

**ZONING COMMISSION REGULAR MEETING MINUTES
MARCH 22, 2021
7:00 PM VIA ZOOM**

Members Present: Chairman Harry Ruppenicker Jr., Vice Chairman Dwayne Xenelis, Regular Member Mike Engels, Regular Member Vincent Gentile, Alternate Member George Pytlik, Alternate Member Chris Bazinet, Alternate Member Jackie Lyman and ZEO Eric Knapp.

CALL TO ORDER:

The meeting was called to order by Chairman Ruppenicker at 7:00 p.m.

ESTABLISHMENT OF QUORUM:

Chairman Ruppenicker seated George Pytlik as a voting member for Linda Nolf.

A. RECEIPT OF APPLICATIONS:

1. ZC2021-0002. 110 Boston Post Road. Modification to Approved Site Plan Use. Extension of Existing Deck for outdoor service of food. Section 3.B.3.a. Applicant: Walter Bankiewicz; Owner: Jolly Property East, LLC. Map 187, Lot 143. NCD Zone. Extension of deck on outside of existing restaurant to cover an additional 400 square feet (40' x 10' area).

ZEO Eric Knapp stated that the current deck at this location was approved due to COVID. They are now looking to add an additional 10' x 40' to the existing deck and to place a tent over the deck. He further stated that the Planning Commission has some concerns regarding this application because of the density and they want to look into the "live music" that is being offered at the venue, which they are not permitted for. This application does not include live music.

Upon a motion by Mike Engels, seconded by Vince Gentile, it was:

VOTED: Unanimously to receive Application ZC2021-0002, 110 Boston Post Road, to refer it to the Planning Commission and set a Public Hearing for Monday, April 26, 2021 at 7:00 p.m. via ZOOM or in the Multi-Media Room of the Mulvey Municipal Center, if allowable.

Property owner Walter Bartkiewicz was present and stated that the previous owner was permitted for live music from 7:00 p.m. to 10:00 p.m. He stated that he got a copy of said permit from the Land Use Department. ZEO Eric Knapp stated that he will relook at the previous application.

2. ZC2021-0003. 79-B Boston Post Road. Modification to Approved Site Plan Use. out ice cream service. Section 3.B.1.a; Section 3.B.3.b. Applicant: Maria Toro. Owner: Grove Beach Properties, LLC. Map 187, Lots 064 and 065. NCD Zone. Conversion of former barber shop space into convenience store and ice cream shop:

ZEO Eric Knapp stated that the Planning Commission also had a concern regarding this application because the parking area located between the building and Grove Beach Road South does not belong to this property so they feel there might be a parking issue. The Commission Members did not feel it was necessary to refer the application to the Planning Commission.

Upon a motion by Dwayne Xenelis, seconded by Vince Gentile, it was:

VOTED: Unanimously to receive Application ZC2021-0003, 79-B Boston Post Road.

B. PUBLIC HEARINGS:

1. **ZC2021-0001. 404-414 Boston Post Road. Modification to Approved Special Permit. Retail liquor store in Commercial Boating (CB) Zoning District. Section 3.B.1.a. Applicant: JAGB Enterprises, LLC. Owner: CCB Associates, LLC. Map 188, Lots 186 and 187. CB Zone. Conversion of use from sale of marine equipment and supplies to Retail Store with Building Footprint of 5,000.00 square feet or less, with gravel parking lot:**

ZEO Eric Knapp stated that he was told that the application would be withdrawn, which has not happened. He recommends to deny the application without prejudice. Upon a motion by Dwayne Xenelis, seconded by Vince Gentile, it was:

VOTED: Unanimously to close the Public Hearing for Application ZC2021-0001 and to deny the application without prejudice.

REGULAR MEETING

NEW BUSINESS:

1. **ZC2021-0002. 110 Boston Post Road. Modification to Approved Site Plan Use. Extension of Existing Deck for outdoor service of food. Section 3.B.3.a. Applicant: Walter Bankiewicz; Owner: Jolly Property East, LLC. Map 187, Lot 143. NCD Zone. Extension of deck on outside of existing restaurant to cover an additional 400 square feet (40' x 10' area).**

A Public Hearing is scheduled for April 26, 2021.

2. **ZC2021-0003. 79-B Boston Post Road. Modification to Approved Site Plan Use. Convenience store/retail in less than 5,000 square feet of building footprint and take out ice cream service. Section 3.B.1.a; Section 3.B.3.b. Applicant: Maria Toro. Owner: Grove Beach Properties, LLC. Map 187, Lots 064 and 065. NCD Zone. Conversion of former barber shop space into convenience store and ice cream shop:**

Upon a motion by Vince Gentile, seconded by Mike Engels, it was:

VOTED: Unanimously to approve Application ZC2021-0003, 79-B Boston Post Road, as submitted.

OLD BUSINESS:

1. **ZC2021-0001. 404-414 Boston Post Road. Modification to Approved Special Permit. Retail liquor store in Commercial Boating (CB) Zoning District. Section 3.B.1.a. Applicant: JAGB Enterprises, LLC. Owner: CCB Associates, LLC. Map 188, Lots 186 and 187. CB Zone. Conversion of use from sale of marine equipment and supplies to Retail Store with Building Footprint of 5,000.00 square feet or less, with gravel parking lot:**

This application was denied without prejudice.

EXECUTIVE SESSION:

None.

COMMISSION BUSINESS:

1. **ZEO Report:**

- Mr. Knapp stated that he will be meeting with Dattilo Family Holding LLC regarding the application for Kirtland Street and Boston Post Road. They will be coming forward with a new use for 38-1 bedroom rental units.

- Vincent Gentile asked about all the fill that was being placed on the old Turnpike Auto Wrecker site. Mr. Knapp stated that the owner was bringing in the fill to level out the property, but he was told by Mr. Knapp that he cannot bring in any more fill. The property owner told Mr. Knapp that he would be coming forward with a master plan for the site. There will also be an application for a storage building.
- Vincent Gentile also asked about the property at the corner of Route 145 and Old Clinton Road. Mr. Knapp stated that he has contacted the applicant and asked him to get moving on putting up the approved fence.

2. **Bills:**

Upon a motion by Vince Gentile, seconded by Mike Engels, it was:

VOTED: Unanimously to approve payment of the following bills:

APPROVAL OF MINUTES: Regular Meeting Minutes of February 22, 2021:

Upon a motion by George Pytlik, seconded by Dwayne Xenelis, it was:

VOTED: Unanimously to approve the minutes of February 22, 2021, as distributed.

ADJOURNMENT:

Upon a motion by Mike Engels, seconded by Vincent Gentile, it was:

VOTED: Unanimously to adjourn at 7:21 p.m.

Respectfully submitted:

Kathleen H. Kelemen, Secretary

As transcribe from a recording of the meeting.