

**BRANT BEACH, NEW JERSEY  
NOVEMBER 9, 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: **Mrs. V.E. Applegate, J.C. Konnor, J. A. Leonetti, E. J. Hummel as Mayor’s Designee, R. Pingaro, R. S. VanBuren and Mrs. L. J. Schnell presiding.**

Members of the Board absent: **R. H. Bayard, D.S. Southwick, and Mayor J. H. Mancini.**

Alternate members of the Board present: **R. B. Roth, Jr.**

Alternate members of the Board absent: **P. M. Moran, R. L. Jones and R. Andreotta.**

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

**(Tape #631 - Side 1)**

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

**1. #LUB-30-16: WEINSTOCK (Block 4.13, Lot 2) 1 East 14<sup>th</sup> Street, North Beach Haven:** Mrs. Sicheri stated that the applicants proposed to construct a new single family home on the existing undersized vacant lot which required bulk variances for lot width and area.

**2. #LUB-29-16: MCCAFFERTY (Block 14.02, Lot 18) 40 West Winifred Avenue, Beach Haven Crest:** Mrs. Sicheri stated that the applicants proposed to demolish the existing structure and construct a new single family home which required bulk variances for lot width and area, as well as combined and side yard setbacks.

**3. #LUB-31-16: MUTCH (Block 6.43, Lot 1.02) 203 East South 33rd Street, Beach Haven Gardens:** Mrs. Sicheri stated that the applicant proposed to demolish the existing structure and construct a new single family home on the existing undersized lot. Mrs. Sicheri stated that bulk variances were required for lot area and depth, distance between structures, front and rear yard setback, lot coverage and off-street parking.

**4. #LUB-41-05-PFA: MOORE (Block 4.45, Lots 1.02 and 1.01) 111 West 20<sup>th</sup> Street, North Beach Haven:** Mrs. Sicheri stated that the applicants were requesting amended site plan

and bulk variance approval so as to retain the marina use with sixty-four boat slips on the entire site. Mrs. Sicheri stated that the applicants never constructed the single family home that was currently approved and have continued to operate the sixty-four slip marina. Mrs. Sicheri noted that the Engineer's review letter also needed to be addressed.

**5. #LUB-32-16: BROWN (Block 15.137, Lot 5) 3408 Ocean Boulevard, Brant Beach:** Mrs. Sicheri stated that the applicant proposed to construct an elevator tower which required a bulk variance for being located six feet from the corner of the exterior wall rather than the required ten feet.

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

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

1. **#LUB-25-16: BODNAR** – Resolution of Denial moved by **Hummel** seconded by **Konnor**. The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Schnell and Roth** all voted **YES**.
2. **#LUB-26-16-PF: STRETCH** – Resolution of Denial moved by **Konnor** seconded by **Schnell**. The following roll call vote was recorded: **Konnor and Schnell** both voted **YES**.
3. **#LUB-27-16: GREENBLATT** – Resolution of Approval moved by **Roth** seconded by **Hummel**. The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Schnell and Roth** all voted **YES**.
4. **#LUB-28-16: DONNELLY** – Resolution of Approval moved by **Hummel** seconded by **Konnor**. The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Schnell and Roth** all voted **YES**.

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

(1) **#LUB-41-05-PFA                      NORTH BEACH HAVEN**

**MICHAEL J. AND NANCY V. MOORE**

Owners & Applicants

Block 4.45, Lots 1.02 and 1.01

**Mr. Stuart Snyder, Esquire represented the applicants and evidence was marked as follows:** Application and Attachments, **#A-15**, Major Site Plan prepared by Horn, Tyson and Yoder, Inc. dated April 19, 2004 with the latest revision date of July 27, 2016, **#A-16** and, review letter to the Board from Frank J. Little, Jr., P.E., dated November 2, 2016, **#B-4**. Mr. Snyder stated that the applicants proposed amending the approved Site Plan and that they intended to sell the property. Mr. Snyder stated that the prior application had allowed for a single family home to

be constructed at the marina site with a 27 slip marina on the remainder of the property. Mr. Snyder stated that due to a CAFRA requirement that a ten foot public access easement be provided along the bay front, the pre-existing marina use of the entire lot may be more marketable. Mr. Snyder noted that the applicants proposed to retain the marina use on the entire site with 64 boat slips, without constructing the single family home.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc.** was sworn and described the existing property to the Board. He noted that the existing office building, which also contained two restrooms, had existing nonconformities and that no renovations were proposed for the building. He stated that the parking was proposed to be reconfigured. Mr. Brzozowski addressed the Board Engineer's review letter and discussed the proposed parking with the Board. Mr. Brzozowski stated that a waiver from the curb and sidewalk requirement was requested. Mr. Little recommended that the curbs be completed.

**Mr. Michael Moore, Owner** was sworn and testified as to the existing lighting and noted that the existing restrooms were adequate for the Marina. Mr. Snyder stated that the plan would be modified to show the existing lighting.

**(Tape #631 – Side 2)**

The Board discussed extending the apron to meet the driveway and the existing building on the property.

**The Public session was closed.**

The Board noted that the Marina had been in existence for many years and that the proposed application was straightforward.

**Leonetti moved, seconded by Applegate to approve the application with the conditions as set forward in the Engineer's review letter and with the waiver of the sidewalk installation.** The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, VanBuren and Roth** all voted YES.

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**(2) #LUB-29-16 BEACH HAVEN CREST**

**DENIS AND MARIE MCCAFFERTY**

Owners & Applicants

Block 14.02, Lot 18

**Mr. Richard P. Visotcky, 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 August 24, 2015 with the latest revision date of September 16, 2016, **#A-2**, and two page architectural drawing prepared by Craig W. Brearley, A.I.A dated July 26, 2016, **#A-3**. Mr. Visotcky stated that the existing use of the property was a nonconforming duplex which the applicants proposed to demolish and construct a new single family home. Mr. Visotcky stated that the property was adjacent to the Long Beach Township Sewerage plant property and noted that the

lot was undersized but conformed to the size of most of the lots along the same side of the street. He stated that the proposal required side yard setback and distance between structure variances and that the proposed setbacks were an improvement over what existed. Mr. Visotcky stated that the existing shed in the rear yard encroached on Township property and would be removed.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc.** was sworn and described the existing property to the Board. Mr. Brzozowski stated that the rear yard which was currently 1.5 feet would be brought into conformity. Mr. Visotcky submitted a sheet of photographs, marked **#A-4**. Mr. Brzozowski described the photographs. Mr. Brzozowski stated that there was an L-shaped lot to the east with the existing home located all the way to the east which provided plenty of light and open space. He noted that the removal of all the existing nonconformities would be a benefit and that the new structure would be elevated to meet the base flood elevation requirements.

**The Public Session was closed.**

The Board noted that due to the orientation of the existing adjacent homes and the improvement of the existing nonconformities that the proposal was positive.

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

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(3) **#LUB-30-16** **NORTH BEACH HAVEN**

**DAVID AND VALERIE WEINSTOCK**

Owners & Applicants

Block 4.13, Lot 2

**Mr. David Esposito, Esquire of Manahawkin, New Jersey represented the applicants and evidence was marked as follows:** Application and Attachments, **#A-1**, Variance Map prepared by Horn, Tyson and Yoder, Inc., dated August 27, 2015, with the latest revision of September 22, 2016, **#A-2** and, two page architectural drawing prepared by Ian Laurance Nilsen, Architect, dated September 26, 2016, **#A-3**. Mr. Esposito stated that the application included letters to the adjoining property owners inquiring whether they would be willing to sell an 11' strip of property to make the subject property conforming. Mr. Esposito stated that the lot was nonconforming in size and that the applicants were requesting approval to construct a new single family home.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc.** was sworn and described the existing property to the Board. Mr. Brzozowski stated that no variances were requested other than the lot area and width and that if the lot were one foot wider it would meet the grandfather clause allowing forty foot wide lots. Mr. Brzozowski stated that the proposed house would conform to all bulk requirements.

**The Public Session was closed.**

The Board felt that the request was minimal and that every effort had been made to comply with the bulk requirements. They noted that the proposed lot coverage was conforming.

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

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**(4) #LUB-32-16 BRANT BEACH**

**JAMES AND AGNES BROWN**

Owners & Applicants

Block 15.137, Lot 5

**Mr. James Brown represented himself, was sworn and evidence was marked as follows:** Application and Attachments, **#A-1**, Plot Plan of Survey prepared by Nelke/Tyszka Land Surveyors, LLC, dated February 2, 2016, **#A-2**, four page architectural drawing prepared by Craig W. Brearley A.I.A, dated October 4, 2016, **#A-3**, and, letter supplied by JoAnne Tallon, Zoning Officer from Vincent P. Taratola, M.D. re: James Brown, **#B-1**. Mr. Brown stated that the letter from Dr. Taratola was in reference to his son who required the use of an elevator. Mr. Brown stated that they proposed to locate the elevator tower six feet from the exterior wall where ten was required. He stated that the proposed elevator would be located where his son would have the most access to the interior of the home.

**Mr. Craig Brearley, Architect** was sworn and testified that with the proposed location of the elevator there would be ample space between the subject property and the adjoining property. Mr. Brearley stated that the elevator would not interfere with light, air or open space in the location proposed. Mr. Brearley stated that the elevator was below the allowable height. He noted that the elevator was suitable for handicapped access and was centered in the home as much as possible. He stated that the home was under construction and that it was decided to go before the Board for a variance to allow the elevator tower after submitting the permit to the town.

**(Tape #632- Side 3)**

The Board discussed the application with Mr. Brearley.

**The Public Session was closed.**

Mr. Leonetti noted that the elevator was set in six feet from the sidewalls of the house with the roof around it and therefore would not be noticeable from the street. Mrs. Sicheri stated that handicapped access was a valid purpose of the Master Plan.

Mr. Brearley clarified that the elevator had been designed into the home with access to the rooftop deck. He stated that the zoning department had informed him that the rooftop access did not meet the requirements of the ordinance. Mr. Brearley stated that he had removed it from the plans to acquire the permit to start on the house.

The Board noted that the elevator access to the roof was pretty hidden and would have minimal impact. The Board noted that the elevator was in the best location for access to all of the home.

**Hummel moved, seconded by Applegate to approve the application as submitted.** The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell and VanBuren** all voted **YES**. **Roth** voted **NO**. **The motion carried.**

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

**Mr. Leonetti stepped down from the Board for the following application:**

(5) **#LUB-30-16** **NORTH BEACH HAVEN**

**MYRON K. HIRSCH REVOCABLE TRUST**  
**MYRON R. HIRSCH, TRUSTEE**

Owner

**RICHARD L. AND JANET MUTCH**

Applicants

Block 6.43, Lot 1.02

**Ms. Deidre Martin, Esquire of Ship Bottom, New Jersey represented the applicants and evidence was marked as follows:** Application and Attachments including a list of exhibits, A thru H, **#A-1**, Plot Plan and Variance Map prepared by John W. Lord, P.E., L.S., P.P. dated September 29, 2016, with the latest revision of October 5, 2016, **#A-2** four page architectural drawing prepared by Adamson, Riva and Lepley, Architects, dated October 6, 2016, **#A-3**, revised one page exterior elevation prepared by Adamson, Riva and Lepley Architects, **#A-4**, and memo to the Board from JoAnne Tallon, Zoning Officer dated October 14, 2016, **#B-1**.

**Mr. Frederic J. Schragger, Esquire** represented adjoining property owner, Mrs. Nathalee Lapidus of 201 E. South 33<sup>rd</sup> Street.

Ms. Martin stated that Mr. and Mrs. Mutch were the contract purchasers of the subject property. Ms. Martin described the undersized lot and the nonconformities of the existing home. Ms. Martin addressed the issue of the proposed fence and existing walkway.

**Mr. John W. Lord, Professional Planner and Engineer in the State of New Jersey** was sworn and testified as to the existing nonconformities and the proposed setbacks. It was noted that the existing nonconforming setbacks would be bettered with the exception of the rear yard setback. The proposed parking was discussed. Mr. Lord stated that the new structure would comply with all of the requirements for the base flood elevation.

**Mr. Scott Lepley, Registered Architect and Planner in the State of NJ** was sworn and testified as to the proposed architectural plans. Mr. Lepley stated that the proposed plans would be an improvement to the neighborhood.

Ms. Martin stated that there was not any vacant property to be acquired to make the lot more conforming. The adjacent walkway and adequate parking was discussed.

Mr. Schragger asked Mr. Lepley the height of the proposed structure and noted that it was ten feet higher than his client's structure but did not require a variance.

(Tape #632 – Side 4)

Mr. Schragger noted that the proposed parking did not meet the requirement. He stated that if a fence was placed on the property line it would be 2.9' from his client's sliding door. It was noted that a variance would not be needed for the fence. Mr. Schragger stated that the lot would be over-built for the neighborhood. Mr. Lord reviewed the variances required.

Mrs. Nathalee Lapidus was sworn and testified that if the fence was constructed 2.9' from her house it would be close to the air conditioner unit and that there would not be enough space to walk by the unit when they exited the home from the sliding door.

Mr. Alexander Mehan of 13406 Atlantic Avenue was sworn and stated his concerns with the proposed parking.

**The Public Session was closed.**

Ms. Martin stated that the new proposed structure would be more in conformity with the Township's Ordinances.

The Board felt that even though the lot was undersized that the distance between the two structures could be made to conform for safety reasons and would also provide more parking. The Board noted that the wooden walkway issue needed to be resolved before a structure could be approved to assure that the area could be used for parking.

Ms. Martin stated that the proposed home could be shifted to the east to allow greater distance between the structure to the west as the structure on the easterly side was located far to the east. She proposed to shift the house one foot to the east but the Board noted that would not be sufficient.

**Applegate moved, seconded by Roth to Deny the application as submitted.** The following roll call vote was recorded: **Applegate, Konnor, Hummel, Pingaro, Schnell and Roth** all voted **YES**. **VanBuren** voted **No**. **The motion carried.**

Mr. Leonetti rejoined the Board.

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

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The meeting was adjourned at 9:30 P.M.

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

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