

Zoning Board Minutes
September 9, 2008

Board Attendance: Carol. Jones, Pam Lamberton, Russell Lewis, Keith Zyla, Micheal Brim,

Staff: J.Serpico, B. Van Wagner, M. McPherson, Susan Gruel, Fred Heyer

Chairman statement for compliance with open public meetings act

Acceptance of Minutes

Roll Call

Applications:

1 – Roberson T. Frazier

1123 Sewall Avenue, Block 46 Lot 28, R-1 Zone

Bulk variances and technical use variance for one family residential structure

Hunt Parry, Esq., attorney for applicant

Would prefer a full board – only 5 board members present

CARRIED TO SEPTEMBER 23, 2008

2 – Musa Guven & Ruhi Guven

801 Main Street, Block 152 Lot 1, B-2 Zone

Use Variance for motor vehicle repair garage

CARRIED TO SEPTEMBER 23, 2008

Discussions

Final Judgement for Market Street Mission

Resolutions

1 – Trent Pugh – 901 Cookman Avenue, Block 80 Lot 8.01

discussed resolutions, Jack to read transcript to determine vote question

2 – RDR Properties, 1001 Second Avenue, Block 33 Lot 2

Meeting adjourned at 7:20 pm

Zoning Board Minutes
September 23, 2008

Board Attendance: Rev. Parreott, Carol. Jones, Pam Lamberton, Russell Lewis, Keith Zyla, Micheal Brim,

Staff: J.Serpico, B. Van Wagner, M. McPherson, Susan Gruel, Fred Heyer

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1123 Sewall Avenue, Block 46 Lot 28, R-1 Zone

Bulk variances and technical use variance for one family residential structure

Hunt Parry, Esq., representing the applicant

Exhibit A-1 – Affidavit of Service

Exhibit A-2 – Affidavit of Service (Patton)

Discussed the undersized lot and the 3 bedroom home

Jonathan Murphy – adjacent property owner was introduced

John Buletza, Esq. discussed the vacant lot and fences

Exhibit A-3 Site plan

Exhibit A-4 – Photos (4)

Exhibit A-5 – Survey

Exhibit A-6 - floor plans (2 pages)

The curb cut was discussed and the fact that there is no off-street parking

David Feldman, Architect for the applicant

Exhibit A-7 – floor plans

Exhibit A-8 – aerial photo

Allison Coffin, Planner for the applicant

Site is located in the R-1 zone on an existing lot. The variances proposed are: front, side and aggregate yard setbacks, building coverage, use variance for the FAR.

C variances – hardship – C-1 – unique shape for a pre-existing condition

Discussed purposes of Land Use Law benefits and how this use outweighs the detriments

The D-variance requested does not impair the LDO and is not a detriment

FAR – D- Variance – distinct from the use variance for prohibitive uses and more similar to conditional use requirements.

Exhibit A-9 – chart on existing lot sizes

Public questions:

Mr. Murphy – adjacent property owner who is concerned and didn't have ample time to purchase the lot, he just received the notice on September 12, 2008.

Jack Serpico discussed the Dalmiger case

Pam – proposal in line with the other undersized properties in the City

Keith – believes Mr. Murphy needs more time

Rev. P. – discussed uses in the area.

Board requested revised plans showing the setbacks, porch, and the exit in the middle of the house.

Architect can come back

Vote not taken

CARRIED TO OCTOBER 14, 2008

2 – Musa Guven & Ruhi Guven

801 Main Street, Block 152 Lot 1, B-2 Zone

Use Variance for motor vehicle repair garage

CARRIED TO OCTOBER 28, 2008

3 – WYGG Good News Communications Inc.

t/a Good News Radio

412 Asbury Avenue, Block 141 Lot 8

Use and bulk variances to construct an 80 foot tower on the roof for a radio broadcasting office

CARRIED TO OCTOBER 14, 2008

4 – Getty Service Station

800 Fourth Avenue, Block 169 Lot 1

Use variance for motor vehicle repair garage

CARRIED TO OCTOBER 14, 2008

5 – RAVE Properties, LLC

406 Sewall Avenue, Block 46 Lot 28

Use and Bulk Variance and Site Plan for nine residential units and nine parking spaces

CARRIED TO OCTOBER 28, 2008

Meeting adjourned at 8:55 pm

Zoning Board Minutes
April 14, 2009

Board Attendance: Carol. Jones, Rev. Parreott, Pam Lamberton, Dave Williams, Russell Lewis, Keith Zyla, R. Lewis, Micheal Brim, Ken Rickel, Jason Greenspan

Jason Greenspan leaves after attendance

Staff: J.Serpico, B. Van Wagner, M. McPherson

Chairman statement for compliance with open public meetings act
Acceptance of Minutes
Roll Call

Applications:

1 - CUC Branding LLC/ Robert Ilvente
639 Cookman Ave, Block 111 Lots 7, 11 & 12
Appeal of Zoning Officer's decision for arcade use in CBD zone

Carried to April 28, 2009

2 – University Property Management, LLC
401 Sunset Ave, Block 195 Lot 1
Site Plan, Use and bulk variances for 10 residential units in main structure and the expansion of the rear Structure and the site plan for the parking area

Carried to May 26, 2009

3 – 151 Elizabeth Ave, LLC
Yosief and Fruma Rosenberg
151 Elizabeth Ave, Block 195 Lot 1
Interpretation for a two family residential use

Carried to April 28, 2009

Discussions:

Fence Amendments were discussed
Fences on corner lots facing on secondary fronts were discussed in detail
The fence on Fourth Ave and Comstock Ave discussed
Discussions regarding prohibiting chain link and vinyl fencing and height requirements for permitted fences

Recommendations can be forwarded to the Planning Board and then forwarded to Council to adopt the amended fence ordinance

The board stated that they are striving for quality in fencing.
The fences must be accordance with the Master Plan

By Laws need to be reviewed
Board wants a by law that limits the property list to expire after 90 days of issuance by the Tax Assessor.

Meeting adjourned at 8:32 pm

Planning Board Minutes of
September 8, 2008

Members in Attendance: Herb Fehrenbach, Dan DiBenedetto, Sara Anne Towery, Steven Troy,
Vernice McGriff

Staff: Jack Serpico, Don Sammet, Susan Gruel, Fred Heyer, Barbara Van Wagner, State Shorthand
(Michele McPhearson)

Meeting begins at 7:08 pm

Chairman statement for compliance with open public meetings act
Pledge of Allegiance
Acceptance of Minutes
Roll Call

1. 603 – 605 Mattison, LLC
603 – 605 Mattison Ave., Block 115, Lots 2, 3 4.01 & 11.02
Minor subdivision

Don Sammet stated that the parking is a complex issue and should be researched further.

CARRIED TO September 22, 2008

2. Madison Asbury Retail, LLC
First, Third, and Fifth Avenue Pavilions
Convention Hall, Casino/Carousel Building, Wonder Bar,
Second Avenue Beach Club, and Commercial Uses in the Green Open Space
Areas in the Waterfront Redevelopment Area.

CARRIED TO SEPTEMBER 22, 2009

3. Metro PCS New York, LLC
610 Sewall Avenue, Block 134 Lot 1
Site Plan for antenna use

Michael Beck, Esq. – attorney for the applicant

Kurt Otto – Engineer for the applicant

Propose a total of 8 additional antennas. The penthouse has existing antennas on the site.

The proposed locations are as follows: three on the easterly penthouse, three on the westerly penthouse and 2 more on the chimney structure. They will be approx. 4 feet in height.

Power and telecommunications equipment will be located inside the westerly penthouse. Running inside the penthouse down the stairwell and then to the street/

Exhibit A-1 – Site Plan

A-2 – Photos

A-3 – Sheet Z-3

A-4 – Electric runs

A-5 – CMX Letter

The antennas will be painted to match the building

Don – GPS antenna- discussed the height of the antenna on the westerly penthouse. Requested that it be mounted so as not to exceed the structure.

Engineer letter discussed.

Item 2.1 – answer is that the utility runs in the building

Exhibit A-6 – County Letter

A-7 – FCC letter

A-8 – Geographic base map

Hardik Gandhi – Frequency expert

Stated that there is no coverage in AP area for Metro

Beck – FCC issues and licenses for individual bands. Metro can't use Verizon bands.

Capacity – supporting x number of areas, needs its own capacity.

Board questioned the max number of people on sector. One sector has 100 users at a time. If use data, it will be less.

Working on several sites in the NE – Brooklyn, Queens area now being tested.

Market base – are people using the service.

Monmouth County – Phase II launch, proposed first quarter of 2009 to turn on more service.

If don't use equipment, they will take down the equipment and restore the façade at their own cost.

Won't interfere with fire or police because on different frequency.

There is not a taller building in the area for this amount of coverage.

GPS antenna discussed

Horizontals will be below the parapet wall.

Co-locate 2 antennas on the chimney.

Metro PCS could cover the majority of AP.

Preliminary and Final Site plan is requested. Painting and flush mounting was discussed.

Co-location of existing antennas was discussed.

Board wanted to convince the owner to power wash the building

Conditions of Approval

Applicant needs to submit revised plans for the board professionals

Motion to approve – Sara Anne Towery

Second – Herb Fehrenbach

All approve with the conditions

application approved

4. Madison Asbury Retail, LLC
Third Avenue Pavilion, Block 227 Lot 1.10
Langosta Lounge
Approval for lobster sign

Keith Ortner for Madison Marquette

Cat Clear, artist for the sign

The sign will be a blue metal appliqué in the shape of a lobster measuring ten feet long from tip to tail

The lobster sign is the advertising for the restaurant and part of the site.

Stated that if sign deteriorates, it will be removed.

The lighting will be subtle LED glow.

The applicant showed a sample of the sign.

Motion to approve – Vernice McGriff

Second – Herb Fehrenbach

Application approved

Meeting adjourned at 9:55 pm

Planning Board Minutes of
September 22, 2008

Members in Attendance: Herb Fehrenbach, Terry Reidy, Councilman Loffredo, Dan DiBenedetto

Staff: Jack Serpico, Don Sammet, Barbara Van Wagner, State Shorthand (Michele McPherson)

Meeting begins at 7:12 pm

Chairman statement for compliance with open public meetings act
Pledge of Allegiance
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Roll Call

1. 603 – 605 Mattison, LLC
603 – 605 Mattison Ave., Block 115, Lots 2, 3 4.01 & 11.02
Minor subdivision

CARRIED TO OCTOBER 20, 2008

2. 711 Bangs Avenue Corp.
711 Bangs Avenue, Block 121 Lot 3
Site plan for restaurant on the first floor and second floor
Office/commercial use on floors three through five

Kevin Kennedy, Esq. for the applicant
Due to the quorum issue, the application was

CARRIED TO OCTOBER 20, 2009

3. Madison Asbury Retail, LLC
First, Third, and Fifth Avenue Pavilions
Convention Hall, Casino/Carousel Building, Wonder Bar,
Second Avenue Beach Club, and Commercial Uses in the Green Open Space
Areas in the Waterfront Redevelopment Area.

CARRIED TO OCTOBER 14, 2009

Discussions:

Donald Sammet, City Planner, discussed the parking subcommittee has yet to meet

Matthew Berman will advised whether he can serve on the committee

Meeting adjourned at 7:45 pm

Planning Board Minutes of
April 13, 2009

Members in Attendance: Rev. Parreott, Sara Anne Towery, , Councilman Loffredo, Vernice McGriff,
Dan DiBenedetto, Herb Fehrenbach

Staff: Jack Serpico, Don Sammet, Brian Grant, Susan Gruel, Fred Heyer, Barbara Van Wagner, State
Shorthand (Michele McPherson)

Chairman statement for compliance with open public meetings act
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Applications:

1. Russell Lewis/Watermark
First Avenue Pavilion, Block 227 Lot 1.06

Dan recused himself from this application, Herb will be running the meeting
Jack stated that he represents both boards and Russell Lewis is a board member of the Zoning Board
Rev. Parreott serves on both the ZB and PB with Mr. Lewis and has no problem with voting on this application
Susan Gruel also stated that she represents both the ZB and PB

Steve Barcan, Esq. – attorney for the applicant
Jerry Friedland represents the Empress Hotel and Shep Pettibone
The Perogative Writ before the Superior Court was discussed
June 15 is the scheduled trial date

Jack recommends that the board proceed with the application within 45 days, applicant will not accept an
extension of time. If the outcome of the other application affects this application, then the applicant is
proceeding at his own peril. There is a 45 day time frame to appeal after the resolution publication.

James Watt, architect for applicant

Exhibits

- A-1 – rendering
- A-2 – photos
- A-3 – Interior Photos
- A-4 – Floor plan
- A-5 – Cross-section and north elevation
- A-6 – boardwalk elevation
- A-7 – trellis/pergola rendering
- A-8 – photo rendering

Jim Watt describes the Watermark Bar as a warm, modern space made with natural materials. He describes the
floor plan and details of the components. The second floor deck is accessible from three points. The cedar deck
has two levels. The three levels of exposure to sunshine are: direct sunlight, filtered sunlight with pergola trellis
and a solid roof for total sun protection.

The trellis is below the height of the existing roofline of the existing building. The lounge area has flexible
seating with planters proposed.

Exhibits

B-1 – Heyer and Gruel report

B-2 – Brian Grant, City Engineer's report

Susan Gruel discussed her planners report

The hurricane shutters close the bar area and are resistant to weather and hurricane forces.

The material of the structure was discussed.

A-4 – shown and they discussed the adding of a planter on the north/west edge

Planters will be 3 feet to 4 feet in height.

Shep Pettibone of the Empress Hotel introduced their exhibits

O-1 – photos from the fourth floor of the Empress Hotel

O-2 – photos from the third floor of the Empress Hotel

O-3 – view from the fourth floor

Mr. Friedland questioned Jim Watt regarding the structure proposed.

J. Watt stated that the proposed structure doesn't take away a substantial from the Empress Hotel rooms. The majority of the structure is an open joist system with a grid of columns.

Planters are to be 2 ½ feet – 4 feet in height on the deck.

Susan Gruel stated that the application is consistent with the Waterfront Redevelopment Plan

Russell Lewis discussed the hours of operation – Mon – Friday to 10 pm and 2 pm– 2 am on Sat and Sun

The shutters will be closed from 3 am – 11 am during peak season and closed all of the time in non-peak/winter

Don Sammet and Susan Gruel discussed the Waterfront Redevelopment Plan with regard to the height of the principle structure which allows up to 3 story buildings for CAFRA permit and allowing reconstruction up to two stories. CAFRA permit allows for two story to be fully built out.

Shep Pettibone- objecting to application, said he wouldn't mind the seating but the 29 foot by 59 foot, 12 foot high structure blocks the views from rooms.

Friedland – stated that the structure is a detriment to his client, Mr. Pettibone and wants conditions placed on the application.

Barcan stated that no variance is required and the negative criteria is not pertinent.

Public Questions

Werner Baumgartner

Sara Anne – can't deny the applications since there aren't any variances. Pavilion is the same height as in now and it is an attractive project and add to the waterfront. Board members went to the Empress to check out views and view not obstructive.

Vernice – Empress Hotel is great location and people will stay there attractive – some loss not substantial. Can benefit to area, need something attractive to draw people.

Herb – design will add interest open slots – will cut off some views – better than solid wall.

C. Loffredo – Wanted Empress as eminent domain, neg. criteria only for variance appl. Light, air and space for positive criteria for a variance. Wants this to be successful but wants Empress to be a success too. Torn about this application.

Rev. Parreott – make a motion based on the presentation and observation of this structure that it will be lower than the parapet wall and lower than the height of the existing building.

It was stated that the cedar will be consistent with the Waterfront Plan

Rev. Parreott - made a motion to approve the application

Vernice McGriff - seconded

All approve

10 minute break

attendance taken

meeting resumes at 8:30

2 – Madison Asbury Retail

First, Third, and Fifth Ave, Pavilions, Block 227 Lots 1.06, 1.10 and 1.16

Donald Beekman, Esq. representing the applicant

Discussed the waiver on the illuminated signage and the proposed signage on the First, Third and Fifth Avenue Pavilions,

The signage will be affixed to the outside of the buildings for the individual tenants.

Examples of the signage was shown

The location of the signage was discussed.

There is a color theme proposed as follows:

Red for the First Ave Pavilion

Blue for the Third Ave Pavilion

Tan for the Fifth Ave Pavilion

Design is integrated with the style of the building and the placement of the signage was addressed

Public Questions:

Werner Baumgartner

The signs will be back lite but not internally illuminated. The sign band can only externally lite

Dan – the shops desperately need signage and it is terrible at night locating the shops

Vernice – can we re-visit this when they are up?

Herb – doesn't understand the end designs of the signs

Anselm Fusco of Madison Marquette, discussed the stylization of the image of the Boardwalk and of AP

C. Loffredo – discussed the backlighting through the shapes

Blade signs for the Boardwalk were discussed in detail

It was stated that the Conditions of the existing buildings has caused the issues with the blade signs.

Fusco – wants to be consistent with all of the Pavilions. The blade signs on the Third Ave Pavilion have some issues.

Rev. P – approve but condition to take a look at the signs

Vernice second

All approve

Resolutions-

1. CBD Plan recommendation
2. 603-305 Mattison Ave parking plan

Discussions:

1. The parking behind the Wonderbar – no shields and the Industrial flood lighting at the corner
2. The Fourth Ave Pavilion

Meeting adjourned at 9:40 pm