

BOROUGH OF ISLAND HEIGHTS

PLANNING BOARD

REGULAR MEETING MINUTES

MAY 11, 2023 – 7:00 P.M.

CHAIRMAN NOBLE:

CALLED THE MEETING TO ORDER AT 7 PM.

CHAIRMAN NOBLE LED ALL IN THE:

SALUTE TO THE FLAG OF THE UNITED STATES OF AMERICA

CHAIRMAN NOBLE READ THE FOLLOWING:

PUBLIC MEETING ANNOUNCEMENT:

IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT OF THE STATE OF NEW JERSEY, ADEQUATE NOTICE OF THIS MEETING WAS PUBLISHED IN THE ASBURY PARK PRESS AND THE NEWARK STAR LEDGER ON NOVEMBER 19, 2022 STATING THE TIME, DATE, PLACE OF THIS MEETING. NOTICE OF THIS MEETING WAS ALSO POSTED ON THE BOROUGH BULLETIN BOARD, ADVERTISED ON THE BOROUGH TELEVISION CHANNEL AND WEBSITE.

THIS MEETING IS A JUDICIAL PROCEEDING, ANY QUESTIONS OR COMMENTS MUST BE LIMITED TO ISSUES THAT ARE RELEVANT TO WHAT THE BOARD MAY LEGALLY CONSIDER IN REACHING A DECISION, AND DECORUM APPROPRIATE TO A JUDICIAL HEARING MUST BE MAINTAINED AT ALL TIMES.

CHAIRMAN NOBLE REQUESTED THE:

ROLL CALL OF THE MEMBERS OF THE PLANNING BOARD:

Mr. Baxter	<u>Present</u>	Absent
Ms. Bottomley	Present	<u>Absent</u>
Mr. Boyko	<u>Present</u>	Absent
Ms. Kier	<u>Present</u>	Absent
Mr. Noble	<u>Present</u>	Absent
Mr. MacNeal	<u>Present</u>	Absent
Mr. Parisi	<u>Present</u>	Absent
Ms. Pendleton	<u>Present</u>	Absent
Mr. Richert	<u>Present</u>	Absent
Mr. Slavick	Present	<u>Absent</u>
Mr. Wilber	<u>Present</u>	Absent

CHAIRMAN NOBLE INTRODUCED THE:

APPROVAL OF PRIOR MEETING MINUTES:

Adoption of the Proposed Minutes of the Board Meeting Conducted on April 13, 2023

Motion: Mr. Baxter

Second: Ms. Kier

Board Comments/Discussion: None

Voting Record:

Mr. Baxter <u>Yes/No</u> Abs.	Ms. Bottomley <u>Yes/No</u> <u>Abs.</u>	Mr. Boyko <u>Yes/No</u> Abs.	Mr. Richert <u>Yes/No</u> Abs.	Ms. Kier <u>Yes/No</u> Abs.
	Mr. Parisi <u>Yes/No</u> <u>Abs.</u>	Ms. Pendleton <u>Yes/No</u> <u>Abs.</u>	Mr. MacNeal <u>Yes/No</u> Abs.	
	Mr. Noble <u>Yes/No</u> Abs.	Mr. Slavick <u>Yes/No</u> <u>Abs.</u>	Mr. Wilber <u>Yes/No</u> Abs.	

CHAIRMAN NOBLE INTRODUCED:

Block 2 – Lot 5 - 111 Sassafras Lane - Doyle

Demolish/Reconstruct Single Family Dwelling with Variances

Resolution Adoption

Board Member Comments/Questions on Resolution:

None

Motion to Waive Reading and Adopt the Resolution as Prepared by Counsel

Motion: Mr. Baxter

Second: Mr. MacNeal

Board Member Comments/Discussion: None

Voting Record:

Mr. Baxter <u>Yes/No</u> Abs.	Ms. Bottomley Yes/No <u>Abs.</u>	Mr. Boyko Yes/No <u>Abs.</u>	Mr. Richert <u>Yes/No</u> Abs.	Ms. Kier <u>Yes/No</u> Abs.
	Mr. Parisi Yes/No <u>Abs.</u>	Ms. Pendleton <u>Yes/No</u> Abs.	Mr. MacNeal <u>Yes/No</u> Abs.	
	Mr. Noble <u>Yes/No</u> Abs.	Mr. Slavick Yes/No <u>Abs.</u>	Mr. Wilber <u>Yes/No</u> Abs.	

CHAIRMAN NOBLE INTRODUCED:

Block 46 - Lot 33 – 177 Maple Avenue – Piombino-Weber

Minor Subdivision

Resolution Adoption

Board Member Comments/Questions on Resolution:

None

Motion to Waive Reading and Adopt the Resolution as Prepared by Counsel

Motion: Mr. Baxter

Second: Ms. Kier

Board Member Comments/Discussion: None

Voting Record:

Mr. Baxter <u>Yes/No</u> Abs.	Ms. Bottomley <u>Yes/No</u> <u>Abs.</u>	Mr. Boyko <u>Yes/No</u> <u>Abs.</u>	Mr. Richert <u>Yes/No</u> Abs.	Ms. Kier <u>Yes/No</u> Abs.
	Mr. Parisi <u>Yes/No</u> <u>Abs.</u>	Ms. Pendleton <u>Yes/No</u> Abs.	Mr. MacNeal <u>Yes/No</u> Abs.	
	Mr. Noble <u>Yes/No</u> Abs.	Mr. Slavick <u>Yes/No</u> <u>Abs.</u>	Mr. Wilber <u>Yes/No</u> Abs.	

CHAIRMAN NOBLE INTRODUCED:

Block 21 – Lot 4 – 110 Central Avenue – Hanifin

Renovation/Construction with Variances

Resolution Adoption

Board Member Comments/Questions on Resolution:

None

Motion to Waive Reading and Adopt the Resolution as Prepared by Counsel

Motion: Ms. Kier

Second: Ms. Pendleton

Board Member Comments/Discussion: None

Voting Record:

Mr. Baxter <u>Yes/No</u> Abs.	Ms. Bottomley Yes/No <u>Abs.</u>	Mr. Boyko Yes/No <u>Abs.</u>	Mr. Richert <u>Yes/No</u> Abs.	Ms. Kier <u>Yes/No</u> Abs.
	Mr. Parisi Yes/No <u>Abs.</u>	Ms. Pendleton <u>Yes/No</u> Abs.	Mr. MacNeal <u>Yes/No</u> Abs.	
	Mr. Noble <u>Yes/No</u> Abs.	Mr. Slavick Yes/No <u>Abs.</u>	Mr. Wilber <u>Yes/No</u> Abs.	

CHAIRMAN NOBLE INTRODUCED:

Block 26 – Lots 2 and 3 – 115 Ocean Avenue – United Methodist Church

Request for Variances – Continuation of Hearing – Adjourned from March 9, 2023

Public Comments:

All persons providing Public Comment were sworn in by Mr. Brady.

John Pendleton – The Church and the surrounding properties are part of a recognized Historic district.

Christine Gabriel – I support the new sign; we need to work together to resolve issues Like this as a community, people are more important than signs.

Edward Liston – The church is a pre-existing non-conformity in a residential zone. A Use (D) variance is required for the sign to remain in place. This sign does not belong In Island Heights, the church did not follow the relevant Ordinances. The church Perpetrated a deliberate fraud upon the Borough in placing this sign that they knew was Not allowed.

Therese Heimbold – I strongly oppose issuance of the variance, this is a historic Community, the sign is distracting and intrusive, they should comply with our zoning Code.

Stephen Garofalini – The sign is very bright; it was on one night at 1:48 AM and

keeps

Us from being able to sleep, it will have a negative impact on property values, it is the Wrong sign for this town.

Richard Beck – I placed letters on the old church sign for twenty years, when I reached Eighty years old it became very difficult to do so and I did not want to fall and get hurt So the church bought a new sign with an electronic message board.

Alan Parry – I am a church parishioner, the pandemic closed our church and brought Tough times. We never intended to cause any harm by placing this new sign in front Of the church. Our goal was to communicate and bring more people into the church For services and events.

Chris Wightman – The sign is too loud and too bright; it diminishes our enjoyment of Our property and it will have a negative impact on property values.

Chairman Noble recognized Robert Shea (Counsel for the Applicant) to present his Summation.

Mr. Shea said that the only variances that should be required for the applicant are For the size of the sign and the backlighting. He said that the applicant has met their Burden and the bulk variances should be granted by the Board. Only the Board can Determine the type of variance that is required, not counsel for the Board. He said that A sign permit and an electrical permit was issued by the Borough for the installation of The sign.

The applicant met with several members as was suggested at the prior meeting of the Board. These meetings did not resolve all of the issues that the neighbors have with The sign but the applicant has come up with some modifications to their application That they will agree to in the event that variance(s) are granted by the Board. The Applicant will stipulate as follows:

The sign will be turned off each evening at 8:30 PM, to include all Parts of the sign

The sign will display a maximum of 75 characters which represents Approximately half of the message board area

Only letters will be displayed, no graphics or animation

The applicant will assure that the sign complies with the Borough Lighting Ordinance

No colors will be used on the message board, only off white letters

The message on the sign will be static for a minimum of forty eight hours for Each message

Chairman Noble opened Board deliberations on the application:

Mr. Parisi commented on the proposed hours of sign operation.

Mr. MacNeal commented on the applicant's efforts to meet with neighbors to discuss The sign.

Mr. Wilber commented on the enforcement issues raised by the applicant's Proposal.

Chairman Noble entertained a:

Motion to Adopt the Recommendation of Counsel that the Applicant is Requesting a Use (D) Variance

Motion: Mr. MacNeal

Second: Mr. Parisi

Board Member Comments: None

Voting Record:

Mr. Baxter Yes/No <u>Abs.</u>	Ms. Bottomley Yes/No <u>Abs.</u>	Mr. Boyko <u>Yes/No</u> Abs.	Mr. Richert <u>Yes/No</u> Abs.	Ms. Kier <u>Yes/No</u> Abs.
	Mr. Parisi <u>Yes/No</u> Abs.	Ms. Pendleton Yes/No <u>Abs.</u>	Mr. MacNeal <u>Yes/No</u> Abs.	
	Mr. Noble <u>Yes/No</u> Abs.	Mr. Slavick Yes/No <u>Abs.</u>	Mr. Wilber <u>Yes/No</u> Abs.	

Chairman Noble entertained a:

Motion to Deny the Use (D) Variance Requested by the Applicant

Motion: Mr. Wilber

Second: Mr. MacNeal

Board Member Comments: None

Voting Record:

Mr. Baxter Yes/No <u>Abs.</u>	Ms. Bottomley Yes/No <u>Abs.</u>	Mr. Boyko <u>Yes/No</u> Abs.	Mr. Richert <u>Yes/No</u> Abs.	Ms. Kier <u>Yes/No</u> Abs.
	Mr. Parisi <u>Yes/No</u> Abs.	Ms. Pendleton Yes/No <u>Abs.</u>	Mr. MacNeal <u>Yes/No</u> Abs.	
	Mr. Noble <u>Yes/No</u> Abs.	Mr. Slavick Yes/No <u>Abs.</u>	Mr. Wilber <u>Yes/No</u> Abs.	

CHAIRMAN NOBLE INTRODUCED:

Block 2.01 – Lot 2 – 113 West End Avenue – LaMarca

Completed Construction Without Permit With Variances

Presentation by Applicant:

The Chair recognized **Stephen Leone** as counsel for the applicant. Mr. Leone said That the applicant had erected an expansion of the wall around the pool at the Rear of his home where it borders Sassafras Lane. He said that Mr. LaMarca did Not understand that his actions required zoning approval and a building permit From the Borough, he stipulates for the record that Mr. LaMarca constructed the Expansion without zoning approval or a building permit. Mr. Leone provided the Board with a property survey and an as built plot plan.

Mr. LaMarca was sworn in by Mr. Brady.

Under questioning by Mr. Leone, Mr. LaMarca stated that he built the wall extension Himself in order to provide planter space at the rear of his property. He said that he Intended to install plants in the extension that would provide privacy for his pool Area. He said that if approved the wall extension area will be only used as a planter And will not be used as patio space. Mr. LaMarca said that if he receives a variance From the Board he will obtain all necessary building permits for the wall.

Mr. Leone introduced Stewart Challner as engineer for the applicant.

Mr. Challner was sworn in by Mr. Brady.

Mr. Challner Explained the existing non-conformities at the property as well as the unusual shape and slope of the lot.

Board Member Questions:

Ms. Pendleton questioned why the applicant erected the wall and then applied for a Variance. She asked whether anything could be done to reduce the impervious Ground coverage at the property.

Mr. Baxter questioned the dimensions of the wall extension. Even if the applicant Is granted the requested variances he still must obtain a building permit for the wall.

Mr. Noble questioned the other variances being requested by the applicant.

Mr. MacNeal questioned the timeline of the wall extension being erected and why the Applicant continued to work on the extension after receiving a “stop work” order from The Borough.

Public Comments:

All persons providing Public Comment were sworn in by Mr. Brady.

Lizzie Shippert – Presented a package of historical documents to the Board on the Subject property. She said that Sassafras Lane is a street, the applicant has raised his Property and doubled the thickness of his retaining walls. She said that the applicant is Deliberately deceptive, his measurements are inaccurate and that all of his requested Variances should be denied by the Board.

Garrett Joest – I live on West End Avenue near the applicant, I have no objection to The Board granting the variances requested by the applicant.

Chairman Noble entertained a:

Motion to Grant the Variances Requested by the Applicant

Motion: Mr. Baxter

Second: Mr. Richert

Board Member Comments: None

Voting Record:

Mr. Baxter <u>Yes/No</u> Abs.	Ms. Bottomley Yes/No <u>Abs.</u>	Mr. Boyko <u>Yes/No</u> Abs.	Mr. Richert <u>Yes/No</u> Abs.	Ms. Kier Yes/No <u>Abs.</u>
	Mr. Parisi <u>Yes/No</u> Abs.	Ms. Pendleton Yes/ <u>No</u> Abs.	Mr. MacNeal <u>Yes/No</u> Abs.	
	Mr. Noble Yes/ <u>No</u> Abs.	Mr. Slavick Yes/No <u>Abs.</u>	Mr. Wilber <u>Yes/No</u> Abs.	

CHAIRMAN NOBLE INTRODUCED:

Block 51 – Lot 7 – 182 Ocean Avenue – Mowadia

New Construction With Variance (Work Completed)

Presentation by Applicant:

Mr. Mowadia was recognized by the Chair; he was sworn in by Mr. Brady. Mr. Mowadia said that he is the property owner and his is requesting a post construction Variance. He introduced his engineer (James Oris) as a witness on his behalf.

Mr. Oris was sworn in by Mr. Brady

Mr. Oris was recognized by the Chair. He said that the applicant is requesting a Variance for steps on the east side of the home that were placed due to unexpected Elevation changes that occurred during construction.

Board Member Questions:

Chairman Noble questioned when the decision was made to place the stairs and whether the builder knew it was a violation of the zoning code to place the steps in that Location.

Public Comments:

All persons providing Public Comment were sworn in by Mr. Brady.

Walt Rogachenko – I own the property to the east of the subject property, I support The variance being issued as requested.

Chairman Noble entertained a:

Motion to Grant the Variance as Requested

Motion: Mr. Baxter
Second: Mr. Wilber

Board Member Comments: None

Voting Record:

Mr. Baxter <u>Yes/No</u> Abs.	Ms. Bottomley Yes/No <u>Abs.</u>	Mr. Boyko <u>Yes/No</u> Abs.	Mr. Richert <u>Yes/No</u> Abs.	Ms. Kier <u>Yes/No</u> Abs.
	Mr. Parisi <u>Yes/No</u> Abs.	Ms. Pendleton <u>Yes/No</u> Abs.	Mr. MacNeal <u>Yes/No</u> Abs.	
	Mr. Noble <u>Yes/No</u> Abs.	Mr. Slaviak Yes/No <u>Abs.</u>	Mr. Wilber <u>Yes/No</u> Abs.	

CHAIRMAN NOBLE ENTERTAINED A MOTION FOR:

MEETING ADJOURNMENT

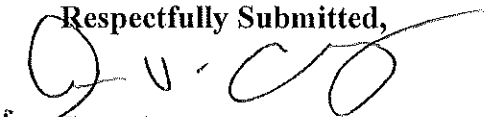
Motion to Adjourn:

Motion: Mr. Baxter
Second: Ms. Pendleton

Voice Vote Yes: Unanimous No: _____

The meeting was adjourned at 10:40 P.M.

Respectfully Submitted,



Sean Asay
Deputy Board Secretary