

**PLANNING BOARD OF ADJUSTMENT
BARNEGAT LIGHT
MARCH 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, Patterson,

ABSENT: Manookian, Larson

Also present, Board Secretary Cecile Hodgson

MINUTES OF FEBRUARY 19, 2025 MEETING

AT THIS TIME, Chairman Mescolotto asked for a motion to approve the minutes of the February 19, 2025 meeting.

MOTION: Washburn

SECOND: Snieckus

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

ABSTAIN: Patterson

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

MEMORIALIZED RESOLUTION 2025-04

AT THIS TIME, Chairman Mescolotto asked for a motion to memorialize resolution 2025-04

MOTION: Washburn

SECOND: Snieckus

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

ABSTAIN: Patterson,

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

**RESOLUTION# 2025-04
RESOLUTION OF APPROVAL
APPLICATION OF
HOW YOU BREWIN, INC
APPLICATION #PB-2025-01**

IN THE MATTER OF
HOW YOU BREWIN, INC

:PLANNING BOARD
: BOROUGH OF BARNEGAT LIGHT
: APP NUMBER 2025-1
: BLOCK 38.01; LOT 1.17
: 18 W. 19th STREET

WHEREAS an application has been made to the Borough of Barnegat Light Planning Board (the "Board") by How You Brewin, Inc (the "applicant"), for approval to construct a one-story building to be utilized as a 30-seat and 1,336 SF total floor area coffee shop along with eight (8) onsite parking spaces. The subject lot is 9,064 SF, irregularly shaped vacant parcel. The property known as 18 W. 19th Street in the Borough of Barnegat Light, NJ, Block 38.01 Lot 1.17, Block 28.01 Lots 1.01 as depicted on the Tax Maps of the Borough of Barnegat Light, Ocean County, New Jersey, and said premises being located in the M-C (Marine Commercial) Zone: and

WHEREAS, the Applicant has satisfied the notice requirements of the New Jersey Municipal Land Use Law and provided proof of same to the Barnegat Light Planning Board ; and

WHEREAS the Applicant was represented by James Raban Esq.; and

WHEREAS, the Barnegat Light Planning Board reviewed the application, documents, plans and exhibits as submitted, and listened to the applicant and received information from its professional staff; and

WHEREAS the Board heard the testimony and the evidence presented by the applicant and received comments from the public in support of the application.

NOW, THEREFORE BE IT RESOLVED, that the Planning Board of the Barnegat Light, County of Ocean, and State of New Jersey on February 19th, 2025, made the following findings:

1. The Board found the application complete.
2. According to the application, the Applicant is requesting to construct a one-story building to be utilized as a 30-seat and 1,336 SF total floor area coffee shop along with eight (8) onsite parking spaces.:
 - A. The Applicant is requesting the following variances:
 1. A front setback of 13.2 FT is proposed, whereas 25 FT is required. A variance is needed.
 2. A rear yard setback of 6.4 FT is proposed, whereas 10 FT is required. A variance is needed.
 3. The thirty (30) proposed seats and 1,336 SF total floor area require 12 parking spaces where 8 parking spaces are provided. A variance is needed.
 - B. The Applicant is requesting one waiver:
 1. A waiver is required from providing a 24-FT drive aisle for two-way traffic where a 22-FT

drive aisle is proposed.

3. In support of the application, the Applicant submitted the following documents:
 - A. Photo Renderings, Two (2) Sheets, prepared by Smith & Davis Architects and undated.
 - B. Architectural Site Plan Set, three (3) Sheets prepared by Smith & Davis and signed by Matthew R. Davis, AIA. The plans are dated 1/28/2025. Including Site Plan SP-1, First Floor Plan DD-1, Elevations, DD-2
4. During the public hearing held on February 19, 2025, the Planning Board discussed the following review letters prepared by the Board's professionals, the contents of which are hereby adopted and incorporated in full:
 - A. Review letter dated February 10, 2025, by the Planning Board Engineer, Frank Little, P.E., P.P., C.M.E.
5. The Planning Board has received no review letters/memos from the Barnegat Light Officials.
6. During the public hearings no exhibits were marked into evidence.
7. During the public hearing on February 19, 2025, the Applicant's Engineer Donna Bullock, PE, described the site plan submitted by the Applicant.
 - A. The applicant will change the parking stalls from 9 Ft x 20 Ft to 9 Ft x 18 FT and achieve 24 Ft drive aisle and eliminate the waiver requested.
 - B. Ms. Bullock described the water runoff for the site. The design is such that the runoff will be directed from the rear of the site to the front and to street and picked up in the drainage system in the street.
8. During the public hearing on February 19, 2025, the Applicant's Architect Matthew Davis, AIA, described the variances requested by the Applicant and the proposed changes.
 - A. Mr. Davis described the Applicant's proposal and plans using the submitted plans.
 - B. He testified to the building elevations and interior building layout.

- C. There is no access to the attic area and only the first floor will be utilized by the applicant. He further states that the building design matched the buildings in the area.
 - D. Mr. Davis indicated the front setback for the building meets the ordinance, but the deck in the front creates the front variance. In addition, the odd shape of the lot and because it's on a Cul de sac adds to the variance.
 - E. The rear setback variance being requested is 7.5 inches to the corner of the building. The A/C equipment is permitted in the setback according to the ordinance no variance is needed for the equipment.
 - F. The positive criteria outweigh any negative criteria. The proposal is not detrimental to the master plan and is consistent with the area.
9. During the public hearing on February 19, 2025, Mr. Daniel Malay, the Principle/Applicant testified:
- A. The applicant proposes constructing a one-story building to be utilized as a coffee shop.
 - B. The coffee shop will employ 2 to 4 employees. Depending on the time of the year and on certain days.
 - C. Mr. Malay coffee shop not far from this site and most customers walk to the shop. This site will allow customers to remain on site to enjoy coffee. There will be no grilling or venting necessary for baking on the site.
10. The Board specifically finds the application to construct a one-story building to be utilized as a coffee shop is appropriate. The Board finds that the application is not detrimental to the zoning ordinances of the Borough, and the same should be granted.

CONCLUSIONS OF LAW

WHEREAS the Board determined that the Applicant's application pursuant to *N.J.S.A. 40:55D-46* and *N.J.S.A. 40:55D-50* were found to be sufficient as to style and design, and the Board approves the Applicant's request; and

WHEREAS, the applicant is seeking two variances, for front setback and rear setback and both are granted; and

WHEREAS, the applicant has eliminated the waiver originally requested; and

WHEREAS, the Board has determined that the relief sought does not impair the intent and purpose of the Master Plan or Zoning Ordinance of the Borough of Barnegat Light.

NOW, THEREFORE, BE IT RESOLVED, by the Barnegat Light Planning

Board, in the County of Ocean and State of New Jersey, on the 19th day of February 2025, upon a motion made by Mr. Jeffrey Washburn and seconded by Tim Brindley that the application of How you Brewin, Inc. is granted.

ADOPTED this 19th day of February 2025.

VOTE ON ROLL CALL:

IN FAVOR, Frank Mikuletzky, Tim Brindley, Jeffrey Washburn, Pete Snieckus, Paul Sulock, and Chairman Barry Mescolotto

OPPOSED: None

NOT- PRESENT: Patterson, Larson, Manookian

OTHER BUSINESS
AFFORDABLE HOUSING & HEIGHT RESTRICTIONS

Chairman Mescolotto stated that Frank Little will be in attendance at the April meeting to discuss that housing element options for the Master Plan.

Sponge suggested that the board should start to consider a recommendation to council regarding raising height restrictions.

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

MOTION: Mikuletzky

SECOND: Snieckus

ALL IN FAVOR

There were no comments from the public.

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

MOTION: Washburn

SECOND: Snieckus

ALL IN FAVOR

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

MOTION: Washburn

SECOND: Snieckus

Cecile Hodgson
Planning Board Secretary