

## Beach Haven Land Use Board

### Minutes of Monday April 4, 2008

The caucus session of the regular meeting of the Land Use Board was called to order at 7:00 PM. Chairman Sullivan requested the secretary to read the Sunshine Law.

Chairman Sullivan requested the secretary to call the roll

#### Members in attendance

Mayor Stewart, Class I  
Mr. Crane, Class II  
Commissioner Deely  
Mr. Buchan, Class IV  
Mrs. Baxter, Class IV  
Chairman Sullivan, Class IV

Mrs. Bellingeri, 2<sup>nd</sup> Alternate  
Mr. Cunningham, 3<sup>rd</sup> Alternate  
Mrs. McGonigle, 4<sup>th</sup> Alternate  
Mr. Stuart Snyder, Attorney  
Mr. Frank Little, Engineer

#### Absent members

Mrs. McDevitt, Class IV  
Vice Chairman Kohlmeir IV

Ms. Saltmarsh, Class IV  
Mr. Young, Class IV

Chairman Sullivan requested members to read through the Williams Cottage transcript given to each member. Chairman Sullivan asked Mr. Snyder about the intent of the Williams Cottage Resolution? Mr. Snyder said he felt the intent was Breakfast only. Chairman Sullivan requested the members to read through the Transcript and Resolution and we would discuss it again at our May meeting.

Chairman Sullivan discussed the Air Conditioning Platforms within the HPAC district. These Air Conditioning Platforms could possibly affect 51 properties within the HPAC District. They should not intrude on side or back setbacks and coming to the Land Use Board should be a last alternative. In some cases people do not want to give up double outside showers. There needs to be more discussion if we would like to change the Ordinance.

Chairman Sullivan informed members of a pending case in Superior Court. The case is the Bank Parking lot. We are being represented by Mr. Dasti. The order for consolidation is May 6, 2008.

The caucus meeting was closed.

Chairman Sullivan requested a roll call of members.

In attendance at regular meeting April 4, 2008

Mayor Stewart, Class I  
Mr. Crane, Class II  
Mr. Buchan, Class IV  
Mrs. Bellingeri, 2nd Alternate  
Mrs. McGonigle, 4<sup>th</sup> Alternate

Chairman Sullivan, Class IV  
Commissioner Deely, Class III  
Mrs. Baxter, Class IV  
Mr. Cunningham, 3<sup>rd</sup> Alternate  
Mr. S. Snyder, Attorney  
Mr. F. Little, Engineer

Absent members

Vice Chairman Kohlmeir, Class IV  
Mr. Young, 1<sup>st</sup> Alternate

Ms. Saltmarsh, Class IV  
Mrs. McDevitt, Class IV

The Land Use Board recommends to the Governing body the return of the Performance Bond for Block 103 Lot 2.01 and 2.02 134 Belvoir Avenue Dr. Albert Pogorelec. The motion was made by Mayor Stewart seconded by Mrs. Baxter and approved by all present.

Mayor Stewart will be recused for Beach Haven Properties.

Chairman Sullivan and Vice Chairman Sullivan will take turns working with two other members of the Land Use Board for the new Site Plan Review Committee. The results will be announced at the following Land Use Board meeting without public comment.

Application 2008-13 Joseph & Katherine Guarini 121 Fifth Street Block 175 Lot 16 Special Reasons and Use Variance. The applicants are represented by Reginald Raban, Esq. Entered into evidence A-1 dated 3/14/2008 the application. A.2 plans from Horn, Tyson and Yoder. A-3 Alteration plans 2 sheets 3/14/2006 gives elevation and floor plans. B-1 Frank Little, P.E. review letter dated 3/31/2008. Mr. Strunk was sworn in and gave testimony about the proposed alterations. This application is a 30 foot lot. There was much discussion among members as to the correct square footage. This is a non conforming property. Mr. & Mrs. Guarini were sworn in and gave testimony. Chairman Sullivan opened the meeting to public comment. Bill Vella was sworn in and gave testimony. There was no more public comment. Chairman Sullivan asked for comment from the members of the LUB and a lively discussion followed. Reginald Raban, Esq. gave his closing statements. Chairman Sullivan requested a motion to approve or deny this application and a motion to approve was made by Mr. Cunningham seconded by Chairman Sullivan and approved by Mrs. Baxter, Mrs. McGonigle, Mr. Cunningham, Chairman Sullivan. Voting to deny was Mr. Crane, Mr. Buchan, Mrs. Bellingeri. The motion failed needing five affirmative and only receiving four affirmative votes.

Chairman Sullivan requested a motion to approve sending the bills to the governing body for payment and they were approved. Chairman Sullivan requested a motion to approve or deny the minutes and a motion to approve the minutes was made by Mr. Crane and seconded by Mrs. McGonigle and approved by all.

Application 2008-12 Beach Haven Properties / Fun Factory 14 South Bay Avenue Block 149 Lot 2. The applicant is represented by Arthur Stein, Esq. Stuart Snyder accepted into evidence A- 1 application with check, A-2 Drainage report. A-3 Site plan 3 sheets East Coast Engineers dated 2/1/2008 Robert J. Harrington. A-4 Tenant fit-out Scott Lepley B-1 Frank Little, P.E. review letter A-5 packet of neighborhood photos 10 sheets and aerial photos marked and noted by Mr. Snyder. Mr. Stein spoke of certain interest by one of the neighbors. The recess was productive. There will be fire code improvements. My client will have a 2 hour fire rating to the south. The work will be phased in. They would like to have 8 work stations with storage area and Bathrooms. They would like to serve coffee and tea. There was a lot of discussion over easements. This is a civil matter and not Land Use Board. Mrs Donna Maugeri was sworn in and gave testimony of her plans for the Fun Factory. The meting was opened to the Public. Mrs. K. McPherson was sworn in and gave testimony. Mr. Bob Smith was sworn in and gave testimony. Mr. Ray Miller was sworn in and gave testimony. Mr. Michael Battista was sworn in and gave testimony. Mr. Stein would like a vote. Chairman Sullivan requested a round table by members. Chairman Sullivan requested a motion to approve or deny this application and a motion to approve with the selling of pre packaged goods only was made by Mrs McGonigle and seconded by Commissioner Deely and approved by Mr. Crane, Commissioner Deely, Mr. Buchan, Mrs. Baxter, Mrs. Bellingeri, Mrs. McGonigle, Mr. Cunningham and Chairman Sullivan. Mr. Stein requested a Temporary resolution and a motion to approve the temporary was made by Mrs. Baxter and Mr. Buchan and approved by all present.

#### Old Business

Chairman Sullivan requested a motion to approve or deny **Resolution 2008-08** Robert Szerbo 130 Amber Street Block 136 Lot 3 and a motion to approve was made By Mrs. Baxter seconded by Mrs. Bellingeri and approved by Mr. Crane, Commissioner Deely, Mrs. Baxter, Mrs. Bellingeri, and Chairman Sullivan

Chairman Sullivan requested a motion to approve or deny **Resolution 2008-11** Atlantic Book Store /Nine Lives Group, LLC located at 500 North Bay Avenue Block 167 Lot 4 and part of Lot 18. And a motion to approve the denial for the addition of an Internet Café was made by Mrs. Baxter and seconded by Mrs. Bellingeri and approved by Mr. Crane, Mrs. Baxter, Mrs. Bellingeri and Chairman Sullivan.

There was a discussion by members on parking.

The meeting was closed.

Respectfully submitted

Mary M. Pence, Land Use Board secretary

