

**BRANT BEACH, NEW JERSEY
MARCH 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. A. 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, 2017 as required by the Open Public Meeting Act."

Members of the Board present: **R. H. Bayard, 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: **Mrs. V.E. Applegate, J.C. Konnor, D.S. Southwick 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: **None.**

Also present were the following: **A. P. 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 #642 - Side 1)

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

1. **#LUB-10-17: PSM REAL ESTATE, LLC (Block 15.88, Lots 1 and 1.01) 4808 Long Beach Boulevard, Brant Beach :** Mr. Sicheri stated that this application had been carried from the February 8, 2017 meeting and that proof had been submitted of the recorded deed terminating the subdivision restriction.
2. **#LUB-11-17: CASTALDO (Block 4.31, Lot 11) 1714 North Atlantic Avenue, North Beach Haven:** Mr. Sicheri stated that the applicants proposed to construct a pool in the front yard which required bulk variances for setback from the street.
3. **#LUB-13-17: MOORE (Block 4.45, Lot 1.03) 2000 Waverly Avenue, North Beach Haven:** Mr. Sicheri stated that the lot had been part of a prior subdivision and that the structures on the lot were to be demolished. He stated that the applicants were now before the Board asking to retain one of the structures, which required bulk variances for setback from the street, rear yard setback and lot coverage.
4. **#LUB-14-17: CHIARAVALLOTI (Block 1.24, Lot 13) 3 West Janet Road, Holgate:** Mr. Sicheri stated that the applicants were requesting a bulk variance for impervious lot coverage

in the front yard of the single family home to allow the retention of pavers that had been installed on the property.

5. #LUB-15-17: GENOVESE (Block 12.13, Lot 23) 30 West Ocean View Drive, Peahala Park: Mr. Sicheri stated that the applicants proposed to raise the existing duplex structure and construct a covered front porch. Mr. Sicheri noted that a special reasons variance as well as bulk variances for lot coverage, distance between structures and front and side yard setbacks were required.

6. #LUB-12-17-PF: HOLGATE MARINE SERVICES, LLC (Block 1.48, Lots 34 & 34.01) 83 Tebco Terrace, Holgate: Mr. Sicheri stated that the applicant proposed to construct a three story, seven unit building on the marina which contained 148 boat slips. Mr. Sicheri noted that the application required site plan, special reasons and bulk variance approval.

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Minutes of the meeting held January 11, 2017 were presented for approval. **Pingaro** moved, seconded by **Roth** for adoption. **Leonetti, Hummel, Pingaro, Schnell, VanBuren, Moran, Jones and Roth** all voted **YES**.

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

1. **#LUB-5-17-PF: SHAPIRO** – Resolution of Approval moved by **Jones** seconded by **Pingaro**. The following roll call vote was recorded: **Bayard, Pingaro, Schnell, VanBuren, Jones and Roth** all voted **YES**.
2. **#LUB-6-17: GOODMAN** – Resolution of Approval moved by **Pingaro** seconded **Bayard**. The following roll call vote was recorded: **Bayard, Pingaro, Schnell, VanBuren, Jones and Roth** all voted **YES**.
3. **#LUB-7-17: ANDERSEN** – Resolution of Approval moved by **Pingaro** seconded by **Bayard**. The following roll call vote was recorded: **Bayard, Pingaro, Schnell, VanBuren, Jones and Roth** all voted **YES**.
4. **#LUB-8-17: MEHMEL** – Resolution of Approval moved by **Jones** seconded by **Pingaro**. The following roll call vote was recorded: **Bayard, Pingaro, Schnell, VanBuren, Jones and Roth** all voted **YES**.
5. **#LUB-9-17: COSTELLO** – Resolution of Approval moved by **Roth** seconded by **Bayard**. The following roll call vote was recorded: **Bayard, Pingaro, Schnell, VanBuren, Jones and Roth** all voted **YES**.

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

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

(1) #LUB-10-17 BRANT BEACH

PSM REAL ESTATE, LLC

Owner & Applicant

Block 15.88, Lots 1 & 1.01

Mr. Sicheri noted that the application had been carried from the February 8, 2017 meeting. Mr. James Raban, Esquire of Haven Beach, New Jersey represented the applicant and additional evidence was marked as follows: Revised Minor Subdivision Map prepared by Horn, Tyson & Yoder, Inc. dated December 21, 2016 with the latest revision date of February 23, 2017, **#A-3**, Deed dated December 10, 1996 imposing subdivision restriction, **#A-4** and Deed dated September 21, 2016 terminating subdivision restriction, **#A-5**. Mr. Raban stated that the restriction had been investigated and it was learned that the restriction had been removed by way of a cancellation deed dated September 21, 2016. He noted that there had been a change to the subdivision map increasing the public easement by five feet. Mr. Raban stated that they were requesting a waiver of the turnaround requirements.

Mr. Little stated that the subdivision restriction was no longer an issue and that he did not have an issue with the waiver of the turnaround requirement as it impacted only one lot.

The Public session was closed.

Pingaro moved, seconded by Jones to approve the application with a waiver of the turnaround requirement. The following roll call vote was recorded: Bayard, Pingaro, VanBuren, Jones and Roth all voted YES.

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Mrs. Schnell rejoined the Board for the remainder of the evening.

(2) #LUB-11-17 NORTH BEACH HAVEN

LOUIS J. AND ROSE M. CASTALDO

Owners & Applicants

Block 4.31, Lot 11

Mr. James Raban, Esquire of Haven Beach, New Jersey represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Variance map prepared by Horn, Tyson & Yoder, Inc. dated August 4, 2016, **#A-2**. Mr. Raban stated that the applicants had constructed the home which complied with all bulk requirements. He stated that the applicants proposed to install a pool in the side yard fronting on Atlantic Avenue requiring a fifteen foot setback and that the applicants proposed four feet to the property line.

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 noted that the lot was

undersized and that the chosen location was the only spot to install an in-ground swimming pool. Mr. Brzozowski stated that while the address was Atlantic Avenue the property actually fronted on 18th Street where the garage and driveway were located. Mr. Brzozowski stated that as long as the pool was screened from the street there would be no impact to the surrounding property owners.

Mr. Louis J. Castaldo, owner and applicant was sworn and testified that if the application were approved he would install a fence and landscaping to screen the pool.

Mr. Brzozowski stated that in the event the yard where the pool was proposed was considered to be a front yard he would request a variance to allow a solid fence to help screen the pool.

The Board discussed the proposed location of the pool equipment.

The Public Session was closed.

Mr. Raban requested that the application be approved noting that due to the configuration and size of the lot there was not another area for the pool to be located.

The Board discussed the application and noted that the pool equipment could be located in the garage. Mr. Castaldo stated that he would be agreeable to locating the equipment in the garage.

Moran moved, seconded by Leonetti to approve the application with the condition a four foot solid fence be installed around the pool and that the pool equipment be located in the garage. The following roll call vote was recorded: **Bayard, Leonetti, Hummel, Pingaro, VanBuren and Moran** all voted **YES**. **Schnell, Jones and Roth** all voted **No**. **The motion carried.**

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Mr. Jones stepped down from the Board for the following application.

(3) #LUB-13-17 NORTH BEACH HAVEN

MICHAEL J. AND NANCY V. MOORE

Owners & Applicants

Block 4.45, Lot 1.03

Mr. Stuart Snyder, Esquire of Surf City, NJ represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Variance map prepared by Horn, Tyson & Yoder, Inc. dated October 28, 2016, **#A-2** and Two (2) prior Resolutions LUB-41-05-P and LUB-41-05-PF, **#A-3**. Mr. Snyder explained that the applicants had previously been before the Board with a subdivision/site plan application. Mr. Snyder stated that the tenant of the home on the northerly side of lot 1.03, which had been created by the subdivision, expressed interest in purchasing the existing home. Mr. Snyder stated that the house on the southerly side of the lot would be demolished.

(Tape 642 – Side 2)

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc. was sworn and described the existing property and the proposed plans to the Board. Mr. Brzozowski stated that variances for the setback from Waverly Avenue as well as lot coverage were required for the proposal. Mr. Brzozowski stated that the existing structure was five feet above the base flood elevation. He noted that a site plan had been approved for the marina to the west and that parking for the marina would abut the common lot line. He noted that there would not be any impediment to light, air and open space of the surrounding properties created by retaining the home on the northerly portion of the lot.

Mr. Michael John Moore, owner and applicant was sworn and testified that there would not be any change to the existing marina. He stated that his renter of the subject property would like to purchase the northerly lot.

Mr. Andrew Devlerose of 2000 Waverly Avenue was sworn and testified that the home had been a seasonal rental for them for many years and that they would like to purchase the property and retain the existing home. He stated that they planned to improve the property.

The Public session was closed.

Mr. Snyder stated that the nonconformities that currently existed on the unique corner property would have no impact as the structure that was proposed to remain had existed for many years.

The Board stated that they did not see any downside to the proposal noting that the subject home had existed for many years. Mr. Sicheri stated that an approval would modify the prior subdivision.

Leonetti moved, seconded by Pingaro to approve the application as submitted with the requirement that the single family home on the southern portion of the lot be demolished. The following roll call vote was recorded: **Bayard, Leonetti, Hummel, Pingaro, Schnell, VanBuren and Roth** all voted **YES. Moran abstained. The motion carried.**

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Mr. Jones rejoined the Board.

(4) **#LUB-14-17** **HOLGATE**

MARY ANGELA AND ROBERT CHIARAVALLOTI

Owners & Applicants

Block 1.24, Lot 13

Mr. James Raban, Esquire of Haven Beach, New Jersey represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Variance map prepared by Nelke/Tyszka Land Surveyors, LLC dated November 30, 2016, **#A-2** and Plot plan of survey and building permit to Board from JoAnne Tallon, Zoning Officer, **#B-1**. Mr. Raban submitted three photographs of the property, marked **#A-3**. Mr. Raban stated that the applicant had pavers installed and then added additional pavers not realizing that the pavers exceeded the maximum amount of impervious lot coverage permitted. Mr. Raban stated that the applicant had a permit for the initial pavers but not for the additional pavers. Mr. Raban described the photographs submitted

to the Board.

Mr. Leon J. Tyszka, Surveyor with the firm of Nelke/Tyszka Land Surveyors, LLC of Ship Bottom, New Jersey was sworn and described the existing property to the Board.

Mr. Chiaravalloti, owner and applicant was sworn and testified that the additional pavers were installed to allow for parking and to keep the stones from migrating onto the street.

Commissioner Bayard pointed out that the pavers came way out into the newly paved street.

(Tape #643 – Side 3)

The Public session was closed.

Mr. Raban stated that the pavers did not have any detrimental impact to the neighborhood and were an aesthetic improvement.

The Board felt that the original design provided adequate space for parking on the lot and did not approve of the curb cut exceeding that which was allowed as it eliminated off street parking.

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

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Commissioner Bayard and Mr. Hummel stepped down from the Board for the rest of the meeting.

(5) **#LUB-15-17** **PEAHALA PARK**

MARIO AND AGNES GENOVESE

Owners & Applicants

Block 12.13, Lot 23

Mr. Stuart Snyder, Esquire of Surf City, NJ, represented the Applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Plot Plan prepared by East Coast Engineers, Inc., dated November 16, 2016 bearing the latest revision date of February 21, 2017, **#A-2**, and, three page architectural drawing prepared by Mark Ostojich, Architect, dated October 22, 2016, **#A-3**. Mr. Snyder stated that it was proposed to raise the house and construct decks and stairs to accommodate the new height. Mr. Snyder noted that the proposed front deck would give the home architectural integrity, would not interfere with parking and provide enjoyment of the neighborhood.

Mr. Jason Marciano, P.E., P.P. with the firm of East Coast Engineering, Inc. was sworn and qualified. Mr. Marciano described the existing property and the proposed plans to the Board. Mr. Marciano stated that adequate off street parking was provided for the existing duplex and described the configuration of the four parking spaces. Mr. Marciano stated that the existing shed

would be removed as added storage was proposed in the garage space. He noted that the existing home would be raised straight up and that the proposed front porch was open and would not impede air, light or open space. The size of the rear landing was discussed by the Board.

Dr. Mario Genovese, applicant was sworn and testified that the home was an existing duplex and that the second unit was used for their family members. Mr. Genovese discussed the proposed staircases with the Board.

The Public Session was closed.

Mr. Snyder requested that the application be held over to allow the applicants to redesign the rear staircase and landing.

Moran moved, seconded by Roth to holdover the application to the April 12, 2017 meeting without any additional fees. The following roll call vote was recorded: **Leonetti, Pingaro, Schnell, VanBuren, Moran, Jones and Roth all voted YES.**

Mr. Sicheri announced that the application would be held over to the April 12, 2017 meeting and that no further notice was required.

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(6) #LUB-12-17-PF HOLGATE

HOLGATE MARINE SERVICES, LLC

Owner & Applicant

Block 1.48, Lots 34 & 34.01

Mr. Richard Visotcky, Esquire represented the applicant and evidence was marked as follows: Application and Attachments, **#A-1**, Two page Major Site Plan prepared by Horn, Tyson and Yoder, Inc., dated May 11, 2004 with the latest revision date of February 9, 2016, **#A-2**, six page architectural drawing prepared by Craig W. Brearley, A.I.A., dated February 11, 2016, **#A-3**, State of New Jersey CAFRA Waterfront Development Permit dated May 22, 2014, **#A-4**, review letter from Frank J. Little, Jr, P.E. dated February 22, 2017, **#B-1**, revised review letter from Frank J. Little, Jr., dated March 6, 2017, **#B-2**, and letter to Board from Edward F. Liston, Jr., Esquire dated March 8, 2017, Re: list of objecting homeowners, **#O-1**.

Mr. Liston Edward F. Liston, Esquire of Toms River, NJ, representing objectors, posed a jurisdictional objection to the Board's hearing of the application. Mr. Liston referenced Mr. Little's revised review letter noting a special reasons variance was required for the application. He stated that he felt that the notice was inadequate and that the application should be adjourned and renoticed.

Mr. Sicheri addressed the Ordinance regarding conditional uses in the Marine Commercial Zone. He stated that he felt that Mr. Visotcky's notice was sufficient under the statute and that the notice was clear as to what the applicant was requesting.

(Tape #643 - Side 4)

Mr. Visotcky stated that he agreed with Mr. Sicheri that the notice was sufficient and that in his interpretation of the Ordinance that a conditional use was not required. He stated that they were ready to proceed with the additional request of a conditional use variance in conjunction with the site plan. It was determined by the Chairperson that the applicant had jurisdiction to proceed.

Mr. Visotcky stated that the Marina was established in the 1950's and noted that the current building contained a mechanic shop, tool storage, marine office and two residential apartments which it was proposed to demolish. He stated that a new structure was proposed consisting of a two story marina office with an apartment and six residential units. Mr. Visotcky described the setback variances required on the "U" shaped property.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc. was sworn and qualified. Mr. Brzozowski described the existing property and the existing structures. He described the proposed units and the variances requested. He noted that carports would be provided under the proposed units and would remain open. Mr. Visotcky noted that a CAFRA permit had been approved for the application.

Mr. Visotcky submitted two photographs of the property which were marked into evidence as **#A-5** and another set of two photographs which were marked into evidence as **#A-6**. Mr. Brzozowski described the photographs which Mr. Visotcky had taken. Mr. Brzozowski addressed Mr. Little's review letter, including the proposed lot, impervious coverage and the proposed parking. He noted that any cross section of the building was only two stories tall, would be open underneath to allow for light and air and any shadowing would be to the north or water side of the building. Mr. Brzozowski stated that the new building would improve the rear yard setback and would be out of the flood zone and in his opinion would not have any adverse effect on the surrounding neighborhood.

Mr. Liston cross-examined Mr. Brzozowski regarding the condition of the bulkhead and flooding in the area. Mr. Liston and Mr. Brzozowski discussed impervious coverage on the site and Mr. Brzozowski stated that the impervious coverage proposed was 19.1% where 75% was permitted. Mr. Brzozowski stated that flooding problems occur on Long Beach Island during high tides. He noted that the storm water runoff on the site would be controlled by gutters and leaders.

(Tape #644 – Side 5)

Mr. Liston asked that the increase in impervious coverage and the increase of storm water runoff to Tebco Terrace be calculated. The proposed building was discussed.

Mr. Craig Brearley, Registered Architect of Manahawkin, New Jersey was sworn and qualified. Mr. Brearley described the architectural plans of the proposed structure. The Board discussed the storage of the marina equipment.

Mr. Richard Michael Cerillo, one of the managing directors of the property and applicant, was sworn and testified that he was present when Mr. Visotcky took the photographs of the property submitted to the Board. Mr. Cerillo stated that the property was operated as a full service marina prior to Sandy and now provided limited mechanical services, fueling and a ship's store. He stated that since the storm, smaller vessels have been accommodated. Mr. Cerillo discussed the current use of the marina. Mr. Little stated that if an above ground tank were

proposed it would have to be shown on the plan and be part of any approval.

Mr. Liston cross examined Mr. Cerillo about the location of the fuel dock, the plans for the travel lift and the plans for the marina.

(Tape #644 – Side 6)

Mr. Thomas Beatty of West Avenue, Holgate was sworn and questioned the proximity of the power lines to the proposed building.

Mr. Peter Clare of 31 West Magnolia Avenue, Holgate was sworn and asked for clarification regarding parking and winter storage of boats. Mr. Clare stated his concerns with flooding and the proposed front yard setback.

Mr. Brian J. McNamara of 36 W. Tebco Terrace, Holgate was sworn and stated his concerns with flooding and the proposed front yard setback.

Mr. Rich Shecopper of 18 Tebco Terrace, Holgate was sworn and stated his concerns with traffic safety and parking.

Mrs. Denise Brand of 50 Tebco Terrace, Holgate was sworn and stated her concerns with the proposal. Mrs. Brand submitted a packet of fourteen photographs, taken by either herself or her husband.

The Board took a five-minute recess.

The packet of photographs was marked, **#O-2**. Mrs. Brand described each photograph of flooding in the surrounding area. Mrs. Brand stated her concerns with the proposed lighting, flooding and items that had not been addressed. The Board noted that her concerns would be addressed.

The Chairperson noted that it was 11:00 P.M. and that the application would be adjourned to the next available meeting.

The Board discussed the meeting date and it was decided to hold the application over to the June 14, 2017 meeting at 7:00 P.M. Mr. Sicheri made the announcement and noted that no further notice was required.

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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 11:10 P.M.

**LYNNE J. SCHNELL
CHAIRMAN**