section, it is no longer considered mother-daughter. Washburn stated that he would have the jurisdiction to investigate this. Mr. Coronato stated that there is legislation currently being presented that would allow the conversion of a garage to a living space, without requiring parking changes. He suggested that the board write a letter to council recommending that council review the legislation and write a letter to the legislature opposing the bill.

**AT THIS TIME**, Chairman Mescolotto asked for a motion to allow attorney, Joe Coronato to draft a letter to council on behalf of the board asking council to look at this legislation and possibly make a resolution to oppose.

**MOTION:** Washburn

**SECOND:** Patterson

**ALL IN FAVOR**

Washburn brought up Jen's Links and that they may be coming before the board to amend their food menu items from what was previously approved.

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

**MOTION:** Larson

**SECOND:** Washburn

**ALL IN FAVOR**

There were no comments or questions from the public.

**AT THIS TIME**, Chairman Mescolotto asked for a motion to close to the public.

**MOTION:** Washburn

**SECOND:** Larson

**ALL IN FAVOR**

**AT THIS TIME**, Chairman Mescolotto asked for a motion to adjourn

**MOTION:** Patterson

**SECOND:** Snieckus