

**BRANT BEACH, NEW JERSEY  
MAY 11, 2016**

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.

**Mr. Adolph P. Sicheri, Board Attorney**, made the following announcement: “This is a regular meeting of the Long Beach Township Land Use Board, notice of which was 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, 2016 as required by the Open Public Meeting Act.”

Members of the Board present: **Mrs. V.E. Applegate, J. A. Leonetti, E. J. Hummel as Mayor’s Designee, R. Pingaro, D.S. Southwick, R. S. VanBuren and J.C. Konnor presiding.**

Members of the Board absent: **Mayor J. H. Mancini, R.H. Bayard and Mrs. L. J. Schnell.**

Alternate members of the Board present: **R. L. Jones.**

Alternate member of the Board absent: **P.M. Moran and R. Andreotta.**

Also present were the following: **Mr. Adolph P. Sicheri, Esq., Board Attorney, Mr. Frank J. Little, Jr, P.E., P.P., Board Engineer, Mrs. L. C. Krueger, Secretary for the Board/Commission and Mrs. S. L. Bongiovani, Clerk.**

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**(Tape #618 - Side 1)**

Mr. Sicheri gave a brief overview of the applications to be considered:

**1. #LUB-12-16-PF: ACME (Block 11.35, Lots 28.02, 28.03, 28.04, 28.05, 28.06, 28.07 and 28.08): 9600 Long Beach Boulevard, Beach Haven Park:** Mr. Sicheri stated that the applicant was requesting preliminary and final major site plan and bulk variance approval to create additional parking spaces on previously approved residential lots that had been acquired by the ACME. Mr. Sicheri stated that an issue regarding notice had occurred. Mr. Sicheri noted that the applicants had requested a Certified List from the Tax Assessor’s Office, received the list and noticed everyone on the list. He noted that the Tax Office had missed and not included a number of lots on the list. He stated that by statute, the applicant had the right to rely on the list provided by the Tax Office and therefore the Board had jurisdiction to hear the application.

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Minutes of the meeting held April 13, 2016 were presented for approval. **Southwick** moved, seconded by **Jones** for adoption. **Konnor, Leonetti, Pingaro, Southwick, VanBuren and Jones all voted YES.**

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Mr. Konnor listed the following **Resolutions of Memorialization**:

1. **#LUB-8-16: KORFF** – Resolution of Approval moved by **VanBuren** seconded by **Pingaro**. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Southwick, VanBuren, and Jones** all voted **YES**.
2. **#LUB-9-16: SHUSTER/DENNIGAN** – Resolution of Approval moved by **Southwick** seconded by **VanBuren**. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Southwick, VanBuren, and Jones** all voted **YES**.
3. **#LUB-10-16: WATERS/SEIGRIST** – Resolution of Approval moved by **Pingaro** seconded by **Southwick**. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Southwick, VanBuren, and Jones** all voted **YES**.
4. **#LUB-11-16: LUTRARIO** – Resolution of Approval moved by **Southwick** seconded by **VanBuren**. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Southwick, VanBuren, and Jones** all voted **YES**.
5. **#LUB-9-09(A): GAMACHE** – Resolution of Approval moved by **VanBuren** seconded by **Leonetti**. The following roll call vote was recorded: **Konnor, Leonetti and VanBuren** all voted **YES**.
6. **#LUB-5-15(A): LEISTNER/HALPERN** – Resolution of Approval moved by **VanBuren** seconded by **Leonetti**. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Southwick and VanBuren** all voted **YES**.

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Mr. Konnor noted that there was one application to be considered, as follows:

(1) **#LUB-12-16-PF** **BEACH HAVEN PARK**

**ACME MARKETS, INC.**

Owner & Applicant

Block 11.35, Lots 28.02, 28.03, 28.04, 28.05, 28.06, 28.07 and 28.08

**Mr. Nicholas F. Talvacchia, Esquire with the firm of Cooper Levinson in Atlantic City, New Jersey represented the applicants and evidence was marked as follows:** Application and Attachments, **#A-1**, Eight page site plan map prepared by SR3 Engineers dated April 12, 2016, **#A-2**, Storm water report prepared by SR3 Engineers dated April 13, 2016, **#A-3**, Review letter from Frank J. Little, Jr., P.E. dated May 4, 2016, **#B-1**. Mr. Talvacchia stated that he had received the Engineer's review letter.

**Mr. Edward F. Liston, Jr. Esquire of Toms River, New Jersey** represented objectors, Gary and Cecelia Kusha of 22 W. Jerome Avenue, John and Donna Bruno of 10 W. Jerome Avenue, Barbara and Joseph Epstein of 14 W. Jerome Avenue, Daniel and Lauren Donahue, Keith and

Leslie Glenfield of 18 W. Jerome Avenue and Mark and Victoria Hamilla of 24 W. Jerome Avenue.

**Mr. Stuart Snyder, Esquire of Surf City, New Jersey** represented objectors and stated that he was not going to enter any objection to the application at this point.

Mr. Liston stated his concerns with jurisdiction and noted that his clients were interested in seeing that they were protected from lighting and lights from cars and would like to have a larger buffer with plantings and a six foot fence.

Mr. Talvacchia stated that a dialog had been started between the ACME and its neighbors and that some of the concerns mentioned by Mr. Liston could be addressed. He noted that by increasing the parking there would be less cars circulating around, creating a safer condition. Mr. Talvacchia stated that by making the parking diagonal, the buffer could be increased.

**Mr. Samuel Renauro, P.E., P.P., of SR3 Engineers in Bellmawr, New Jersey** was sworn and testified that the ACME had been built per the approved site plan and that the approved residential plan was no longer proposed. Mr. Renauro stated that the storm water basin had been expanded and that 58 additional parking spaces were proposed for the ACME. Mr. Renauro noted that the green space on the south east side of the building lessened the impervious surface on the property. He stated that the buffer between the ACME and Jerome Avenue could be increased if the new parking was accessed by one way circulation with angled parking. He noted that 11 of the proposed parking spaces would be lost. The Board asked whether additional parking spaces could be provided in the green area and Mr. Renauro stated that approximately 20 dead end parking spaces could be provided for employees in that area.

Mr. Little suggested that the drive aisles could be reduced to 24 feet wide which would add 3 feet to the buffer without the need to make the parking diagonal. Mr. Little stated that would allow for nine feet of heavy planting and a fence on the Jerome Avenue side of the ACME.

**The Board took a five-minute recess.**

Mr. Talvacchia stated that the Engineer had calculated that at least twenty additional parking spaces could be provided in the south east area of the lot with impervious coverage of approximately 82%. Mr. Renauro stated that from a planning perspective there was an obvious need for additional parking at the site which would help with traffic safety and circulation. Mr. Renauro stated that the storm water basin would have to be increased a small amount for the additional impervious surface.

**Mr. Nolan Forlenza of 2 West Jerome Avenue** was sworn and submitted photographs, marked **#O-1**. He stated that he was concerned with traffic flow and the entrance and exit from the ACME onto Jerome Avenue.

**(Tape #618 – Side 2)**

Mr. Forlenza gave a description of the photographs that were submitted as to the traffic flow on West Jerome Avenue.

**Mr. Bob Jeranek of 22 West Muriel Avenue** was sworn and discussed the traffic circulation and the lighting at the ACME. Mr. Jeranek also requested that trucks not run overnight and Mr. Pingaro stated that the Health Department had already addressed the issue with the ACME.

**Mr. Dan Donahue of 18 West Jerome Avenue** was sworn and asked the Board to consider the sounds, the sights and the traffic generated by the ACME.

**Mr. Joseph Epstein of 14 West Jerome Avenue** was sworn and testified that he felt that the neighbors should have more time to work with the ACME.

**Mr. Gary Kusha 22 West Jerome** was sworn and testified as to his concerns with the diesel power trucks running constantly at the loading dock, the existing lighting and a storage unit that was placed on the ACME property. He asked that the proposed fence be as tall and as solid as possible.

**Mr. Bob DeFleece of 3 West Muriel Avenue** was sworn and stated his concerns with traffic safety and the traffic pattern.

Mr. Liston stated his reasons why the Board should carry the application to the next meeting.

**(Tape #619 – Side 3)**

The Board discussed holding the application over to address the issues that were brought up during the application. Mr. Sicheri stated that the application could be carried so that the Board has the final plan and that he could have a Resolution ready for the meeting. It was noted that it would give the applicant an opportunity to review items with the local community and come up with some resolutions.

The Board noted that it would like to hold the application over to see the final plan. Mr. Little stated that if a Resolution were prepared and ready for the next meeting the ACME would not lose any time starting construction of the parking lot. He noted that the County had already approved the existing traffic light configuration and that the applicant had stated that by adding the extra spaces it would cut down on the traffic circulation to which he agreed. He also noted that if the six homes that were originally planned had been built there would have been more cars parked on the street and more traffic. Mr. Little stated that a six foot fence with dense plantings would take care of a lot of the concerns of the neighbors and that the parking lot lights could be turned off at midnight if low level lighting was worked into the plan.

**Mr. William Crosby of ACME Markets** was sworn. The Board noted that there were not supposed to be any trailers parked overnight at the ACME site. Mr. Crosby testified that this was because the ACME had exceeded expectations with their sales and that the new configuration of the store lent itself to more perishable items. He stated that the ACME would do what it needed to do to be in compliance and would work with the neighborhood. He noted that the truck traffic coming into the store was based on business needs.

Mr. Talvacchia stated that he felt that they had a good sense of the issues. Mr. Liston stated that he would like to see new plans and felt that the application should be held over for the Board and the neighbors to review revised plans.

The Board discussed the existing driveway. It was noted that the application would be renoticed.

**Southwick moved, seconded by Hummel to hold the application over to the June 8, 2016 meeting pending the receipt of revised plans and with the condition that the applicant renotify.** The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, Southwick, VanBuren and Jones** all voted **YES**. It was noted that the Resolution would be drawn up on the evening of June 8, 2016.

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The Board voted by voice vote to hold over the Brant Beach Yacht Club application (LUB-13-16) to the June 8, 2016 meeting.

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

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The meeting was adjourned at 9:02 P.M.

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