

**PLANNING BOARD OF ADJUSTMENT
BARNEGAT LIGHT
FEBRUARY 19, 2025**

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: Washburn, Mikuletzky, Snieckus, Sulock, Brindley, Mescolotto

ABSENT: Patterson, Larson, Manookian

Also present, Board Secretary Cecile Hodgson, Board Attorney Joe Coronato, Tax Assessor Ed Seeger

Larson became present after application 2025-01 was heard. He had to recuse himself from this application.

MINUTES OF JANUARY 15, 2025 MEETING

AT THIS TIME, Chairman Mescolotto asked for a motion to approve the minutes of the January 15, 2025 meeting.

MOTION: Washburn

SECOND: Mikuletzky

VOTE: Washburn, Mikuletzky, Snieckus, Sulock, Mescolotto

ABSTAIN: Brindley

NAYS: None **ABSENT:** Patterson, Manookian, Larson

APPLICATION 2025-01
HOW YOU BREWIN INC. PRELIMINARY AND FINAL MAJOR SITE PLAN & BULK
VARIANCE

James Raban, attorney for the applicant, introduced the case for a preliminary final site plan with variances for a property located at 18 West 9th St. The property, currently vacant, is proposed to house a new one-story commercial building for How You Brewin' coffee shop, which will serve as an additional location while the original shop remains in operation nearby. The plan includes 30 seats, 6 of which will be outdoors.

The applicant is requesting variance relief for parking, proposing 8 spaces instead of the required 12. They are also seeking a variance for the front yard setback, proposing 13.2 feet to the deck instead of the required 25 feet, and a rear setback of 6.4 feet instead of the required 10 feet. Raban clarified that most of the building complies with the rear yard setback, with the 6.4 feet applying only to accessory platforms and part of the stairway. The site plan, floor plans, and

elevations were designed by architect Matthew Davis. Additionally, Dan Malay, the applicant, is awaiting a CAFRA permit from the DEP, and engineer Donna Bullock is present to answer any engineering-related questions.

Matthew Davis, the licensed architect representing the applicant, reviewed the site and floor plans he prepared. When asked about the adequacy of the 8 proposed parking spaces, Davis confirmed they would be sufficient for the business. He also referenced a traffic report by McDonough & Rea Associates, which concluded that the proposed business would generate minimal new traffic, and the 8 parking spaces would be adequate. Davis endorsed the traffic report and confirmed that he believes the requested variances would not negatively impact the neighbors.

Raban noted that the parking spaces in the plans, originally shown as 9ft x 20ft, will be changed to 9ft x 18ft to provide the required 24ft between spaces for a compliant drive aisle.

Chairman Mescolotto inquired about the timing of the traffic report preparation and Raban stated that it was prepared in December of 2024. Mescolotto asked if it would have been more relevant to prepare the traffic report in the summer time. Raban responded that he would have Mr. Malay sworn in to address this concern. The applicant, Daniel Malay was sworn in. Malay explained that the traffic report was prepared in December of 2024 but was unsure when they actually did the field study.

Raban asked Malay if the building would be flood compliant, and Malay confirmed that it would be. Davis also confirmed this.

Coronato inquired about the windows above the doorway, asking if there was stair access to those areas despite the building being proposed as a single-story. Davis explained that the windows were placed to bring in natural light and confirmed there is no stair access to the area above the entry doors.

Chairman Mescolotto asked about a ramp for ADA compliance. Davis explained that the business will have a lift to comply with ADA requirements.

Snieckus asked if there were any curbs around the cul-de-sac for safety purposes. Davis responded that while there are no curbs, a landscaping plan required by CAFRA is in place. He confirmed that all plants and the fence depicted in the renderings will be placed as shown.

Chairman Mescolotto asked if the building would align exactly with the neighboring buildings. Davis responded that it would not and that the proposed building would likely be set further back.

Washburn asked how many employees the business would have. Malay responded that there would be between two and four employees during peak season. Washburn also asked if more than two tables would be placed on the deck, as shown in the plans. Malay clarified that the goal was to maximize indoor seating, with 24 of the 30 requested seats indoors, leaving 6 for outdoor seating. He confirmed that they would not exceed the 30 total seats and had no intention of

adding additional outdoor seating. Malay also explained that the hours of operation will be 7am-6pm daily. Additionally, the applicant is hoping to expand their menu at their new location. He explained that they will maintain a “ventless” kitchen, meaning it wouldn’t require hoods, vents, or grills. It would mimic the kitchens used at Panera or Starbucks. He also maintained that the business will abide by the noise ordinances.

Sulock asked if there would be umbrellas or awnings put on the deck. Malay stated that they would consider putting umbrellas out.

Chairman Mescolotto asked about outdoor lighting. Malay explained that there would be one light pole on the eastern perimeter and ample building-mounted lighting. He agreed to adding more lighting if the board requested it. Regarding trash disposal, Malay stated that there would be a dumpster in compliance with the waste disposal ordinance.

Donna Bullock, project manager at Morgan Engineering, was sworn in and had her credentials accepted by the board. She addressed parking spot changes raised by Raban, explaining that smaller stalls and an additional 2 feet of access drive would improve safety. Bullock also discussed the flat drainage on the street, noting that the plan is to maintain existing grades at the pavement's edge and create a gradual slope toward the rear of the property, directing runoff north into an existing inlet. Retaining walls will also be installed around the property perimeter.

Sneickus asked about how much the grade would increase beyond the existing level, and Bullock replied that it would increase by about one foot.

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

MOTION: Washburn

SECOND: Mikuletzky

ALL IN FAVOR

George Benedicit owner of the White Whale Motel expressed his support for the application.

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

MOTION: Washburn

SECOND: Brindley

ALL IN FAVOR

Malay, concluded his application by expressing his drive to meet community needs.

AT THIS TIME, Chairman Mescolotto asked for a motion to approve or deny the application.

A motion was made by Washburn to approve application 2025-01 and was seconded by Brindley.

MOTION: Washburn

SECOND: Brindley

VOTE: AYES: Washburn, Mikuletzky, Snieckus, Sulock, Brindley, Mescolotto

NAYS: None

ABSENT: Larson, Patterson, Manookian

Mayor Larson was in attendance after the hearing for application 2025-01 concluded.

CALL WITH CAMERON MACLEOD – ATTORNEY FOR AFFORDABLE HOUSING

The board had a phone call with Cameron Macleod, the attorney hired to help develop an affordable housing plan and ensure the town complies with state requirements. Mescolotto asked Macleod to explain the affordable housing requirements, specifically why Barnegat Light needs to complete the certification process given its location in a floodplain, and the importance of adding a housing element to the master plan.

Macleod explained that the Mt. Laurel doctrine, created in the early 1980s, requires municipalities to plan for affordable housing. While initially excluding towns that were built out or in sensitive areas, the latest revision allows towns like Barnegat Light to comply by using overlay zoning or development fees, even if building affordable housing is unlikely. Mescolotto asked about the likelihood of issues arising out of not getting certified, and Macleod responded that while it's unlikely, the certification process still safeguards the town from such scenarios and potential lawsuits.

Brindley asked if the town could use the money collected from development fees to help a resident in need, such as funding a new roof. Macleod responded that this could be possible, but there are strict limitations on when and where the funds can be used, and any property receiving such funds would have a deed restriction placed on it.

Snieckus asked if the town is completely protected from law suits involving affordable housing if it seeks full certification. Macleod responded, yes, the town would be completely protected.

Chairman Mescolotto asked about small hotels and motels in town and asked if those qualify as fair housing units. Macleod clarified that these do not qualify.

Macleod explained that if the town believes there is no likelihood of someone trying to establish affordable housing, it might not be worth pursuing state certification. However, he noted that without certification, the town would not be able to access the fees collected from non-residential and residential development.

Mayor Larson acknowledged the positive opportunities that affordable housing provides; however, he expressed his concerns about the implications it would have on the already dwindling businesses in town due to the development fees that would be imposed on them.

Brindley asked if there are other towns in New Jersey who are opting out of certification. Macleod answered that 406 of 565 municipalities in NJ are going through the process of getting certified. He explained that most of the towns who are not going for certification are challenging the accuracy of the numbers determined by the state. Mayor Larson inquired about the timeline for the Borough's actions. Macleod responded that the next step is adopting a housing element by June 30th. He proposed that the planning board assign

Frank Little to prepare the housing element and fair share plan, with the board considering and adopting it at the April meeting. Macleod also explained that if a fee schedule for residential and non-residential development is to be implemented, it must be included in the housing and fair share plan, and adopted by the governing body through an ordinance. Additionally, Macleod suggested the town could consider an overlay zoning plan as an alternative to the fees.

Chairman Mescolotto asked Macleod to explain overlay zoning. Macleod explained that the town would evaluate existing developed land for potential redevelopment and could rezone areas to allow affordable housing in addition to the current zoning. For example, a restaurant could be developed in a certain area, with affordable housing units allowed above it.

Chairman Mescolotto stated that the Borough would likely prefer to avoid implementing a fee for residential/non-residential development, so overlay zoning should be strongly considered. He then asked if establishing overlay zones would impact property owners' rights. Macleod assured him that it would not affect property owners' rights. The phone call with Macleod concluded.

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

MOTION: Larson

SECOND: Sulock

There were no comments from the public.

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

MOTION: Washburn

SECOND: Mikuletzky

Washburn summarized three options for the board, ignore the affordable housing requirements, create a fee schedule, or establish overlay zoning. Chairman Mescolotto suggested assigning Frank Little to prepare the housing element and provide plans for both overlay zoning and the fee schedule, with the board set to vote on this in April. Ed Seeger noted that he believes the cleanest way to comply would be with the fee schedule.

The board agreed that it would be beneficial to have Frank come up with a plan for the next meeting.

There was no further business.

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

MOTION: Washburn

SECOND: Brindley