

**BOROUGH OF BARNEGAT LIGHT
PLANNING BOARD
MARCH 17, 2021
MINUTES**

PLANNING BOARD VICE CHAIRMAN RICHARD MANOOKIAN 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 PLEDGE OF ALLEGIANCE FOLLOWED

ROLL CALL: LARSON, MIKULETZKY, MANOOKIAN, SULLOCK
ABSENT: PATTERSON, GUTOWSKI, WASHBURN, MESCOLOTTO

VICE CHAIRMAN MANOOKIAN asked for a motion to approve the minutes of February 17, 2021 meeting. Larson so moved, seconded by Mikuletzky

MOTION: LARSON

SECOND: MIKULETZKY

VOTE: AYES: LARSON, MIKULETZKY, MANOOKIAN, SULLOCK

NAYS: NONE ABSTAIN: NONE

ABSENT: PATTERSON, GUTOWSKI, WASHBURN, MESCOLOTTO

MEMORIALIZE RESOLUTION 2020-05, 408 BROADWAY HOLDINGS, LLC, MAJOR SITE PLAN, BLOCK 8, LOT 29.01

VICE CHAIRMAN MANOOKIAN asked for a motion to approve the resolution. Mikuletzky so moved, seconded by Larson

MOTION: MIKULETZKY

SECOND: LARSON

VOTE: AYES: LARSON, MIKULETZKY, MANOOKIAN, SULLOCK

NAYS: NONE ABSTAIN: NONE

ABSENT: PATTERSON, GUTOWSKI, WASHBURN, MESCOLOTTO

**RESOLUTION# 2020-5 RESOLUTION OF
APPROVAL APPLICATION OF
408 BROADWAY HOLDINGS, LLC.
APPLICATION #PB-2020-03**

IN THE MATTER OF : PLANNING BOARD OF THE BOROUGH
408 BROADWAY HOLDINGS , LLC : OF BARNEGAT LIGHT
: NUMBER 2020-5
: BLOCK 8; LOT 29.01
: 408 BROADWAY

WHEREAS, an application has been made to the Borough of Barnegat Light Planning Board (the "Board") by 408 Broadway Holdings, LLC LLC (the "applicant"), for a Preliminary and Final Major Site Plan approval to construct a pizza restaurant. The property known as 408 Broadway in the Borough of Barnegat

Light, NJ, Block 8 Lot 29.01 as depicted on the Tax Maps of the Borough of Barnegat Light, Ocean County, New Jersey, and said premises being located in the General Business Zone; and

WHEREAS, the Applicant has satisfied the noticing 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, Esquire; 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 no comments from the public.

NOW, THEREFORE BE IT RESOLVED, that the Planning Board of the Barnegat Light, County of Ocean, and State of New Jersey on January 20, 2021 and February 17, 2021, made the following findings:

1. The Board found the application complete.
2. According to the application, the Applicant is requesting a Preliminary and Final Major Site Plan approval. The plans reflect that the Applicant is proposing the construction of a one story restaurant with 71 seats, and a parking lot along with other associated site improvements. The restaurant will service primarily pizza; and the following variances and waivers:
 - A. The following are new variances being requested:
 1. Proposed front yard set back for Central Avenue is 25 feet where 50 feet is required.
 2. A variance is needed from the parking requirements of the Ordinance where 24 spaces are needed and seventeen are proposed.
 3. A variance is required for the loading zone ramp where 17 feet is proposed and 24 feet is required
 - B. The following are the waivers being requested:
 1. The Applicant has not requested any design waivers and none have been identified by the Board Engineer.

3. In support of the application, the Applicant submitted the following documents:
 - A. Plan of Survey and Topography, One (1) Sheet, prepared by Dante Guzzi Engineering Associates, LLC signed by Steven Woodrow, PLS and dated 11/23/20.
 - B. Site Plan, Six (6) Sheets, prepared by Dante Guzzi Engineering Associates, LLC signed Dante Guzzi and dated 12/28/20 and 2/4/21: Title Sheet, Site Plan, Grading and Drainage Plan, Landscaping and lighting plan, soil erosion and sediment control plan, soil erosion control details.
 - C. Architectural Plans, Three (3) Sheets, prepared by Architectural Integrity, LLC, signed by Sean McGovern, RA dated 10/30/20 and 2/1/21.
 - D. Stormwater Management Report for 408 Broadway, prepared by Dante Guzzi Engineering Associates, LLC, signed by Scott D. Brown, PE, PLS and dated 11/24/20.
4. During the public hearing held on January 20, 2021 and February 11, 2021; 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 January 13, 2021, by the Planning Board Engineer, Frank Little, P.E., P.P., C.M.E.
 - B. Review letter dated February 11, 2021, 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, the following exhibits were marked into evidence:
 - A. A-1 Rendering of the proposed restaurant.
 - B. A-2 Revised plans by Guzzi Engineering dated 2/4/21
 - C. A-3 Revised architectural Plans dated 2/1/21
7. The Applicant requested a Preliminary and Major Final Site Plan approval.
8. Applicant is the same owner/operator of the adjacent property

which has a restaurant. The proposed rooftop deck area on the initial plans faced the bay. The hours of operation for the pizza restaurant will be 12pm until 10pm.

9. During the public hearing on January 20, 2021 the applicant's Engineer, Dante Guzzi, testified the storm water will be directed to 607 Broadway. The Applicant requires a variance for the front yard setback which is 25 feet where 50 feet is required and where 24 parking spaces are required and 17 is proposed. Five (5) parking spaces will be located in the front yard setback. The Storm water is managed on the adjacent property and then drained towards Broadway. The adjacent property's parking lot adjoins Applicants parking lot.
10. During the public hearing on January 20, 2021, Sean, McGovern described the buildings architecture. There will be a five foot fence to screen people on the east side of the property.
11. On February 17, 2021, during the public hearing, the applicant agreed to amend the application to eliminate the roof top deck in its entirety, added two (2) additional parking spaces for a total of 19, a mulch bed was removed. The Applicant's architect testified that the elevator tower was removed and the restaurant will comply with the Borough's noise ordinance. Applicant agreed to surround the property with a six (6) foot fence to protect the adjacent homes.
12. On both hearing dates there were a number of concerned neighbors who attended the meeting and objected to the application. The neighbors expressed concerns over the capacity of the building, the height of the building, the lighting, where the mechanicals would be located, issue of the drainage on to the adjacent site, the fence that going to be used to screen the property, concerns over the noise, concerns over the parking shortages, the smell of the trash area. The Applicant agreed to address the surrounding neighbors concerns on an ongoing basis.
13. The Board finds that in all other respects the application is in substantial compliance with the ordinances of the Borough, and the same may be approved subject to the applicant complying with all terms and provisions of the Board Engineer's review letter dated January 13, 2021 and February 17, 2021; paying all taxes, application and escrow fees associated with the property and with the project; and obtaining such outside agency approvals as shall be required by law.

CONCLUSIONS OF LAW

WHEREAS, the Board determined that the Applicant's Major Site Plan 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 approved the Applicant's request; and

WHEREAS, the need for the front yard setback variance is due to conditions of the lot which constituted a hardship in accordance with *N.J.S.A. 40:55D-70 (c)(1)*; and

WHEREAS, the need for the parking variance of 19 parking spaces where 27 is required is due to conditions of the lot which constituted a hardship in accordance with *N.J.S.A. 40:55D-70 (c)(1)*; and

WHEREAS, the need for the loading zone ramp is due to conditions of the lot which constituted a hardship in accordance with *N.J.S.A. 40:55D-70 (c)(1)*; and

WHEREAS, there will be no substantial negative impact on the surrounding property owners; 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.

WHEREAS, the Board has conditioned the approval herein upon the Applicant amending the minor site plan to a Major Site Plan and paying the difference in/additional fees.

NOW, THEREFORE, BE IT RESOLVED, by the Barnegat Light Planning Board, in the County of Ocean and State of New Jersey, on the 17th day of March 2021, upon a motion made by Mikuletzky and seconded by Larson, that the application of 408 Broadway Holdings, LLC be granted, subject to the following terms and conditions:

1. The Applicant shall be bound by all exhibits introduced, all representations made and all testimony given before the Board at its meeting of January 20 and February 17, 2021.
2. The Applicant shall provide all required Site Performance Bond and Inspection Fees in accordance with the Municipal Ordinance, if required.
3. The Applicant shall be responsible for obtaining any other approvals or permits from other governmental agencies, as may be required by law, including but not limited to the Municipality's and State's affordable housing regulations; and the Applicant shall comply with any requirements or conditions of such approvals or permits.

4. The Applicant must comply with the Development Fee Ordinance of the Borough of Barnegat Light, if applicable, which Ordinance is intended to generate revenue to facilitate the provision of affordable housing.
5. The Applicant is required to provide for any and all of the regulatory approvals required by law including, but not limited to the Ocean County Planning Board.
6. The Applicant is required to post all necessary site performance bonds, inspection fees and all professional review fees in accordance with the Ordinance.

7. Publication of a notice of this decision will be published in the official newspaper of the Barnegat Light Planning Board at the cost of the Applicant.

ADOPTED this 17th day of March 2021.

VOTE ON ROLL CALL:

IN FAVOR: Larson, Mikuletzky, Manookian, Sulock

OPPOSED: None

NOT- PRESENT: Patterson, Gutowski, Washburn, Mescolotto

CERTIFICATION

It is hereby certified that the attached is a true copy of the Resolution for Application #2020-5, approved on February 17, 2021 and duly adopted as to form by the Barnegat Light Planning Board and memorialized at its regular meeting held on the March 17, 2021.

Richard Manookian
Vice Chairman
Borough of Barnegat Light
Planning Board

Elaine Tollison
Secretary Borough of
Barnegat Light
Planning Board

OPEN TO THE PUBLIC
There was no public

OTHER BUSINESS
There will be an amendment to the Master Plan regarding revised Stormwater Management. Mr. Coronato will provide details that have to be done before it comes before the Board.

Being no further business before the Board, a motion made by Mikuletzky, carried by all, the meeting was adjourned.

ELAINE TOLLISON
PLANNING BOARD SECRETARY