

BRANT BEACH, NEW JERSEY
AUGUST 10, 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.

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 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: **J.C. Konnor, J. A. Leonetti, E. J. Hummel as Mayor’s Designee, D.S. Southwick, R. S. VanBuren and Mrs. L. J. Schnell presiding.**

Members of the Board absent: **Mrs. V.E. Applegate, R. H. Bayard, R. Pingaro and Mayor J. H. Mancini.**

Alternate members of the Board present: **P. M. Moran, R. L. Jones, and R. B. Roth, Jr.**

Alternate members of the Board absent: **R. Andreotta.**

Also present were the following: **Mrs. C. K. Sicheri, Esq., Board Attorney, Mrs. L. C. Krueger, Secretary for the Board/Commission and Mrs. S. L. Bongiovani, Clerk.**

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(Tape #625 - Side 1)

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

1. #LUB-20-16: OLESH (Block 11.10, Lot 8) 6 West Lillie Avenue, Beach Haven Park: Mrs. Sicheri stated that the applicants were requesting to retain an existing shed which required a bulk variance for lot coverage.

2. #LUB-19-16: KALETKOWSKI (Block 4.18, Lot 7) 1504 Long Beach Boulevard, North Beach Haven: Mrs. Sicheri stated that the applicant proposed to remove the existing single family home and to construct a new single family home which required bulk variances for combined side yard setbacks and distance between structures. Mrs. Sicheri noted that the lot was grandfathered as to lot area and width.

3. #LUB-14-16: GASPARINI (Block 6.45 Lot 7): 11 West South 34th Street, Beach Haven Gardens: Held over from the July 13, 2016 meeting. Mrs. Sicheri stated that the

applicant was raising the existing structure and proposed to raise and expand the existing grade level deck and construct a new stairway which required a bulk variance for front yard setback.

4. #LUB-21-16: AVERY (Block 20.122, Lots 1 and 1.01) 126 Long Beach Boulevard, Loveladies: Mrs. Sichei stated that the applicants were requesting approval to permit the construction of an elevator in conjunction with the construction of a new single family home. Mrs. Sichei noted that bulk variances were required for the setback, allowable height and square footage of the elevator tower.

5. #LUB-17-16: NUNN (Block 6.36, Lot 10) 40 West South 33rd Street, Beach Haven Gardens: Mrs. Sichei stated that the applicant proposed to remove the existing single family home from the existing undersized lot and construct a new single family home which required a bulk variance for lot area requirements and front yard setback. It was proposed to relocate the existing home on the adjoining lot.

6. #LUB-18-16: NUNN (Block 6.36, Lot 9) 32 West South 33rd Street, Beach Haven Gardens: Mrs. Sichei stated that the applicant proposed to remove the existing single family home and to relocate the single family home from the adjoining lot onto the subject lot. Mrs. Sichei noted that the lot was not grandfathered due to the size and that a bulk variance was required for lot area.

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Minutes of the meeting held July 13, 2016 were presented for approval. **Moran** moved, seconded by **Jones** for adoption. **Konnor, Hummel, Schnell, Moran, Jones and Roth** all voted **YES**.

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Mrs. Schnell listed the following **Resolution of Memorialization**:

- 1. #LUB-16-16: LEPLEY** – Resolution of Approval moved by **Moran** seconded by **Hummel**. The following roll call vote was recorded: **Konnor, Hummel, Schnell, Moran, Jones and Roth** all voted **YES**.

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Mrs. Schnell noted that there were six applications to be considered, as follows:

- (1) #LUB-14-16 BEACH HAVEN GARDENS**

PATRICIA A. GASPARINI
Owner & Applicant
Block 6.45, Lot 7

Mrs. Sichei noted that the application had been carried from the July 13, 2016 meeting. Ms. Patricia Gasparini, Owner, representing herself, was sworn and additional evidence was marked as follows: Revised Application and Attachments, #A-5, Revised Variance Plan prepared

by John W. Lord, P.E., L.S. dated July 27, 2015 with the latest revision date of July 19, 2016, #A-6, Foundation Plan prepared by John W. Lord, P.E., L.S. dated August 12, 2015 with the latest revision date of May 5, 2016, #A-7, and Stair details and notes prepared by John W. Lord, P.E., L.S. dated August 12, 2015, #A-8. Ms. Gasparini stated that she proposed to raise an existing grade level deck and expand it to 6 feet by 15 feet which required a bulk variance for front yard setback. Ms. Gasparini also noted that the stairs would come straight out but would not impede on the right-of-way. Ms. Gasparini addressed photos that had been submitted with the application. Ms. Gasparini addressed the proposed lot coverage. It was noted that if the overhang were to be included in the lot coverage then the coverage would be calculated at 33.85%.

Mr. John Lord, P.E., L.S. was sworn and testified that he had not included the overhang in his lot coverage calculation. It was noted that a landing should be added to the straight run of steps on the side of the house for safety reasons. The lot coverage and height of the structure were discussed.

The Public Session was closed.

The Board felt that with the modifications and clarifications made that the requests were modest. The Board noted that a landing should be added to the staircase along the side of the home.

Hummel moved, seconded by Moran to approve the application with the condition that a landing be added to the staircase on the east side of the home. The following roll call vote was recorded: **Konnor, Hummel, Schnell, Moran, Jones and Roth** all voted **YES**.

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Mr. Leonetti joined the Board.

Mr. Southwick stepped down from the Board for the following two applications:

(2) **#LUB-17-16 BEACH HAVEN GARDENS**

WALLACE H. AND IRENE E. NUNN

Owners & Applicants

Block 6.36, Lot 10

Mr. Stuart Snyder, Esquire represented the applicants and evidence was marked as follows: Application and Attachments, #A-1, Variance Plan prepared by Nelke/Tyszka Land Surveyors dated April 20, 2016, #A-2, and Architectural drawings prepared by Michael A. Strunk Architect, LLC dated June 21, 2016, #A-3. Mr. Snyder stated that the lot abutted a marina on two sides and that a variance had been granted in 1986 for the house that currently existed on the undersized lot. Mr. Snyder noted that it was proposed to relocate that house to the adjoining lot and building a new home on the subject lot which required a variance for lot area. Mr. Snyder stated that a slight modification had been made to the architectural plan for an overhang on the westerly portion of the proposed home. Mr. Snyder submitted a revised Architectural Drawing marked, #A-4.

Mr. Leon Tyszka, Surveyor was sworn and described the property to the Board. Mr. Tyszka stated there was not additional property available to improve the lot depth of the property. Mr. Tyszka stated that the only variance requested was for the existing nonconformity of the lot size.

Mr. Snyder noted that the new structure would be an improvement to the street.

The Public Session was closed.

The Board noted that the lot was pre-existing, that the applicants were not asking for any other variances and that the home would be an improvement to the neighborhood.

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

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(3) #LUB-18-16 BEACH HAVEN GARDENS

IRENE E. NUNN
Owner & Applicant
Block 6.36, Lot 9

Mr. Stuart Snyder, Esquire represented the applicant and evidence was marked as follows: Application and Attachments, #A-1, Variance Plan prepared by Nelke/Tyszka Land Surveyors dated April 20, 2016, #A-2, and Architectural drawings prepared by Michael A. Strunk Architect, LLC dated June 21, 2016, #A-3. Mr. Snyder stated that the existing home was below base flood elevation and had been destroyed by Super Storm Sandy. Mr. Snyder stated that it was proposed to demolish the existing structure and replace it with the structure from lot 10. Mr. Snyder stated that an elevator shaft, air conditioner platform and outdoor shower would be added to the structure. Mr. Snyder stated that relief was being requested for the development as proposed. He noted that the only variance requested was for the lot size and that the property was surrounded by existing homes and the parking lot for the marina.

Mr. Snyder asked that the Board look upon the application favorable noting that the permitted lot coverage would not be exceeded.

The Public Session was closed.

The Board noted that an effort had been made to keep the structure in conformity and would be an attractive addition to the neighborhood.

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

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Mr. Southwick rejoined the Board.

(Tape #625 - Side 2)

(4) #LUB-19-16 NORTH BEACH HAVEN

BRANDON KALETKOWSKI

Owner & Applicant

Block 4.18, Lot 7

Mr. Jason Henbest, Esq., of Barnegat, NJ represented the applicant and evidence was marked as follows: Application and Attachments, #A-1, Plot Plan and Area Map prepared by John W. Lord, P.E., L.S. dated July 7, 2016 with the latest revision date of July 18, 2016, #A-2, and, Architectural drawings prepared by Adamson Riva & Lepley Architects, AIA dated April 28, 2016 with the latest revision date of July 14, 2016, #A-3. Mr. Henbest stated that there was currently a home on the property that was damaged by Super Storm Sandy. He stated that the lot was nonconforming with a width of thirty feet. He stated that the proposal required bulk variances for combined side yard setbacks and distance between structures. He noted that the nonconforming front yard setback would be brought into conformity and that side yard setbacks of five feet each were proposed due to the fact that the lot was only thirty feet wide. Mr. Henbest stated that the proposal would improve or eliminate nonconformities which currently existed on the property.

The Public Session was closed.

The Board discussed the safety of the proposed distance between structures on the one side and noted that there was a vacant lot on the other side. The Board noted that the existing structure was in bad shape and needed to be removed and that the new structure would be an enhancement to the neighborhood. The Board approved of the bungalow style of the proposed new structure.

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

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(5) #LUB-20-16 BEACH HAVEN PARK

JUDITH AND CARL OLESH

Owners & Applicants

Block 11.10, Lot 8

Mr. and Mrs. Carl Olesh, Owners, representing themselves, were sworn and evidence was marked as follows: Application and Attachments, #A-1, Variance Plan prepared by O'Donnell, Stanton and Associates dated July 13, 2016, #A-2, and three photographs of the existing shed, #A-3. Mr. Olesh stated that they purchased the home in 2005 and remodeled it in 2006. He stated that due to damage from Super Storm Sandy they had to tear down the existing home and rebuild it and that they planned to move to this home permanently next year. It was

noted that they would like to retain the existing shed to store their beach equipment and patio furniture to leave the garage area free for the house. The Board noted that the entire underside of the house was enclosed. It was discussed that the new home was built to the maximum lot coverage and at the time of obtaining the zoning permit it stated that the shed was to be removed. Mr. Olesh stated that they were asking for 1.5% over the allowable lot coverage.

Mr. Dan Sirakovski, of 10305 Highland Avenue was sworn and testified that he was in favor of the application to allow the shed to remain.

The Public Session was closed.

Mr. Olesh stated that the new home was an asset to the community and requested that the shed be allowed to remain.

The majority of the Board felt that since the entire underside of the house was enclosed for storage that the shed was excessive.

Konnor moved, seconded by Moran to DENY the application as submitted. The following roll call vote was recorded: **Konnor, Hummel, Schnell, Southwick, VanBuren, Moran, Jones and Roth** all voted **YES**. **Leonetti** voted **NO**.

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(6) **#LUB-21-16** **LOVELADIES**

JAMES J. JR. AND ANN S. AVERY

Owners & Applicants

Block 20.122, Lots 1 and 1.01

Mr. Stuart Snyder, Esquire represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Map prepared by Horn, Tyson and Yoder, Inc., dated April 14, 2010 with the latest revision date of July 12, 2016, **#A-2**, and, Architectural drawings prepared by OSK Design Partners, PA dated July 18, 2016, **#A-3**. Mr. Snyder stated that the applicant proposed to build a conforming house with the exception of the proposed elevator. Mr. Snyder stated that the proposed elevator tower was designed to provide space to accommodate and maneuver a wheelchair and required a bulk variance for the height, size and setback for an elevator.

Mr. James J. Avery, Jr., Owner was sworn and testified that the elevator was important because it was intended for his father-in-law who needed its assistance and eventually for themselves. He noted that the elevator would reach the rooftop deck and that the area required was strictly for a safe exit from the elevator.

Mr. Paul Kiss, Architect & Planner with the firm of Design Partners, PA was sworn and qualified. Mr. Kiss explained in detail the dimensions of the elevator tower. He noted that the tower was proposed at nine feet as the elevator cab required eight feet of overhead clearance inside and to also allow for insulation and roof pitch.

(Tape #626 – Side 3)

Mr. Kiss submitted a roof deck plan marked #A-4. Mr. Kiss described the plans and noted that the plan showed one drawing with a fifty square foot area indicating how difficult it would be to maneuver a wheel chair in the space. The other drawing showed the tower as proposed which allowed for easier wheelchair access to the elevator.

Mr. Snyder stated that the proposed house was located in such a manner that it would not have an impact on adjoining properties. He noted that light, air and open space of anyone would not be impeded. Mr. Snyder stated that the extra space would not be seen or noticed by anyone but would make the utilization of the space better for those who required a wheelchair.

The Public Session was closed.

The Board noted that it was important to provide adequate protective space for handicapped access to the elevator as well as providing protection from the elements. It was noted that the size of the property was such that the request was de minimus.

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

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Under **Public Participation**, **Mr. Douglas Sherer** requested information regarding the general requirements for street lighting on new subdivisions. The Board suggested that Mr. Sherer contact the Township Engineer.

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

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The Board went into Closed Session to discuss pending litigation.

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The meeting was adjourned at 8:50 P.M.

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN