

**BRANT BEACH, NEW JERSEY
FEBRUARY 8, 2017**

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. Sichiari, 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, 2017 as required by the Open Public Meeting Act."

Members of the Board present: **R. H. Bayard, R. Pingaro, R. S. VanBuren and Mrs. L. J. Schnell presiding.**

Members of the Board absent: **Mrs. V.E. Applegate, J.C. Konnor, J. A. Leonetti, E. J. Hummel as Mayor's Designee, D.S. Southwick and Mayor J. H. Mancini.**

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

Alternate members of the Board absent: **P. M. Moran.**

Also present were the following: **Mr. A. P. Sichiari, 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 #640 - Side 1)

*** * * * ***

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

1. #LUB-5-17: SHAPIRO (Block 1.61, Lot 1) West Rosemma Avenue, Holgate: Mr. Sichiari stated that the applicants proposed a four lot subdivision on the upland portion of the lot. Mr. Sichiari noted that due to the wetlands on proposed lot 1.01 the lot would require a bulk variance for combined side yard setback from the wetlands.

2. #LUB-6-17: KLARER/GOODMAN (Block 12.22, Lot 21) 42 West Mermaid Lane, Peahala Park: Mr. Sichiari stated that the applicant proposed to convert the existing duplex into a single family home, raise and move the existing structure and construct first and second floor decks. Mr. Sichiari stated that bulk variances were required for front, rear and combined side yard setbacks as well as distance between structures and lot coverage.

3. #LUB-7-17: ANDERSEN (Block 6.35, Lot 3) 211 East South 32nd Street, Beach Haven Gardens: Mr. Sichiari stated that the applicants proposed construct a new single family home which required bulk variances for the setback from 32nd Street and combined side yard setbacks.

4. **#LUB-8-17: MEHMEL (Block 18.77, Lots 1.01 and 1.02) 1077 C and D Long Beach Boulevard, North Beach:** Mr. Sichei stated that the applicant proposed to consolidate the two existing lots and relocate the existing turn around.

5. **#LUB-9-17: COSTELLO (Block 18.64, Lots 3 and 4) 1064 C and D Long Beach Boulevard, North Beach:** Mr. Sichei stated that the applicants were requesting minor subdivision approval so as to create two conforming lots. Mr. Sichei stated that the proposed access to lot 5 should be discussed.

6. **#LUB-10-17: PSM REAL ESTATE, LLC (Block 15.88, Lots 1 and 1.01) 4808 Long Beach Boulevard, Brant Beach:** Mr. Sichei stated that the applicant proposed a minor subdivision so as to create two conforming lots. It was noted that the existing home would be relocated to the eastern most lot.

* * * * *

Minutes of the meeting held December 14, 2016 were presented for approval. **Pingaro** moved, seconded by **Roth** for adoption. **Pingaro, Schnell, VanBuren and Roth** all voted **YES**.

* * * * *

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

1. **#LUB-33-16: BILOW** – Resolution of Approval moved by **Jones** seconded by **VanBuren**. The following roll call vote was recorded: **VanBuren and Jones** all voted **YES**.
2. **#LUB-1-17: LAMBERT** – Resolution of Approval moved by **Pingaro** seconded by **VanBuren**. The following roll call vote was recorded: **Pingaro, Schnell, VanBuren and Jones** all voted **YES**.
3. **#LUB-2-17: EVANS** – Resolution of Approval moved by **Pingaro** seconded by **Jones**. The following roll call vote was recorded: **Pingaro, Schnell, VanBuren and Jones** all voted **YES**.
4. **#LUB-3-17: GUARINO** – Resolution of Approval moved by **Pingaro** seconded by **VanBuren**. The following roll call vote was recorded: **Pingaro, Schnell, VanBuren and Jones** all voted **YES**.
5. **#LUB-4-17: FILACCIONE** – Resolution of Approval moved by **Pingaro** seconded by **VanBuren**. The following roll call vote was recorded: **Pingaro, Schnell, VanBuren and Jones** all voted **YES**.

* * * * *

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

(1) **#LUB-5-17** **HOLGATE**

SHAPIRO DEVELOPMENT CO., LLC

Owner & Applicant

Block 1.61, Lot 1

Mr. James Raban, Esquire of Haven Beach, New Jersey represented the Applicant and evidence was marked as follows: Application and Attachments, **#A-1**, Major Subdivision map prepared by Horn, Tyson & Yoder, Inc. dated July 9, 1998 with the latest revision dated October 11, 2016, **#A-2**, Letter to the Board from James Raban, Esq. dated February 8, 2017 regarding Jurisdictional Determination, **#A-3**, and Review letter from Frank J. Little, Jr., P.E. dated January 31, 2017, **#B-1**. Mr. Raban stated that the applicant proposed to create four lots on a property that contained coastal wetlands.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc. was sworn and described the property as it existed to the Board. Mr. Brzozowski stated that it was proposed to subdivide the property into four single family residential building lots. Mr. Brzozowski stated that due to the width of proposed lot 1.01 a combined side yard setback of 30 feet would be required and that the applicant was providing 19.20 feet. He noted that a variance was requested because the ordinance required that all setbacks be measured from the mapped coastal wetlands and if not for the coastal wetlands would meet the requirements of the zone.

The Board discussed the mapped coastal wetlands. Mr. Raban requested a waiver from the sidewalk requirement.

Mr. Brzozowski stated that the lot depth of seventy-five feet was measured to the mapped coastal wetlands and therefore the rear yard setback of ten feet on lots 1.03 and 1.04 was conforming.

Mr. Brzozowski discussed Mr. Little's review letter.

Mr. Doug Shearer of Rosemma Avenue, Holgate was sworn and testified that he was not in favor of the application noting the request for combined side yard setbacks.

Mr. Mark Collins of Rosemma Avenue, Holgate was sworn and stated his concerns with the application.

Mr. Raban stated that ample open space was provided and preserved with the proposed application.

The Public session was closed.

The Board noted that given the fact that the proposed setbacks on the lots were dictated by the wetlands and that there was so much open space on the site, that the variance requested could be granted without any detriment and that they would be in favor of the subdivision as proposed.

Jones moved, seconded by Roth to approve the application as submitted. The following roll call vote was recorded: Bayard, Pingaro, Schnell, VanBuren, Jones and Roth all voted YES.

* * * * *

(2) **#LUB-6-17** **PEAHALA PARK**

JAMES A. KLARER
THERESA E. GOODMAN
Owners & Applicants
Block 12.22, Lot 21

Ms. Deidre Martin, Esquire of Manahawkin, New Jersey represented the applicant and evidence was marked as follows: Application and Attachments, **#A-1**, Packet of seven (7) photos, **#A-2**, Variance Map prepared by JCR Engineering, LLC dated December 19, 2016, **#A-3**, Two page Elevation drawings prepared by Keil Engineering dated October 24, 2016, **#A-4**, and note to Board from JoAnne Tallon, Zoning Officer, **#B-1**. Ms. Martin stated that the applicants proposed to raise the existing structure, shift it to the south and add new decks. Ms. Martin stated that if the variances were granted the applicant planned to convert the existing duplex to a single family home and remove the kitchen on the second floor.

Mr. Robert Woodcock, P.E., P.P. with the firm of JCR Engineering, LLC was sworn and qualified.

(Tape #640 – Side 2)

Mr. Woodcock described the existing property and the proposed plans. Mr. Woodcock stated that the house would be raised to allow for additional parking underneath the structure and moved towards the rear of the property thirteen feet. He noted that the side yard setbacks would remain the same while the rear yard setback would comply and variances would be required for the front yard setback and lot coverage.

Ms. Martin stated that the applicants would reduce the size of the deck to bring the lot coverage into conformity.

The Public Session was closed.

The Board noted that if the lot coverage were brought into conformity then they would be in favor of the application.

Roth moved, seconded by Jones to approve the application with the conditions that the lot coverage be brought into conformity and that revised plans be submitted to reflect the change in lot coverage and the elimination of the duplex use. The following roll call vote was recorded: **Bayard, Pingaro, Schnell, VanBuren, Jones and Roth** all voted **YES**.

* * * * *

(3) #LUB-7-17 BEACH HAVEN GARDENS

MICHAEL J. AND SUSAN P. ANDERSEN

Owners & Applicants

Block 6.35, Lot 3

Mr. Stuart Snyder, Esquire of Surf City, New Jersey represented the applicant and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Map prepared by Nelke/Tyszka Land Surveyors, LLC dated November 18, 2016 with the latest revision dated January 13, 2017, **#A-2** and two page Architectural drawings prepared by Michael Pagnotta Architect P.C. dated December 6, 2016, **#A-3**. Mr. Snyder submitted a packet of photographs, marked **#A-4** and described the photographs to the Board. He noted that the permits had been issued to raise and renovate the house and that during the course of the construction it was determined that the structure could not withstand the raise. Mr. Snyder stated that they were now before the Board because the new structure had triggered the need for a variance. Mr. Snyder stated that the new structure was eighteen feet shorter than the original structure which would open up the area. He noted that there would not be any “bump-outs” along 32nd Street where the variance was requested even though they were allowed by Township ordinance.

Mr. Michael Pagnotta, Licensed Architect in the State of New Jersey was sworn and described the proposed architectural plans to the Board. He noted that the lot coverage had been significantly reduced and would eliminate a nonconformity and create more light, air and open space.

(Tape #641 – Side 3)

Mr. Leon Tyszka, Land Surveyor was sworn and described the existing property to the Board. Mr. Tyszka stated that the variance requested for the front yard setback was the pre-existing setback of the home that had been removed.

Mr. Michael Andersen, owner and applicant was sworn and testified that he had purchase the property in 2014 as a summer home and that they had planned to bring the home into conformity as to lot coverage.

Ms. Deidre Martin, Esquire of Manahawkin, New Jersey represented objectors **Richard Stanley and Heidi Mater**, adjacent property owners. Ms. Martin submitted a survey from her client’s property which showed a different setback to her client’s property, marked **#O-1**. Ms. Martin noted her client’s objections to the application.

Mr. Richard J. Stanley was sworn and testified that since the structure was now new construction he did not feel there was any hardship as new construction could conform to the Township’s ordinances. The Board noted that the front yard setback variance requested would not hinder emergency vehicles entering the property or Mr. Stanley’s property to the north. Ms. Martin addressed the removal of the retaining wall as well as concerns about parking.

Ms. Marjorie Stewart of S. 32nd Street was sworn and testified as to the progression of the construction. She stated her concerns with the removal of the retaining wall and parking.

Mr. Steven Milgrom of S. 32nd Street was sworn and testified as to his concerns with the drainage and parking.

The Public Session was closed.

Mr. Snyder stated that the applicants were aware that two parking spaces were required and that a revised plan would be submitted to reflect the two spaces.

The Board noted that the new south wall of the structure would be in the same location as the prior structure and that the applicants were willing to address the parking.

Jones moved, seconded by Bayard to approve the application with the condition that revised plans are submitted to show one parking space outside of the garage. The following roll call vote was recorded: **Bayard, Pingaro, Schnell, VanBuren, Jones and Roth** all voted **YES**.

The Board took a five-minute break.

(Tape #641 – Side 4)

* * * * *

(4) **#LUB-8-17** **NORTH BEACH**

BARBARA MEHMEL

Owner & Applicant

Block 18.77, Lots 1.01 & 1.02

Mr. Stuart Snyder, Esquire of Surf City, New Jersey represented the applicant and evidence was marked as follows: Application and Attachments, **#A-1**, Lot Consolidation Plan prepared by Horn, Tyson & Yoder, Inc. dated December 20, 2016 with the latest revision dated January 3, 2017, **#A-2**, and Review letter from Frank J. Little, Jr., P.E. dated January 31, 2017, **#B-1**. Mr. Snyder stated that the applicant proposed to consolidate the two lots and move the turnaround. Mr. Snyder stated that variances were not required for the proposed location of the turnaround and that the five foot wide walkway easement to the beach would remain. Mr. Little stated that he did not have a problem with the proposed location of the turnaround.

Ms. Carolyn DeRose of 1077A Long Beach Boulevard, adjacent property owner was sworn and stated her concerns with the continuation of the five foot wide walkway easement and the location of the turnaround.

The Public session was closed.

The Board approved of the application.

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

* * * * *

(5) #LUB-9-17 NORTH BEACH

LAWRENCE AND JANE COSTELLO

Owners & Applicants
Block 18.64, Lots 3 & 4

Mr. Marc A. Spielberg, Esquire of Barnegat Light, New Jersey representing the applicants, was sworn and evidence was marked as follows: Application and Attachments, #A-1, Minor Subdivision Map prepared by Nelke/Tyszka Land Surveyors, LLC dated August 25, 2016, #A-2 and Review letter from Frank J. Little, Jr., P.E. dated January 31, 2017, #B-1. Mr. Spielberg stated that the property was previously two separate lots which had been combined and now the applicants were requesting that the lots be re-subdivided into two conforming lots. Mr. Spielberg stated that it was proposed to combine new lot 4.01 with existing lot 5.

Mr. Leon Tyszka, Land Surveyor was sworn and described the existing property to the Board. Mr. Tyszka stated that variances were not required for the subdivision and that the turnaround was proposed for the southeasterly corner of lot 3.01. Mr. Little stated that a twenty foot by twenty foot turnaround off of the ten foot easement was an ample size for the property.

Mr. Lawrence Costello, applicant was sworn and testified that he would consolidate proposed lot 4.01 with existing lot 5, by deed.

The Board discussed the consolidation of the lots. Mr. Spielberg stated that if the lots were not consolidated by the applicants, the tax assessor would consolidate them.

The Public session was closed.

Roth moved, seconded by Bayard to approve the application with the conditions that revised plans be submitted to show the new location of the turnaround and that the applicant consolidate lots 4.01 and 5 by deed. The following roll call vote was recorded: **Bayard, Pingaro, Schnell, VanBuren, Jones and Roth all voted YES.**

* * * * *

Mrs. Schnell stepped down from the Board for the following application. Mr. VanBuren stepped in as Chairperson.

(6) #LUB-10-17 BRANT BEACH

PSM REAL ESTATE, LLC

Owner & Applicant
Block 15.88, Lots 1 & 1.01

Mr. James Raban, Esquire of Haven Beach, New Jersey represented the applicant and evidence was marked as follows: Application and Attachments, #A-1, Minor Subdivision Map prepared by Horn, Tyson & Yoder, Inc. dated December 21, 2016, #A-2 and Review letter from

Frank J. Little, Jr., P.E. dated January 31, 2017, #B-1. Mr. Raban stated that the application was for a minor subdivision with the structure on the lot being raised and relocated to the easterly portion of the property. Mr. Raban stated that access to the property was by way of a twenty foot easement, ten feet of which was on the subject property. He noted that no variances were requested but that a waiver was required for the turnaround.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc. was sworn and described the property as it existed to the Board. Mr. Brzozowski addressed Mr. Little's review letter. He noted that the easement would be extended to the bulkhead along the bay to provide access.

Mr. Sicheri asked whether there was a deed restriction on the property prohibiting a subdivision. Mr. Raban stated that he was not aware of the deed restriction. Mr. Raban requested that the Board hold over the application while he investigated the possibility of a deed restriction on the property.

Pingaro moved, seconded by Roth to hold the application over to the March 8, 2017 meeting, without any additional fees. The following roll call vote was recorded: **Bayard, Pingaro, VanBuren, Jones and Roth** all voted **YES**.

* * * * *

Mrs. Schnell rejoined the Board as Chairperson.

Under **New Business**, the Board discussed proposed Ordinances **#17-05C and 17-06C**. The Board was in support of the Ordinances as written and approved same, by voice vote.

* * * * *

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

* * * * *

The meeting was adjourned at 9:45 P.M.

LYNNE J. SCHNELL
CHAIRMAN