

**BRANT BEACH, NEW JERSEY  
NOVEMBER 10, 2010**

A Regular Public Meeting of the Land Use Board of the Township of Long Beach was held in the Multi-Purpose Room in the Administration Building, 6805 Long Beach Boulevard, Brant Beach, New Jersey on the above date.

The meeting was called to order at 7:00 P.M.

**Mrs. C.K. Sicheri, Board Attorney**, made the following announcement: "This is a regular meeting of the Long Beach Township Land Use Board, notice of which was duly posted on the Bulletin Board in the Municipal Clerk's office and advertised in the Beach Haven Times and Asbury Park Press and filed with the Municipal Clerk on or before January 1, 2010 as required by the Open Public Meeting Act."

Members of the Board present: **Mrs. V. E. Applegate, J. C. Konnor, D.A. Southwick, R. S. VanBuren and Mrs. L. J. Schnell** presiding.

Members of the Board absent: **Commissioner R. H. Bayard, Mrs. M. P. Cleary, J. A. Leonetti, Mayor J. H. Mancini, R. R. Monaco, Mayor's Designee.**

Alternate members of the Board present: **P. M. Moran, J. J. Ternyila and R. L. Jones.**

Alternate members of the Board absent: **Mrs. G. M. Harle.**

Also present were the following: **Mrs. C.K. Sicheri, Esq., Board Attorney and Mrs. B.M. Bielawne, Clerk.**

**(Tape #484 - Side 1)**

Mrs. Sicheri gave a brief overview of the application to be considered:

**1. #LUB-18-10: HATZ (Block 14.14, Lot 6) 104 East Hobart Avenue, Beach Haven Crest:** Mrs. Sicheri stated that the applicants proposed to convert the existing duplex structure into a single family home, renovate the first floor and rebuild the second story with a roof top deck above. Mrs. Sicheri stated that bulk variances were required for side yard setback, combined side yard setback and distance between structures.

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Minutes of the meeting held October 13, 2010 were presented for approval. **VanBuren** moved, seconded by **Applegate** for adoption. The following roll call vote was recorded: **Applegate, Konnor, Schnell, VanBuren and Ternyila all voted YES.**

Chairman Schnell listed the following **Resolutions of Memorialization:**

1. **#LUB-15-10: JASHEMOWSKI** – Resolution of Approval moved by **Ternyila** seconded by **Applegate**. The following roll call vote was recorded: **Applegate, Konnor, Schnell, VanBuren and Ternyila all voted YES.**
2. **#LUB-16-10: MANCINI CUSTOM HOMES, INC.** – Resolution of Approval moved by **Applegate** seconded by **Konnor**. The following roll call vote was recorded: **Applegate, Konnor, Schnell, VanBuren and Ternyila all voted YES.**
3. **#LUB-14-10-PFA: SPRAY BEACH YACHT CLUB** – Resolution of Approval moved by **Ternyila** seconded by **VanBuren**. The following roll call vote was recorded: **Applegate, Konnor, Schnell, VanBuren and Ternyila all voted YES.**
4. **#LUB-30-06-PFA: LOVELADIES MARINA, L.L.C.** – Resolution of Approval moved by **Applegate** seconded by **Konnor**. The following roll call vote was recorded: **Applegate, Konnor, Schnell, VanBuren, Ternyila and Jones all voted YES.**

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**Chairman Schnell noted the following application to be considered:**

(1) **#LUB-18-10** **BEACH HAVEN CREST**

**JOHN AND SHARON HATZ**

Owners & Applicants

Block 14.14, Lot 6

**Mr. Richard P. Visotcky, Esquire with the firm of Kelly and Visotcky, L.L.C. represented the applicant and evidence was marked as follows:** Application and attachments, **#A-1**, Variance Map prepared by Nelke/Tyszka Land Surveyors, Inc., dated October 12, 2010, **#A-2**, three page architectural drawing prepared by Craig W. Brearley, A.I.A. dated August 30, 2010, **#A-3** and, development permit denial from JoAnne Tallon, Zoning Officer dated October 2, 2010, with attachments, **#B-1**. Mr. Visotcky stated that home fronted on Hobart Avenue. He noted that it was planned to raise the home, enclose the deck space on the east side and eliminate the accessory structures on the property. Mr. Visotcky noted that the lot coverage would be reduced to 31.6% and that the duplex use would be eliminated. Mr. Visotcky stated that the existing and proposed side yard off of the deck to be enclosed was 2.9 feet and required a variance for side yard setback.

**Mr. Craig W. Brearley, A.I.A.**, was sworn and described the property and the existing structures on the site. Mr. Visotcky submitted photographs of the property, which Mr. Brearley described, marked as **#A-4, #A-5 and #A-6**. Mr. Brearley described the proposed renovations noting that the reconstruction would include the footprint of the existing building and deck.

The Board stated that if the open deck was converted to living space as proposed, they would have concerns with fire safety as there was only eleven feet between structures. Mr.

Brearley stated that the new exterior wall would have a one hour fire rating. The Board stated its concern for the adjoining property. They discussed the flag shape of the lot and the number of bedrooms proposed.

**Mr. John Hatz, Jr. Applicant** was sworn and testified that they proposed the amount of bedrooms to accommodate their grandchildren.

**Ms. Dorothy Rutledge, owner of 7701 Ocean Boulevard** was sworn and asked that her son speak on her behalf.

**(Tape #484 – Side 2)**

**Mr. Dan Rutledge** was sworn and submitted photographs of the property, marked **#O-1**.

**Ms. Mary Ann Flynn** was sworn and testified that she had taken the photographs that were marked #O-1.

Mr. Rutledge stated that the proposal would negatively impact his mother's home. He read his concerns into the record and stated that he was not in favor of the application.

Mr. Visotcky submitted a photograph, marked **#A-7**.

**Mr. Timothy Rutledge** was sworn and stated his concerns with the application including the location of the air conditioning equipment. Mr. Visotcky stated that the air conditioning equipment would remain in the same location.

**The Public Session was closed.**

Mr. Visotcky stated that the renovation would be an aesthetic improvement and eliminate a duplex use. He noted that there would be additional living space where the deck was currently located but that Mr. Brearley had testified that the structure would be safer than what currently existed.

The Board felt that enclosing the deck as part of the renovation would bring the easterly wall too close to the structure to the east, creating a safety hazard.

**Moran moved, seconded by Applegate to deny the application as submitted.** The following roll call vote was recorded: Applegate, Konnor, Schnell, Southwick, VanBuren, Moran, Ternyila and Jones all voted **YES**.

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Under **New Business**, the Board discussed proposed Ordinance #10-52C, #10-54C and #10-55C.

**(Tape #485 – Side 3)**

The Board made no comment regarding the proposed Ordinances as they did not have sufficient time to review the Ordinances.

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Mrs. Sicheri reviewed updates to the **Rules and Regulations** of the Board.

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The Board approved the payment of the Board Attorney's and Board Engineer's bills.

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The Board discussed the **2011 Meeting Dates** and decided to convene meetings on the second Wednesday of each month. The motion carried by voice vote.

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The meeting was adjourned at 8:45 P.M.

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**LYNNE J. SCHNELL**  
**CHAIRMAN**

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**JEFFREY C. KONNOR**  
**VICE CHAIRMAN**