

**MEETING MINUTES
BARNEGAT LIGHT PLANNING BOARD
JANUARY 20, 2021**

Planning Board Secretary Elaine Tollison called the meeting to order and stated that adequate notice of this meeting has been published and posted in accordance with requirements set forth in the New Jersey Open Public Meetings Act. The meeting location change was published in the Asbury Park Press & Beach Haven Times.

Pledge of Allegiance

The oath of office was administered to: James Gutowski

Roll Call: Gutowski, Mikuletzky, Washburn, Larson, Patterson, Manookian, Sulock, Mescolotto
Absent: None
Also present: Joseph Coronato, Sr, Esq. & Elaine Tollison, Secretary

Nominations for Chairman

Motion made by Sulock to nominate James Gutowski for Chairman seconded by Washburn. No other nominations were forthcoming, and nominations were closed.

Motion: Sulock

Second: Washburn

Ayes: Mikuletzky, Washburn, Larson, Patterson, Manookian, Sulock

Nays: None

Abstain: Gutowski

Absent: None

Nominations for vice Chairman

Motion by Larson to nominate Richard Manookian for Vice Chairman and seconded by Mikuletzky. No other nominations were forthcoming, and nominations were closed.

Motion: Larson

Second: Mikuletzky

Ayes: Mikuletzky, Washburn, Larson, Patterson, Manookian, Sulock

Nays: None

Abstain: Manookian

Absent: None

Approve Minutes October 21, 2020

Motion made by Mikuletzky to approve the minutes seconded by Washburn

Motion: Mikuletzky

Second: Washburn

Ayes: Gutowski, Mikuletzky, Washburn, Larson, Patterson, Manookian, Sulock

Nays: None

Abstain: None

Absent: None

Resolution 2021-01 Set time and Dates of meetings

Motion made by Larson and seconded by Patterson to approve the resolution

Motion: Larson
Second: Patterson
Ayes: Gutowski, Mikuletzky, Washburn, Larson, Patterson, Manookian, Sulock
Nays: None
Abstain: None
Absent: None

RESOLUTION 2021-01

**RESOLUTION OF THE PLANNING BOARD OF THE
BOROUGH OF BARNEGAT LIGHT, COUNTY OF
OCEAN, STATE OF NEW JERSEY, SETTING THE
TIME, DATE AND PLACE OF THE MEETINGS**

WHEREAS, the Planning Board of the Borough of Barnegat Light is a public body, which convenes regular meetings for the purpose of action on applications submitted to it pursuant to N.J.S.A. 40:55D-1, et. seq., and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6, et. seq. mandates that the public be advised of all regular meeting dates; and

WHEREAS, the Board proposes to conduct regular meetings on the dates hereinafter specified with each meeting to be convened at 5:00pm at the Barnegat Light Fire Company Meeting Hall, 907 Central Avenue, Barnegat Light, NJ 08006.

NOW THEREFORE BE IT RESOLVED, this 20TH day of January 2021 as follows:

1. The board shall meet on the following dates:
February 17, March 17, April 21, May 19, June 16,
July 21, August 18, September 15, October 20,
November 17, December 15, 2021 and Organization 2022 on
January 19, 2022.

The Meetings will take place at 5:00pm on the above mentioned dates, at the Barnegat Light Fire Company Meeting Hall, 907 Central Avenue, Barnegat Light, NJ.

2. The notice shall be:

Prominently posted in at least one (1) place reserved for similar announcements. Mailed, telephoned or hand delivered to at least two (2) newspapers, which newspapers shall be designated by the public body to receive such notices because they have the greatest likelihood of informing the public within the area of jurisdiction of the public body of such meetings. Filed with the Borough Clerk as well.

3. The notice mentioned in paragraph two (2) hereof is to be given within seven (7) days of the date.

4. Notwithstanding anything contained herein to the contrary, the Board may call special meetings upon giving at least 48 hours advance notice in the manner specified in paragraph two of this resolution.

DATED: JANUARY 20, 2021

MOTION: LARSON

SECOND: PATTERSON

**VOTE: AYES: GUTOWSKI, MIKULETZKY, WASHBURN, LARSON, PATTERSON,
MANOOKIAN, SULOCK**

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

ELAINE TOLLISON, SECRETARY
BARNEGAT LIGHT PLANNING BOARD

CERTIFICATION

I hereby certify that I, the undersigned, am the Secretary of the Planning Board of the Borough of Barnegat Light and am duly authorized to certify this Resolution. I certify that this Resolution was adopted by the Planning Board of the Borough of Barnegat Light at its regular meeting held on the 20th day of January 2021.

ELAINE TOLLISON, BOARD SECRETARY

Mr. Joseph Coronato, Sr. Esq. and Mr. Joseph Coronato, Jr., Esq. of the firm Coronato Law was again interested in serving as Board Attorney

Resolution 2021-02 Planning Board Attorney

Motion made by Larson and seconded by Washburn to approve the resolution

Motion: Larson

Second: Washburn

Ayes: Gutowski, Mikuletzky, Washburn, Larson, Patterson, Manookian, Sulock

Nays: None

Abstain: None

Absent: None

RESOLUTION 2021-02

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE AWARDED OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING OR FAIR & OPEN ADVERTISING

- PLANNING BOARD ATTORNEY

WHEREAS, there exists a need for the services of a Planning Board Attorney for a one-year term; and

WHEREAS, the Borough of Barnegat Light has determined that its professional services contractors do not make reportable political contributions to municipal candidates so as to otherwise require fair and open contract advertising pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Borough Chief Financial Officer has determined and certified in writing that the value of is contract will not exceed \$17,500; and

WHEREAS, Joseph D. Coronato,Sr. Esquire and Joseph D. Coronato Jr., Esq. of Coronato Law is qualified to hold the position of Planning Board Attorney in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a), and the NJ Campaign Contributions & Expenditures Reporting Act, NJSA 19:44A-20.5.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Barnegat Light, in the County of Ocean, State of New Jersey, as follows:

1. Joseph D. Coronato,Sr. Esquire and Joseph D. Coronato Jr., Esq. of Coronato Law is hereby appointed Planning Board Attorney for the Borough of Barnegat Light for the year 2021. This contract for professional services is awarded without competitive bidding or advertising under the provisions of the Local Public Contracts Law and the NJ Campaign Contributions & Expenditures Reporting Act.

2. That the Determination of Value shall be placed on file with this resolution.

3. That a certificate of availability of funds executed by the Chief Financial Officer is annexed hereto. The following are the line item appropriations or ordinances which constitute the availability of funds for this contract:

Temporary Budget Planning Board O and E

4. That a Notice of Contract Award shall be published in accordance with NJSA 40A:11-5(1)(a).

5. That certified copies of this resolution shall be forwarded to Joseph Coronato, Esquire and the Borough Treasurer.

DATED: JANUARY 20, 2021

MOTION: LARSON

SECOND: WASHBURN

**VOTE: AYES: GUTOWSKI, MIKULETZKY, WASHBURN, LARSON, PATTERSON
MANOOKIAN, SULOCK**

NAYS: NONE ABSTAIN: NONE

ABSENT: NONE

ELAINE TOLLISON, SECRETARY

CERTIFICATION

I hereby certify that I, the undersigned, am the Secretary of the Planning Board of the Borough of Barnegat Light and am duly authorized to certify this Resolution. I certify that this Resolution was adopted by the Planning Board of the Borough of Barnegat Light at its regular meeting held on the 20th day of January 2021

ELAINE TOLLISON Secretary,
Planning Board, Borough of Barnegat Light

Mr. Frank Little, PE, of the firm Owen Little and Associates was again interested in serving as Board Engineer

Resolution 2021-03 Planning Board Engineer

Motion made by Washburn and seconded by Patterson to approve the resolution

Motion: Washburn

Second: Patterson

Ayes: Gutowski, Mikuletzky, Washburn, Larson, Patterson, Manookian, Sulock

Nays: None

Abstain: None

Absent: None

RESOLUTION 2021-03

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE AWARDING OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING OR FAIR & OPEN ADVERTISING - PLANNING BOARD ENGINEER & PROFESSIONAL PLANNER

WHEREAS, there exists a need for the services of a Planning Board Engineer and Professional Planner for a one-year term; and

WHEREAS, the Borough of Barnegat Light has determined that its professional services contractors do not make reportable political contributions to municipal candidates so as to otherwise require fair and open contract advertising pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Borough Chief Financial Officer has determined and certified in writing that the value of is contract will not exceed \$17,500; and

WHEREAS, Frank Little, Jr. of the firm Owen Little & Associates is qualified to hold the position of Planning Board Engineer and Professional Planner in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a), and the NJ Campaign Contributions & Expenditures Reporting Act, NJSA 19:44A-20.5.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Barnegat Light, in the County of Ocean, State of New Jersey, as follows:

1. That Frank Little, Jr., OF THE FIRM Owen Little & Associates is hereby appointed Planning Board Engineer and Professional Planner for the Borough of Barnegat Light for the year 2021. This contract for professional services is awarded without competitive bidding or advertising under the provisions of the Local Public Contracts Law and the NJ Campaign Contributions & Expenditures Reporting Act.

2. That the Determination of Value shall be placed on file with this resolution.

3. That a certificate of availability of funds executed by the Chief Financial Officer is annexed hereto. The following are the line items appropriations or ordinances which constitute the availability of funds for this contract:

Temporary Budget Engineering Services O and E

4. That a Notice of Contract Award shall be published in accordance with NJSA 40A:11-5(1)(a).

5. That certified copies of this resolution shall be forwarded to Frank Little, Jr., and the Borough Treasurer.

DATED: January 20, 2021

MOTION: WASHBURN

SECOND: PATTERSON

**VOTE: AYES: GUTOWSKI, MIKULETZKY, WASHBURN, LARSON, PATTERSON,
MANOOKIAN, SULOCK**

NAYS: NONE ABSTAIN: NONE ABSENT: NONE

ELAINE TOLLISON, BOARD SECRETARY

CERTIFICATION

I hereby certify that I, the undersigned, am the Secretary of the Planning Board of the Borough of Barnegat Light and am duly authorized to certify this Resolution. I certify that this Resolution was adopted by the Planning Board of the Borough of Barnegat Light at its regular meeting held on the 20th day of January 2021

ELAINE TOLLISON, BOARD SECRETARY

Application PB-2020-05, 408 Broadway Holdings LLC, Major Site Plan

Attorney Mr. James Raban represented 408 Broadway Holdings, LLC. The property is located at 408 Broadway next door to Daymark Restaurant and is the same owners.

The following was marked as exhibits:

A1 Rendering of the restaurant

C1 Site Plan Package

Proposed is a two story restaurant and the liquor license from the Daymark will be utilized there. Under the ordinance 24 spaces are required and 17 spaces are proposed and they are requesting a variance for that. Another variance requested is for front yard parking that requires 50 foot setback and 25 feet is proposed. The loading zone is not as wide as required so a variance is required for that. The restaurant has 64 seats on the first floor and the second story has a roof top bar for drinks.

Mr. Dante Guzzi is a licensed professional engineer in New Jersey since 1992. He said there are pilings at the site for a previous project but no other structures. Proposed is a restaurant with parking on the north side of the site and will have 5 parking spaces in front on Broadway and parking adjacent to the building. A stormwater management recharge system will be installed along the southern side and the grade will allow it to flow to Broadway. Mr. Raban went over the plan with Mr. Guzzi. A landscaping buffer is proposed. He went over the proposed variances for the front yard setback, the loading space size that is 9 by 19 feet, and the parking variance for 17 spaces where 24 is required. Proposed is an enclosed trash area that is in the parking lot adjacent to the building.

Manookian asked where the employees were going to park and if it included the outside bar in the calculations. Mr. Guzzi said that the ordinance is based on the number of seats which equals 1 parking space for every 3 seats and that would be for patrons and employees. There are no seats in the bar area and it was not part of the parking calculation. Larson asked about the handicapped parking area being within the setback. Larson asked is it their opinion since there is no seating upstairs that parking

shouldn't be included and Mr. Raban said that under the ordinance it's based on seats.

Mr. Brian Sabarese was sworn in. He is a member of the LLC that owns 408 Broadway Holdings LLC and also the LLC that owns Daymark Restaurant. Mr. Sabarese said that the upstairs will not have seating and was not planning on serving food there. Mr. Coronato asked how many people would be able to consume alcohol at any one time and Mr. Sabarese answered about 50. Mr. Coronato asked if they thought that they wouldn't have to include that amount of people in the parking calculation and Mr. Raban said not according to the ordinance.

Mr. Sean McGovern was sworn in. He is a licensed architect in New Jersey with the firm Architectural Integrity LLC. He drew the plans for this project and the rendering of the proposed restaurant marked A1. It is a one story building with a two story portion on the southwest corner of the building that would be used seasonally. He went over the layout of the inside of the restaurant. There is an elevator and stair tower that goes to the deck level upstairs and it has a u shaped bar with a pergola. There is a 5 foot high wall for a buffer. The coverage is 26.9 percent and 35 percent is allowed.

Larson asked about the stairs and he was told that they wrap around the elevator tower. Mr. McGovern clarified that the ramp is more than 12 inches high. Mr. McGovern said the height of the building is 29.7 feet with the pergola. Gutowski asked if the 5 foot wall on the deck area was high enough to protect the sound. Mr. McGovern said there is room to go higher but that it is outside and noise will go around it. Larson asked about lighting on the deck. Mr. McGovern said lights will be on the pergola and limited lighting along the building to illuminate the deck area but they would not affect neighbors and that lights can be shielded. Larson asked what the square footage was. Mr. McGovern said it is a 30 ft. by 20 ft. square space. Sulock questioned backing out onto the street. Mr. Raban said that most businesses are like that including the golf course that was approved. Mr. Coronato said that to expand the liquor license it has to go before Mayor and Council and the Planning Board has no control over the liquor license. Mikuletzky said they are short on parking yet two parking spaces are eliminated with a mulch area. Larson went over the parking spaces and said that 38 spaces are required. Mr. Coronato said he thinks where the concerns are is where people will be parking in season and that they are very short on spaces and employee parking is not factored in.

Mr. Sabarese was previously sworn in. He stated that they plan to be open 7 days, year round from 12:00pm to 10:00PM and open at 11:00am on weekends. He knows there are parking issues with the plan but he doesn't have parking problems with the Daymark. He thinks there is a lot of parking in town. He said that the Daymark had music in the parking lot this summer and there were no noise issues. He said that they would have music on the deck if allowed by the Board. Larson commented that the Daymark had 120 seats in the parking lot and add on another 120 people for this restaurant and it's a lot of people. Mr. Coronato asked about employees. Mr. Sabarese said that there would be 4-5 employees for 65 seats, 3 to 5 for cooking, and 1 bar tender for each floor so there would be 9 to 12 employees at a time and he does not intend to serve food upstairs. Mr. Sabarese said that the variance for the loading area is large enough since most deliveries are from a box truck. Mr. Coronato said that under ABC law if the lots are adjoining the applicant can spread his license. The Mayor and Council has control over the liquor license, hours of operation and where liquor can be served. Larson asked if the properties would be merged and Mr. Raban said they are owned by separate LLC's but that both businesses would be under the same name. Mr. Sabarese stated they are the same members, different LLC's. Mr. Coronato will look to see if they have the qualifications to spread the liquor license over. Larson wanted to know if the ADA requirement is met. Mr. Dante said that ADA requirement is based on the number of parking spaces so it is met for 17 spaces. Larson said they are way short on parking.

Gutowski asked Mr. Sabarese how many spaces were taken up at the Daymark with dining outside. He said that they lost about 30 spaces and it was not an issue. Washburn said that it was allowed due to COVID.

Mr. Coronato said that for this portion of the public session questions can be asked of the owner, engineer and architect.

Open to the Public

Motion made by Washburn and seconded by Manookian the meeting was open to the public

Motion: Washburn

Second: Manookian

All in favor

David Connelly, 19 W. 5th Street. He asked Mr. Guzzi the percentage of the coverage that is impervious including the building. Mr. Guzzi went over what was impervious and that it is on the plans and it meets the requirements. Mr. Connelly went over the seating and asked how the parking issue will be resolved. Mr. McGovern said that is why we are here tonight to establish what can be approved.

William Buzby, 20 W. 4th Street. He asked the attorney if everyone was noticed between this property and the Daymark since they are sharing the liquor license. Mr. Raban said it was 200 feet within this property because it is its own LLC. Mr. Buzby said that in his experience that if it's adjoining lots all of the lots have to be included in the notice. Mr. Raban said it is different owners and the properties are not merged. Mr. Coronato said that the notice could be an issue. Mr. Buzby asked if there was bicycle parking. Mr. Guzzi said there is nothing designated for bikes. Mr. Buzby asked about making an exit in the Daymark property. Mr. Guzzi said that could impact some of the parking spaces. Mr. Buzby asked if any lighting from the Daymark would spill over to this property. Mr. McGovern said that the lighting was done to satisfy the requirement of this parking lot and it's shown on sheet C3. Mr. McGovern said there is a 4 ft. overhang on the building and they would use down lights. Mr. Buzby said his concern was having intense lighting on this property. Mr. Buzby asked about 2 trees on the property and Mr. Guzzi said they would be preserved.

Nancy Connelly, 19 W. 5th Street. She asked Mr. McGovern if this was a 2 or 3 story building and if it would be on stilts. Mr. McGovern said that it's technically 2 stories. The first floor is 2.5 feet off the ground and the roof top deck would be on top of that which is less than the requirement. She asked about the calculations for seating and Mr. Raban answered that normally you don't count standing at bars for seating. Mr. McGovern said that the occupancy for the roof top deck is 50 people for the fire code and both floors have a total occupancy of 118 not including employees. Mr. Coronato asked how many people could be at the downstairs bar. Mr. McGovern said that it's calculated at about 2.5 feet per person. She asked Washburn if having an open deck for a restaurant or bar is allowed and if there is a noise ordinance. Washburn answered that there is nothing saying that there can't be and that there is noise ordinance and it is divided by the hour of day.

Mr. Ulrich Lemcke, 26 W. 10th Street asked Mr. Guzzi about the trees and fence next to Wildflowers. Mr. Guzzi said that he didn't say all of the trees would be saved and there is a landscaping plan. Mr. McGovern referred to drawing A1 to explain the knee wall at the rear of the building on the roof and there is an open railing next to the Wildflowers property since it is a commercial property. Mr. Lemcke said that property is also residential.

James Murtaugh, 13 W 5th Street asked if the parking would be worse with the Lighthouse attracting so many people. Mr. Sabarese did not think so.

Cricket Luker owner of Wildflowers next to this property on the southside asked why the fence is not shown. Mr. Guzzi said that the fence will go but that if the board sees fit it could stay there. Ms. Luker said that it is her business and living space and that the 2 large trees gives her a privacy barrier along with the fence and that is her concern. Mr. Guzzi said that there will be a perforated pipe underground. It will handle the drainage from the downspouts on the building.

Kerith Creo, 21 W 5th Street asked if there was a survey done to see how many people are walking, biking & driving. Mr. Raban said that there was no traffic study done. She questioned backing out from this property and that the adjoining properties have other ways to exit. Mr. Guzzi said that they are requesting a variance for the setback parking and at 25 feet it is greater than what the adjoining properties have. He said that in regard to backing out of the parking spaces that there is enough room. She asked about the allowed noise level and Washburn said that he would check to see what the ordinance says in regard to day and night noise.

Robert Preston 22 W 4th Street asked what is being done regarding the noise level. Mr. McGovern said that as shown on drawing A1 and that the intent of the design was to direct the noise toward Broadway and that he is aware that noise travels on decks in the summer.

Nick Marty 14 W 12th Street wanted to know that if the liquor license hasn't been approved by the town how can they know what the use is. Mr. Raban said that it is subject to approval and they are allowed to come to this board and they are not asking for a use variance.

Open to the Public for comment

Mary Thompson 13 W 4th Street was sworn in. She has concerns about the impact of the noise in the neighborhood. She has concerns about the parking and increased traffic.

Mary Shendell 27 W 4th was sworn in. She stated that she is one of the neighbors that are highly impacted. She is concerned about lights shining in her window. She said that 4th Street has a lot of children and bike traffic. She is hoping they put in the mulch bed in the back with a large tree.

Nancy Connelly was sworn in. She is not happy about this proposal. Fifth Street is a quiet and said that the noise will be unbearable with 50 people on the deck. She thinks that they are about 25 parking spaces short and doesn't think that their business should have an advantage over anyone else. She does not think that the parking is adequate for the Daymark. She said there are noise issues with bands at Daymark.

Steve Pines 13 W 4th Street was sworn in. He said that the garage doors being open have not been talked about and how much noise it will have and that the board should consider that.

Sheila Bergey 8 W 3rd Street was sworn in. She thinks that the volume of traffic will increase on 3rd Street.

Kerith Creo was sworn in. She thinks that the charm of Barnegat Light is in danger now. She thinks it will have an impact toward over development. She said that everything that we do has a reverberating

effect with regards to lighting, noise, plastic pollution, parking, and children on bikes. She said that it will be pain and misery listening to the noise.

No further comments from the public

Close to the Public

Motion made by Manookian and seconded by Mikuletzky.

Motion: Manookian

Second: Mikuletzky

All in favor

Mr. Coronato asked if the Board was ready to move forward or to have the applicant address any concerns. Mikuletzky asked if they would consider not having a roof deck since that is what most of the concerns are with parking and noise. Gutowski commented that getting the parking closer to the regulation would help them. Larson said that he will have to deal with council members and he is not sure that they would get any sympathy there. He said he did not hear complaints about outside seating this summer. He feels that when it comes to the liquor license there has to be a different conclusion that what is proposed.

Five minute break was taken.

Mr. Raban asked to carry the application over to next month's meeting on February 17th to allow the plans to be revised. Mr. Coronato said no further notice is required and the revised plans would have to be received 10 day prior to the meeting which would be February 7th.

Chairman Gutowski asked for a motion to carry the application. Motion made by Washburn and seconded by Patterson.

Motion: Washburn

Second: Patterson

Ayes: Gutowski, Mikuletzky, Washburn, Larson, Patterson, Manookian, Sulock

Nays: None

Abstain: None

Mr. Coronato told the audience that Application 2020-05, 408 Broadway Holdings is being carried to February 17th @ 5:00pm at the Firehouse and no further notice will be required.

Other Business

Subdivision committee: Larson said that he will make an appointment to the subdivision committee if needed to replace Foley & Manookian would stay on as alternate. No other business

Chairman asked for a motion to adjourn. Motion made by Washburn and seconded by Patterson. All in favor

Elaine Tollison, Board Secretary