

**BRANT BEACH, NEW JERSEY  
JUNE 8, 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.C. Konnor, E. J. Hummel as Mayor's Designee, R. Pingaro, D.S. Southwick, R. S. VanBuren, and Mrs. L. J. Schnell presiding.**

Members of the Board absent: **J. A. Leonetti, Mayor J. H. Mancini and R. H. Bayard.**

Alternate member of the Board absent: **P.M. Moran, R. L. Jones 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 #620 - Side 1)**

Mrs. Schnell announced that **Brant Beach Yacht Club** application (LUB-13-16) had been withdrawn and that the **Gasparini** application (LUB-14-16) had been held over to the July 13, 2016 meeting, due to insufficient notice.

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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 consolidate six residential lots with the ACME lot to construct additional off street parking. Mr. Sicheri stated that the ACME was before the Board last month with a request for 62 parking spaces and that the Board had requested that plans be redrawn to provide for additional off street parking. Mr. Sicheri stated that it was his understanding that this had been done but that the ACME was requesting that the proposed additional 22 parking spaces for employees be allowed to be built after the summer season. Mr. Sicheri noted that a use variance was not required and that a bulk variance was required for impervious lot coverage.

**2. #LUB-15-16: SHARKEN (Block 15.74, Lot 2.01) 5 East 53<sup>rd</sup> Street (Mears Avenue), Brant Beach:** Mr. Sicheri stated that the existing single family home had just been raised and that the applicant proposed to construct a deck where a previous ground level deck had been located. He noted that the proposal required variances for front yard setback and lot coverage.

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Minutes of the meeting held May 11, 2016 were presented for approval. **Southwick** moved, seconded by **Hummel** for adoption. **Applegate, Konnor, Hummel, Pingaro, Southwick and VanBuren all voted YES.**

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**Mrs. Schnell noted that there was two applications to be considered, as follows:**

**(1) #LUB-15-16 BRANT BEACH**

**JUDITH SHARKEN**  
Owner & Applicant  
Block 15.74, Lot 2.01

**Mr. Richard Shackleton, Esquire represented the applicant and evidence was marked as follows:** Application and Attachments, **#A-1**, Variance Plan prepared by Eric R. Glasser dated May 17, 2016, **#A-2**, Two page Architectural Plans prepared by Michael H. Strunk, Architect LLC dated May 18, 2016, **#A-3** and, nine pages of photographs, **#A-4**. Mr. Shackleton submitted a rendering of the front elevation of the home with the proposed deck, marked **#A-5**. Mr. Shackleton stated that a Statute from the State of New Jersey allowed existing homes to be elevated with exemptions from zoning requirements.

**Mr. Leonetti joined the Board.**

Mr. Shackleton noted that a photo of the home before it was raised showed a grade level deck which was intended to be raised with the home. Mr. Shackleton submitted photographs of the home which showed the partially demolished structure and prior to raising, marked **#A-6 and #A-7**. He noted that a builder had started the job and demolished the deck so that when it came time to raise the structure the Sharkens could not take advantage of the exemption to build the deck. Mr. Shackleton stated that the applicant would like to build a deck of the same size that previously existed.

Mr. Sicheri stated that if the deck was part of the building it would be allowed to be raised as part of the Governor's Order. Mr. Sicheri stated that if the deck was grade level and not part of the lot coverage it would not qualify to be raised as ground level decks are not considered part of the structure according to the Township's Ordinance. Mr. Shackleton read Statute N.J.S.A. 58:16A-103 into the record which was then discussed.

**Mr. Eric R. Glasser, Surveyor with Central Land Surveying, L.L.C.** was sworn and qualified. It was determined that the previously existing deck and the house were used to calculate the original lot coverage. He stated that the proposed deck would be the same size as the deck that

was originally attached to the house.

**Mr. Richard Sharken, Husband of the Applicant** was sworn and testified that the proposed deck will be the exact same size that existed prior to Super Storm Sandy and that stairs would be added on the left side.

**Mr. Donald Boone of 19 East Mears Avenue** was sworn and stated that he had no objection to the application as proposed.

**The Public Session was closed.**

The Board noted that they did not have any objection to the application.

**Applegate moved, seconded by Pingaro to approve the application as submitted.** The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick and VanBuren** all voted **YES**.

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**The Board took a two minute recess.**

(2) **#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 the additional evidence was marked as follows:** Eight page site plan map prepared by SR3 Engineers dated April 12, 2016 and revised May 26, 2016, **#A-4**, Storm water report prepared by SR3 Engineers dated April 13, 2016 and revised May 26, 2016, **#A-5**, Revised Review Letter from Frank J. Little, Jr., P.E. dated June 1, 2016, **#B-2**, and, Certification of Lynne J. Schnell that she had listened to the tape of the May 11, 2016 meeting and is qualified to hear the application, marked, **#B-3**. Mr. Talvacchia noted that the ACME had been before the Board on May 11<sup>th</sup> for additional parking and at that time one of the suggestions that the Board had made was to take some of the green area to create additional parking. He noted that the net increase to parking would be 74 spaces and that the proposed buffer would be increased from six feet to nine feet with a six foot solid fence. He noted that he had received the Engineer's review letter dated June 1, 2016. Mr. Talvacchia stated that the impervious lot coverage would actually be 81.6 percent which was less than the 82% approved by the Board for the original 2012 ACME application.

**Mr. Samuel Renauro, P.E., P.P., of SR3 Engineers in Bellmawr, New Jersey** was sworn and addressed the proposed buffer and plantings in the revised plans. He addressed the 22 new employee parking spaces near the storm water basin on the southern corner of the property which would bring the total parking to 288 spaces.

**(Tape #620 – Side 2)**

The Board discussed the proposed employee parking and the traffic circulation with Mr. Renauro. The Board noted that the 22 spaces should be for general parking.

**Mr. Edward F. Liston, Jr. Esquire of Toms River, New Jersey** represented objectors, listed at the prior meeting. Mr. Liston stated that since the last meeting he had been in touch with the applicant and had made a request for some changes. Mr. Liston addressed the changes with the Board and Mr. Renauro. Mr. Liston asked about trees that may die if an irrigation system was not supplied and Mr. Talvacchia noted that the ACME agreed to replace any trees that may die. Mr. Renauro noted that no parking signs would be placed along Jerome Avenue and the main driveway. Mr. Liston asked that the parking lot lights be turned off at midnight and Mr. Renauro replied that they would not be turned off due to safety reasons but would coordinate with Mr. Little an options to dim lights after the ACME closes. Mr. Renauro noted that ground level lights were appropriate for sidewalks but not parking lots. Mr. Little noted that the ACME had agreed to shield the lighting and the lighting on the walls of the ACME was discussed. The outdoor storage was discussed.

**Mr. Gary Kusha of 22 West Jerome** was sworn and stated that he had filed a complaint with the Police Department last August about the noise from the refrigerated car that was at the loading dock. JoAnne Tallon of the Zoning Department recommended him to Daniel Krupinski of the Health Department who caused the ACME to clean up the storage trailers as well as shut off the diesel powered refrigerated trailer. He stated that the ACME now had a refrigerated trailer powered by electricity, not diesel, which was still noisy and causing a nuisance. Mr. Talvacchia stated that the ACME was investigating sound baffling technology.

**Mr. William Crosby, Vice President of Operations with the ACME Market** was sworn and discussed the cold storage with the Board and solutions for reducing noise. Mr. Crosby stated that if the cold storage were taken away, there would be more deliveries with the diesel trucks that would remain running when unloading. Mr. Crosby stated that he could make sure that the electric motor powering the refrigerated trailer would not run after nine o'clock at night and before seven o'clock in the morning.

**(Tape #621 – Side 3)**

Mr. Little stated that the site triangles would be as per the Township's requirements. Mr. Kusha addressed the proposed tree size and the installation of a berm. Mr. Kusha asked about the necessity of a sidewalk noting that would allow room for a berm to be installed. The Board noted that sidewalks were a necessity which allowed for safe pedestrian travel along the ACME.

**Mr. Nolan Forlenza of 2 West Jerome Avenue** was sworn and testified as to his concerns about the entrance/exit of the ACME on Jerome Avenue and the amount of traffic. Mr. Little stated that the applicant may go back to the County to open up the discussion about a right turn lane out of the ACME going south but that would not be a condition of this application. It was discussed whether a traffic study would be required. Mr. Little stated that he felt that the additional parking would alleviate a lot of the traffic problems.

**Mr. Bob Jeranek of 22 West Muriel Avenue** was sworn and discussed the proposed landscaping and the need for an irrigation system. He noted his concerns with the proposed additional parking.

**Mr. Keith Klinefield of 18 West Jerome Avenue** was sworn and stated his concerns noting that he felt taller trees needed to be planted and that increasing the parking would agitate other conditions.

**(Tape #621 – Side 4)**

**Mr. Mark Hamilla of 4 West Jerome Avenue** was sworn and testified as to his concerns with parking and noted that if the buses and trailer were moved it would free up parking spaces.

**Ms. Donna Bruno of 10 West Jerome Avenue** was sworn and testified as to her concerns with the safety of the truck traffic turning out of the ACME onto Jerome Avenue. Mr. Renauro stated that the trucks should be using the signal at the Boulevard entrance and exit. He noted that a do not enter sign could be added to the interior for the truck traffic.

**The Public Session was closed.**

Mr. Liston stated that he felt that the Board should have a traffic study before they acted on the application, noting that adding parking changed the traffic dynamic on the site. He stated that the items that the applicant had consented to should also be on the site plan.

Mr. Talvacchia stated that there was no need for a traffic study. He stated that one would be required if changes were made to the way traffic entered and exited the site. He noted that the use was permitted and that the traffic volumes were part of what was permitted. Mr. Talvacchia stated that he felt that the ACME had done quite a bit to address the neighbors' concerns. Mr. Sicheri stated that a deed of consolidation would be required if the application were approved.

The Board asked Mr. Crosby how many employees drove to work during the summer and where they parked. It was estimated about thirty-five employees drove to work and that there was not a designated area for the employees. The Board noted that there were spaces behind the building and Mr. Talvacchia stated that they would be designated for employee parking. It was noted by the Board that the six lots that were purchased already had the water laterals in place and Mr. Talvacchia stated that irrigation would be installed on the Jerome Avenue side.

The Board felt that the increased parking would address the circulation and traffic flow issues. They noted that the ACME had made a good faith effort to communicate with the neighbors and to try to address the community's concerns. The Board noted its concerns with the storage containers that had cropped up on the site.

The Board reviewed a list of conditions that would be included in a motion of approval: 1. The consolidation of the lots by deed; 2. That the applicant plant 6 foot tall Green Giant Arborvitae or similar trees as approved by the Township Engineer; 3. That the applicant erect lighting that was appropriately shielded as approved by the Township Engineer; 4. That the 13 westerly parking places be designated as employee parking; 5. That all plantings be maintained and that any dead plantings be replaced; 6. No tractor trailer traffic on Jerome Avenue; 7. No parking on Jerome Avenue; 8. That the existing laterals be used for irrigation of plantings in the buffer area; and 8. That a six foot high vinyl fence be installed along Jerome Avenue.

**Hummel moved, seconded by Applegate to approve the application as submitted with the conditions listed above. The following roll call vote was recorded: Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick and VanBuren all voted YES.**

**The Board took a ten minute recess while Mr. Sicheri prepared the Resolution of Approval to be voted on this evening.**

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**(Tape #622 – Side 5)**

**Mrs. Applegate stepped down from the Board for the evening.**

The Board discussed whether it should be allowed to split the construction of the parking spaces with 52 parking spaces to be installed this summer and the rest at a later time.

The Resolution was distributed for the Board and members of the public to read. It was noted that the word “employee” should be struck from the last sentence and that the thirteen designated employee parking were to be located on the north westerly, rear side of the building. The height of the arborvitae trees was amended from 6 feet to 8 feet high.

**Hummel moved, seconded by Konnor to approve the Resolution, as amended. The following roll call vote was recorded: Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick and VanBuren all voted YES.**

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The Board voted, by voice vote, to return the application fees to the Brant Beach Yacht Club.

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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 10:32 P.M.

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

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